

## PURPOSE

The Direct Access Plan is an agreement between the Mid-Hudson Library System and the State Education Division of Library Development and is required by Commissioner's Regulations 90.3 (a) through (d) (4).

The Direct Access Plan ensures that no resident of the system will be excluded from direct or on-site access to the resources of any of the system's member libraries on the basis of age, cultural, economic or civic status. However, the agreement makes possible a set of restrictions on direct or on-site access that would address excessive and unfair use or inadequate levels of public support that negatively impact the services member libraries provide their residents.

## DEFINITIONS [Comm. Reg. 90.3 (a) except for 1-3]

1. The State Education Division of Library Development is a state agency organized to oversee and authorize library service in New York State and authorizes the system to operate and receive state funding, and is party to this agreement.
2. Mid-Hudson Library System (MHLS) is a sixty-six member (and four-branch) library system in the five counties of Columbia, Dutchess, Putnam, Ulster, and Greene. It is governed by a board of fifteen trustees. Three members are drawn from each county.
3. The Directors Association (DA) is an association of directors of Mid-Hudson's sixty-six member libraries and a key library system consulting and advisory body. Approval of the Direct Access Plan requires a vote of the DA according to its By-Laws.
4. Library system members means a public library in the library system's service area chartered by the New York State to provide public library service and to the residents of their chartered service agreements serve residents areas in New York State residents and within the Mid-Hudson Library Service area
5. Direct access means the ability of an individual, who resides within the boundaries of a public library system and who has a valid borrower's card issued by the system or any member library in the system, to borrow materials for home use directly from the premises of any library that is a member of the public library system on the same basis as that specified for cardholders in each individual library.
6. Chartered service area means the geographic area served by a library as stated in charter documents approved by the Board of Regents and on file with the department. For purposes of this section, the phrase "and its environs" or its equivalent as contained in any charter document will not be recognized by the commissioner as a valid part of the library's chartered service area. For purposes of this section, the commissioner will not recognize areas served by the library under contract as a valid part of a library's chartered service area.
7. Resident borrower means an individual who resides within the boundaries of the chartered service area of a public or association or Indian library as defined in section 253 of the Education Law and who is a library cardholder at that library.
8. Non-resident borrower means an individual who resides outside the boundaries of the chartered service area of a public or association or Indian library as defined in section 253 of the Education Law and who is a library cardholder at that library or at another member library system or who is a system cardholder.

9. Library resources means the print and nonprint materials owned by the library and any other services provided by the library to the resident borrowers of the library's chartered service area.
10. On-site use means the ability of an individual to use the library resources on the premises of a library.
11. Serious inequities and hardships means those conditions which adversely affect resident borrowers of member libraries. Such conditions are defined in accordance with the free direct access provisions contained in each system's approved plan of service and may include, but are not limited to, a definition of what constitutes excessive borrowing of a library's resources by non-resident borrowers.
12. Unserved means those individuals residing in geographic areas that are within the boundaries of a public library system but outside the boundaries of a chartered service area of a library which is a member of that system.
13. Underserved means those individuals residing in geographic areas that are within the chartered service area of a member library and which the public library system has identified as having an inadequate level of local income to support the delivery of acceptable library services.

[Required by Comm. Reg. (d) (1) iii]

#### **PLAN DEVELOPMENT AND REVISIONS**

A committee shall be formed or designated to ensure the system's compliance under Commissioner Regulations for the development, review and revision of the Direct Access Plan as required by the state or when requested by the MHLS Board of Trustees or the DA and such requests have been approved the Board of Trustees or the DA according to their by-laws.

The committee shall include directors and staff of member libraries as well as system staff. Its review will include the current plan, relevant Commissioner Regulations and state law, available state guidelines for the development of direct access plans, and other material that may be identified as helpful by the committee.

Drafts of the direct access plan shall be provided to the DA, Mid-Hudson Library Board of Trustees, and the Commissioner of Education or the Commissioner's designee for consideration and approval.

Approval of the Direct Access Plan by the DA is required before its approval by the MHLS Board of Trustees. The Board's approval of the Plan is required before approval of the Commissioner of Education.

The library system's resource sharing advisory committee may also periodically review the plan to ensure consistency between with the plan and resource sharing agreements and make recommendations to the library system as needed.

[Analysis required by Comm. Reg. (d) (1) iv]

#### **MID-HUDSON LIBRARY SYSTEM ANALYSIS**

MHLS serves a region of 2,372 square miles and a population of 627,042 according to 2010. Member libraries of MHLS include the public libraries of five counties, Columbia, Dutchess, Greene, Putnam and Ulster. All public libraries in these counties are members of the Mid-Hudson Library System with the exception of Ulster County, where seventeen of its twenty-one public

libraries belong to Mid-Hudson and the remaining four belong to the Ramapo-Catskill Library System.

MHLS serves sixty-six public libraries and four branches. There are no jurisdictions of 10,000 or more residents that are not currently served by a member library. [Required by Comm. Reg. (d) (1) (iv) (b): ] All member libraries of Mid-Hudson meet minimum standards or are in the process of compliance. Resource sharing across the system is viewed as a strength and a benefit to local service. Borrowing from outside of the library system is available to all residents.

[Required by Comm. Reg. (d) (1) iv (e)]

All direct and on-site service to system residents, including those in underserved and unserved areas, are the responsibility of member libraries. The role of MHLS is to support its members with the services its members determine to be essential and to assist members in addressing services to non-residents in underserved and unserved areas when such service leads to serious inequities and hardships for member libraries as determined under this agreement.

