



# Free Direct Access Plan 2022 – 2026

## I. INTRODUCTION

The Free Direct Access Plan (The Plan) is a State-approved agreement between the Ramapo Catskill Library System (RCLS) and the State Education Department's Division of Library Development of the New York State Library and is required by Commissioner's Regulation 90.3 (a) through (d)(4).

RCLS encompasses three counties: Orange, Rockland, Sullivan, and a portion of southern Ulster County, with 47 public libraries. The total population within the System's service area is 803,351. A total of 31,071 people (3.87%) within the RCLS service area are unserved. This does not reflect the 38,406 people (4.78%) who live in unserved areas, which are covered by contracts with member libraries and are entitled to full library services.

## II. FREE DIRECT ACCESS PLAN

### 1. Describe how all individuals residing within the boundaries of the System but outside a member public library's chartered service area will receive library services.

All residents of the RCLS service area are entitled to library cards from their home libraries, defined as those libraries supported by the municipalities or districts in which the residents live.

The Plan recognizes the need for communities to provide tax support for library services to their residents and further acknowledges that communities which do so should neither be expected nor required to provide free library services to residents of communities which do not support library services. The Plan promotes the use of contracts to expand library services to communities lacking a chartered library. Throughout RCLS, libraries have used contracts with school districts and townships to provide services.

Individuals residing in jurisdictions with populations of over 10,000 are subject to the terms of the Regulations of the Commissioner of Education 90.3 (d)(2)(i).

Individuals residing in jurisdictions of under 10,000 populations which are outside the chartered service area of a member library may receive full library services, including direct access service only if a member library has a contract with that jurisdiction to do so. If there is no contract, direct access will be limited to provisions under Commissioner's regulations 90.3(d)(2)(ii) and (iii).

Residents in areas not served by a contract with a member library shall be eligible to use the RCLS Central Library (Newburgh Free Library). This will entitle the individual to the use of databases provided by both RCLS and NOVELNY (a State-sponsored program), and borrow materials according to restrictions allowed under Commissioner's regulation 90.3 (d)(2)(ii) and (iii); specifically: borrowing of print materials older than one year, including fiction and non-fiction books and periodicals. Borrowing of audiovisual materials, print materials newer than one year, and use of local purchased databases will not be allowed.

Anyone living in the RCLS service area is entitled to walk-in, on-site Access at any member library to all library materials, use of computers with Access to the Internet (per NYCRR Title 8 - 90.3(a) through (d),(4)) and to the use of materials at the RCLS Central Library, supported by Central Book Aid (CBA).

The entitlement to library services and borrowing privileges outlined in this Plan shall be forfeited by any individuals who fail to observe the rules and regulations or follow the policies of the RCLS member libraries and/or RCLS.

**2. Describe how the System will assure that those persons living within the System boundaries in an area where a member library chooses to withdraw from the System, or where a chartered and registered library was never a member of the System, will be served by the System.**

All chartered and registered libraries now within RCLS boundaries are members of the System. Should a member library choose to withdraw from the System, residents from that library's service area would continue to be eligible to borrow materials purchased with state CBA funds from the Central Library and to access the NOVELNY and RCLS funded electronic databases.

Residents served by newly chartered and registered libraries that have not joined the System will be served by RCLS in the same manner as stated in Section 1.

**3. Describe what the System considers "serious inequities and hardships" and the criteria used by the System to make the determination.**

RCLS considers that it represents "serious inequities and hardships" when unserved populations refuse to tax themselves for contracted library service at a realistic cost, relying instead on the collections, services and funds of neighboring member libraries, which places an unfair burden on member library taxpayers. There is no other service in New York State where residents of one taxing jurisdiction are expected to support services to residents of another taxing jurisdiction.

Should a member library want to provide the residents of an unserved jurisdiction full library services, including direct access rights, it must enter into a contract with the unserved jurisdiction. The unserved jurisdiction is not to pass the cost to individuals residing within the jurisdiction as per Commissioner Regulation 90.3. The minimum contract rate with the unserved jurisdiction must be equal to the local per capita expenditure or two thirds (2/3) of the median per capita expenditure, whichever is higher, for the county in which the library is located. Two thirds (2/3) of the median per capita expenditure for each county is as follows:

Orange	\$45.99
Rockland	\$95.59
Sullivan	\$30.04
Ulster	\$38.11

This rate is to be adjusted annually based on the most recent Annual Report data.

All contracts must be submitted to RCLS for review prior to signing. RCLS will ensure that the contract meets all criteria defined above.

Member libraries that choose to provide the residents of an unserved jurisdiction local library services only, with no direct access rights, may set their own contract rate or can provide this service without a contract.

"Serious inequities and hardships" also occur when the patrons of one member library excessively use a neighboring library. See Section 4.

