

## Mid-Hudson Library System Direct Access Plan

### PURPOSE

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

The Direct Access Plan reflects the Mid-Hudson Library System's commitment 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. The Plan 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. It also allows certain other restrictions as specified in this Plan.

### DEFINITIONS

1. The *State Education Department's Division of Library Development of the New York State Library* is a state agency organized to oversee library services 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 Board of Regents of the State of New York to provide public library service to the residents of their chartered service areas in New York State and within the Mid-Hudson Library System's chartered 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 State Library. 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

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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 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.
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. *Unserviced* 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.

### PLAN DEVELOPMENT, REVISIONS AND APPEALS

A committee shall be formed or designated to ensure the system's compliance under Commissioner's 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 MHLS staff. Its review will include the current plan, relevant Commissioner's 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.

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 by the Commissioner of Education.

The Mid-Hudson Library System's resource sharing advisory committee may also periodically review the Plan to ensure consistency between the Plan and resource sharing agreements and make recommendations to the MHLS as needed.

Appeals to decisions and remedies under this Plan may be made by a member library in writing to a MHLS trustee from their county. The matter will be reviewed by the MHLS Board of Trustees in its next regularly scheduled meeting and a determination given.

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### PLAN ANALYSIS AND PROCEDURES

Mid-Hudson Library System serves a region of 2,372 square miles and a population of 627,042 according to 2010 U. S. Census. 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 MHLS with the exception of Ulster County, where seventeen of the county's 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. All member libraries of MHLS meet minimum standards or are in the process of compliance. Resource sharing across MHLS is viewed as a strength and a benefit to local service. Borrowing from outside of the Mid-Hudson Library System is available to all residents.

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. MHLS assists members as they work to provide the best possible service to their own residents while still providing an adequate level of library service to non-residents in underserved and unserved areas. The MHLS Direct Access Plan provides member libraries with tools to use when restrictions due to overuse by non-residents are necessary.

#### Unserved areas

There are approximately 37,700 system residents who live in unserved areas, areas which are not included in any member library's chartered service area. In Columbia County there are approximately 13,100 residents living in unserved areas. In Dutchess County there are approximately 15,800 residents living in unserved areas. In Greene County there are approximately 7,600 residents living in unserved areas. There are no residents living in unserved areas in Putnam County. In Ulster County there are approximately 1,200 residents living in unserved areas.

#### Underserved areas

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 purpose of this Plan, 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, whichever is less.

#### Claims and procedures

The Mid-Hudson Library System develops services in collaboration with its members, but where differences in local support may lead to underserved system residents, MHLS 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. MHLS 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 funding strategies are ongoing and in the system's plan of service.

The Mid-Hudson 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 MHLS with the approval of the member library's board of trustees.

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On receipt of a claim, the Mid-Hudson 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 MHLS will be transparent but authoritative. MHLS staff will then meet with the director and board of trustees of the member library submitting the claim.

For claims of serious inequities and hardships resulting from service to non-residents from unserved areas, 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.

### Plans for restrictions and remedies

Once a claim of serious inequities and hardships is verified by MHLS, a plan for implementing restrictions and remedies will be developed by MHLS staff and the staff of the member library. The plan will include a time-line for implementing the restrictions permitted under this agreement, as well as identifying responsibilities and determining a clear set of goals and actions that lead to the end of the restrictions. The plan shall require the approval of the member library and MHLS boards of trustees. Restrictions may be system-wide or implemented on-site by a member library.

## **DIRECT ACCESS AGREEMENTS**

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

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 access.

Residents of the chartered service area of any member library that withdraws from MHLS shall continue to enjoy the same rights of on-site and direct access to any member library as any other MHLS 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**

Restrictions to residents under the terms of this agreement are limited to library resources purchased with local funds only. Sources of local funds may include public and private dollars specific to a county or taxing district. Restrictions on direct and on-site access are not permitted for central library resources or other resources funded by New York State.

Member libraries may give preference to the residents of their taxing district for attendance at library programs.

Member libraries may give preference to the residents of their taxing district for the use of computers and Internet resources.

Member libraries may restrict the loan of special, experimental or pilot collections or services purchased with local funds to the residents of their taxing district, (such as museum passes, eBook readers, equipment, and electronic content), but must notify the library system director when doing so.

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### SERIOUS INEQUITIES AND HARDSHIPS

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.

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 40% of a member library’s total circulation based on a three-year average
- Non-residents from underserved areas represent 40% 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

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

- Refusal to lend material less than a year old
- Refusal to lend non-print, e.g. video, music CDs, e-books, audio books
- Refusal to allow attendance at programs

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

Restrictions beyond those permitted under this Direct Access Plan 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.

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Approved by Directors Association 5/3/11

Approved by Mid-Hudson Trustee Planning and Personnel Committee 5/5/11