Unserved areas [Required by Comm. Reg. (d) (1) (iv) (a)]

There are approximately 40,000 system residents who live in unserved areas and there are unserved in each of Mid-Hudson's five counties.. In Ulster County, most of unserved areas fall within the boundaries of the Ramapo-Catskill Library System, although there is a small area and community in the Town of Kingston that is unserved. In Putnam County, there are a few unserved areas but they are oddly or geographically disbursed. In Greene and Columbia County, the unserved areas are largely rural, accounting for approximately x,xxx. Unserved areas and communities in Dutchess County account for the remaining xx,xxxx of the unserved.

Underserved areas [Required by Comm. Reg. (d) (1) (iv) (a)]

Underserved levels of support occur in the Mid-Hudson Library System when member libraries fail to meet minimum state standards and are not in the process of compliance, or when support for a member library falls below a minimum level of local public support for public library service. For the terms of this agreement, the minimum level of support shall be based on the median or average per capita support of library services by county or by the support provided contiguous member libraries, [or the state per capita average?] or whichever is less.

Claims and procedures

[Required by Comm. Reg. (d) (1) iv (c)]

The system develops services in collaboration with its members, but where differences in local support may lead to underserving system residents, the library system will work with member libraries to increase funding to adequate levels through consultation and budget vote support. Currently, 53 of the system's 66 member libraries hold votes on their local public funding. The library system has assisted member libraries with chapter 259, chapter 414 or special district initiatives. Information on re-chartering has led to improved funding as well. Leadership and education for member boards on advocacy and increasing funding are ongoing and in the system's plan of service.

[Required by Comm. Reg. (d) (1) iv (d)]

The library system will act promptly, within 30 days, on claims of serious inequities and hardships as defined under the terms of this agreement. Claims must be in writing and submitted to the library system with the approval of the member library's board of trustees.

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On receipt of a claim, the library system will verify the levels of use by non-residents leading to the claim of serious inequities and hardships, as well as verify any other criteria in the claim that may be applied under this agreement. Verification by the system will be transparent but authoritative.

Library system staff will meet with the member library director and board of trustees. A plan for restrictions and remedies permitted under this agreement will be developed. The plan will include a time-line for implementing restrictions permitted under this agreement, identify responsibilities and determine a clear set of goals and actions for any other remedy.

For claims of serious inequities and hardships resulting from service to non-residents of unserved areas that provide inadequate levels of public support, member libraries must also document efforts by its Director and Board of Trustees to secure adequate support from the unserved area in its claim of serious inequities and hardships.

### DIRECT ACCESS AGREEMENTS

[Required by Comm. Reg. (d) (1) i ]

All residents in the Mid-Hudson Library System enjoy the same rights of direct access to Mid-Hudson member library resources by the system-wide acceptance of a borrower's card, which is issued free and without charge by the system or by any member library in the system to all eligible residents.

[Required by Comm. Reg. (d) (1) ii ]

All residents in the Mid-Hudson Library System enjoy the same rights of on-site access to the library resources of the system or any of its member libraries, and no individual shall pay a fee for such on-site use based on a his or her age, cultural, economic or civic status.

[Required by the Guidelines for System Plan for Comm. Reg. 90.3(a) through (d)(4)]

Residents of the chartered service area of any member library that withdraws from the library system shall continue to enjoy the same rights of on-site and direct access to any member library as any other system resident, unless such access leads to “serious inequities and hardships” for member libraries and restrictions are in place under the terms of this agreement to address these hardships.

### RESTRICTIONS TO DIRECT ACCESS

[Required but identification left to system and member libraries Comm. Reg. (d) (2)]

On-site and direct access may lead to “serious inequities and hardships” for a member library when non-residents make excessive use of a library’s resources that affects the library’s ability to provide direct and on-site access to its residents.

[Based in Comm. Reg. (d) (2) and (d) (4)]

Restrictions to residents under the terms of this agreement are limited to library resources purchased with local funds only. Restrictions on direct and on-site access are not permitted for central library resources or other resources funded by New York State.

Under this plan, claims of serious inequities and hardships may be made by a member library and its board of trustees when:

- Non-residents in the aggregate--from multiple areas--represent 51% of a member library’s total circulation based on a three-year average
- Non-residents from a single area represent 20% of a member library’s total circulation based on a three-year average

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- Non-residents from underserved areas represent 15% of a member library's total circulation based on a three-year average
- Non-residents from unserved areas with inadequate local funding represent 5% of a member library's total circulation based on a three-year average

[Comm. Reg. (d) (2)](ii) allows the following but needs to be practical and easily implemented]

The following restrictions to direct and on-site access may be applied on the basis of residency in documented and verified cases of serious inequities and hardships:

- Refusal to lend material less than a year old based on residency
- Refusal to lend non-print, e.g. video, music CDs, ebooks, books on tape
- Refusal to allow attendance at programs, providing these library resources were purchased with local funds.

When cases of serious inequities and hardships based on non-resident use from unserved area are documented and verified, these limitations shall be system-wide.

[Required by Comm. Reg. (d) (3)]

Restrictions beyond those permitted under this agreement shall require the approval of a majority of the system's member libraries, the Mid-Hudson Library System Board of Trustees and the Commissioner of Education.