#### **4. Describe what constitutes excessive out of chartered/contracted service area borrowing in the System.**

RCLS considers "excessive out of chartered/contracted service area borrowing" to be:

1. 25% of a member library's total circulation based on eighteen months' average to residents of all geographic areas outside the library's-chartered service area.
2. 20% of a member library's total circulation based on eighteen months' average to residents of a single geographic area which is: (a) served by another chartered public library OR (b) served by a contract with another member library OR (c) does not provide equitable funding for library services, as determined by Section 3.

Either or both libraries affected by excessive use can file a complaint per Section 6 below. The statistics to identify these situations are available through our online circulation System.

#### **5a. Describe the unserved and underserved populations within the System.**

Unserved populations exist in pockets throughout the RCLS service area and have been mapped by the NYSED Division of Library Development. The total untaxed/unserved population is 31,071. There are also unserved jurisdictions that have entered into contracts with a chartered library and provide tax support for service. The total population covered by contracted service is 38,406 people.

Underserved populations are those whose chartered/contracted library service is not equitable according to System standards as defined in this Plan. Typically, the library has a budget which does not meet the criteria set out in Section 3 above. Patrons of such libraries are tacitly encouraged to rely on other System libraries for convenience of hours, depth of collections, Internet access, program offerings, and knowledgeable staff to meet their needs.

#### **5b. Describe the criteria used by the System to identify libraries as having an inadequate level of local income to support the delivery of acceptable library services (underserved). List those libraries identified.**

A library's inability to comply to the New York State Minimum Library Standards as per their annual report, and/or with a per capita expenditure of less than two thirds (2/3) of the median of the libraries in the county within which it is located, as specified in Section 3 above, may be considered underserved.

There are currently six (6) libraries which have expenditures lower than two thirds (2/3) of the median per capita expenditure of the libraries within the county they are located. They are:

- |                 |   |
|-----------------|---|
| Orange County   | Montgomery Free Library<br>Pine Bush Area Public Library District                       |
| Rockland County | Finkelstein Memorial (Spring Valley)<br>Rose Memorial Library Association (Stony Point) |
| Sullivan County | Sunshine Hall Free Library (Eldred)<br>Mamakating Library (Wurtsboro)                   |

**5c. Describe the actions the System will take to expand the availability of library services to unserved and underserved individuals residing within the boundaries of the System.**

RCLS staff and trustees will work with member libraries to encourage and assist them in their efforts to improve services and approach local officials for improved funding.

- Libraries that currently do not hold budget votes will be informed about Section 259 of Education Law, "Chapter 414" and special district status.
- Meetings will be held with libraries identified in Section 5b to review state standards and System policies that govern System services.
- Governing authorities in unserved jurisdictions will be notified of the need to provide tax funding if full library service is to be allowed/continued.
- The three regional library associations within RCLS borders, the Director's Association Direct Access Committee, and the Plan of Service Committee will be encouraged to participate in meetings with affected jurisdictions.
- Member libraries subject to overuse by residents from other member libraries will be encouraged to invoke the restrictions as permitted under Commissioner Regulation 90.3, in accordance with the guidelines set out in this Plan, as a means to reinforce the reciprocity that is the cornerstone of Direct Access.
- RCLS will encourage unserved jurisdictions to contract for library service with a member library or by action to charter a new library.

**5d. Provide a timetable for such actions.**

RCLS and its member libraries will continue to work with any and all unserved jurisdictions to help them understand the value of providing their residents' library services. RCLS staff will assist these jurisdictions in getting the information they need to undertake the action to charter a library, and we will help these jurisdictions make contact with member libraries in order to enter into contracts for library services.

Residents in jurisdictions which are not willing to enter into contracts or establish a chartered library will not be able to access library services, except for limited services available from the Central Library, some State-supported services and through local service only cards with member libraries that choose to offer this with or without a contract.

## **5e. Identify who will be responsible for carrying out these actions.**

Adequate funding is the responsibility of the member libraries' trustees. Encouragement of improved library services throughout the System is set forth in Section 5c above. RCLS is responsible for educating the public, especially untaxed/unserved communities, with regard to the terms of its Direct Access Plan.

## **6. Describe the conditions under which modifications to the free Direct Access Plan can be made.**

All recommendations for modification of the Plan shall be initiated by the Director's Association (the Association) Direct Access Committee (the Committee) at the request of a member library's Director and Board and must be approved by the Association and ratified by the RCLS Board of Trustees.

Prior to bringing a request to modify the Direct Access Plan, a member library's Director and Board must make a good faith effort to resolve any serious inequities or excessive use with the Library Director and Board of the Library exhibiting this behavior.

In instances of a declared State of Emergency and/or public health crisis that force libraries to restrict their hours/services in the interest of public health, a member library may choose to restrict Access to their building to cardholders of their library only. Curbside service may be used to fulfill free direct Access where building access would pose an unnecessary, increased health risk to member library staff and the cardholders of that library.

### **a. Without the prior approval of the Commissioner of Education**

RCLS member libraries that experience excessive out of chartered service area borrowing, as defined in Section 4 above, may file a written complaint with the Committee.

1. The Committee will review the circumstances regarding the complaint by verifying the levels of library uses leading to the claim, as well as verify any other criteria in the claim that may be applied under the Plan.
2. The Committee will make a recommendation to the Association after confirming all claims of serious inequities and hardships submitted by the member library are valid.
3. The Committee's recommendations will be moved for approval by a majority vote of the Association and then moved to be ratified by the RCLS Board of Trustees in a public meeting. After which, recommendations will be implemented.

Based on the Association and RCLS Board accepting a claim of serious inequities and hardship as valid, one or more of the following will be implemented:

1. Restrict loaning of non-print materials (DVDs, audiobooks, video games, etc.)
2. Restrict loan of print materials less than one-year old from the acquisition date.

Restrictions should be reviewed every two years by the Committee to ensure they are still warranted.

**b. With the prior approval of the Commissioner of Education**

Proposed restrictions to the library services or Access beyond those defined in the Plan must be approved by the RCLS Board of Trustees and the Association prior to transmission to the Commissioner of Education for approval.

Guidelines for Committee action regarding complaints with the prior approval of the Commissioner of Education are as follows:

1. A complaint must be presented to the Committee in writing by the affected member library, including the following information:
  - a. A list of actions taken to resolve the issue(s) by the library Boards affected;
  - b. A clear description of the proposed restrictions and modifications to the Plan being requested provided such modifications do not include charging for library services;
  - c. A clear description of the anticipated impact on resident and non-resident borrowers after proposed modifications are implemented;
  - d. A time frame for the beginning and end of such restrictions and modifications.
2. The complaint will be discussed with representatives of all parties concerned (member libraries, community representatives) at a Committee meeting.
3. The Committee's recommendations for the resolution of a complaint will be moved for approval by the Directors Association and the RCLS Board of Trustees.
4. The RCLS Board will submit the recommendations for the resolutions of a complaint to the Commissioner of Education for approval.

**7. Describe how the System will assure that member libraries are complying with the System's free Direct Access Plan**

1. The Committee and RCLS will review the annual statistics generated by the automated network to monitor direct access activity.
2. Complaints regarding violations of the Free Direct Access Plan will be referred to the Committee.

## 8. Describe how the System obtained member library input to the Plan for free direct Access

1. The first draft of the Plan was updated and reviewed by the Chair of the Committee and RCLS Executive Director from February 24, 2021, to March 22, 2021.
2. The second draft of the Plan was reviewed by the Committee on April 12, 2021.
3. The third draft of the Plan was presented to the Association on April 19, 2021, for feedback.
4. The fourth draft of the Plan was reviewed by the Committee on May 3, 2021.
5. The final Committee draft was presented to the Association on May 12, 2021, for approval.
6. The approved RCLS Free Direct Access Plan by the Association on May 12, 2021 will be distributed to the member library Boards for approval of the majority by August 13, 2021
7. The approved RCLS Free Direct Access Plan by the majority of member library Boards on August 13, 2021.
8. The RCLS Board approved the RCLS Free Direct Access Plan on August 16, 2021
9. The final Free Direct Access Plan will be distributed to the New York State Library for approval on August 18, 2021.

## III. DEFINITIONS

**Public Library System** means a library established by one or more counties, a group of libraries serving an area including one or more counties in whole or in part, a library of a city containing one or more counties, or a cooperative library system established pursuant to the provisions of section 255 of the Education Law.

**Approved Plan of service** means a plan of library service submitted by a public library system board of trustees in accordance with section 272 of the Education Law that has been approved by the Commissioner pursuant to the provisions of this section. The Plan of service defines the mutual commitments, responsibilities and obligations of the public library system and its members in meeting the service needs of the area served and statewide library service goals.

**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.

**Chartered service area** means the geographic area served by a library as stated in charter documents as 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.

**Curbside use** means the ability of an individual to use library resources on the outside of the premises of a library based on availability.

**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 card holder at that library.

**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 of the public library system who is a system cardholder.

**Library resources** mean the print and non-print materials owned by the library and any other services provided by the library to the resident borrowers of the library's chartered service area.

**On-site use** means the ability of an individual to use library resources on the premises of a library.

**Serious inequities and hardships** mean 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.

**Supported** is defined as financial support to a library either by charter or by contract.

**Tax support** means funds supplied by local taxing agencies, which may be municipalities, school districts, or special districts. These funds may be from the library's sponsoring municipality or from a non-sponsoring municipality in payment for library services.

**Unserved** means those individuals residing in geographic areas that are within the boundaries of a public library system but outside the boundaries of the chartered service area of a library that is a member of that System.

**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.

Approved by the Directors Association – May 12., 2021

Approved by a majority of member library Boards of Trustees – August 13,2021

Adopted by the RCLS Board August 16, 2021

Approved by the Division of Library Development – ,2021