

Item: WLS Free Direct Access Plan 2022

Background: New York State Library Division of Library Development (DLD) requires that each library system submit a five-year plan of service. The system Plan of Service is a planning document which identifies, organizes, and provides an overview of the library system's service program including intended changes in services or priorities. The Plan emphasizes what the library system proposes to accomplish and whom the library system serves. The Plan demonstrates how the library system anticipates it will fulfill the major roles expected of library systems.

Status: As mentioned in Action Item #2, another part included in the WLS Plan of Service for 2022-2026 is the Free Direct Access Plan. This document offers guidance should a member library shut down suddenly and neighboring libraries are affected. It also would help monitor municipalities' support for their libraries should there be an unexpected increase in lending activity. There were no major changes to the document, which was shared with PLDA at their March meeting. The proposed draft was accepted by PLDA and the WLS Board and distributed to the member library boards for their review and approval. As of July 8th, a simple majority of library boards approved the Free Direct Access Plan.

Recommended

Action: Staff recommends that the Board approve the Free Direct Access Plan as submitted to be part of the WLS Plan of Service 2022-2026 to be submitted to the NYS Library Division of Library Development for approval by the Commissioner of Education.

September 28, 2021



**Westchester Library System
Free Direct Access Plan for 2022-2026
to Fulfill Commissioner's Regulation
90.3 (a) through (d)(4)**

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.

The Westchester Library System's (WLS) service area is Westchester County. To be eligible for a system-wide borrower's card, individuals must live, work, go to school or own real property within a member library's chartered service area or a community that has contracted with a WLS member library.

Individuals should register for their borrower's card at the local library that serves the address where they live, work, go to school or own real property. For individuals meeting more than one of the eligibility requirements, the local library status will be determined based on the priority order of where they: (1) live, (2) work, (3) go to school, or (4) own real property. Member libraries shall require proof of eligibility before issuing a system-wide borrower's card.

The person to whom the borrower's card is issued, or their designated parent/guardian, assumes financial responsibility for its use, including all materials borrowed on that card. In no case shall more than one active system-wide borrower's card be issued to an individual.

Individuals residing in Westchester County but outside a member library's chartered service or contracted service areas will receive:

- Walk-in access to on-site materials at any member libraries;
- State-funded Central Library services;
- WLS website and online catalog services that do not require a library card.

As defined in Commissioner's Regulation §90.3 (a)(8) and required by §90.3 (d)(i), on-site use will be available to any Westchester County resident. However, the following limitation

may be imposed as per Section (d)(2)(iii) of Commissioner's Regulation §90.3 and the Division of Library Development Guidelines:

- 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 in the use of computer and Internet resources.
- Member libraries may give preference to the residents and organizations of their taxing district in the reservation and use of meeting rooms.

An individual who lives outside of Westchester County and does not work, go to school or own property in Westchester may purchase a card from WLS.

The entitlement to library services and borrowing privileges outlined in this Free Direct Access Plan shall be forfeited by any individual who fails to observe the rules and regulations or follow the policies of WLS member libraries and/or the Westchester Library System.

2. Describe (a) 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 (b) where a chartered and registered library was never a member of the system, will be served by the system.

- a. In the event a library withdraws from WLS, residents of the affected area will continue to be entitled to on-site access as defined in Commissioner's Regulation §90.3 (a)(8) with the limitations specified in #1, above. Residents of such areas may continue on-site borrowing of WLS Central Library circulating materials purchased with state or federal funds.
- b. All registered and chartered public libraries in Westchester County are members of WLS.

3. Describe what the system considers serious inequities and hardship and the criteria used by the system to make the determination.

In addition to excessive borrowing as described in #4 below, additional factors contribute to the inequitable overuse of a library by cardholders of other libraries and are considered serious inequities and hardships. Those factors which may be grounds for the request of a hardship waiver by the Commissioner include, but are not limited to, the following:

- A significant difference/shift in hours of operation, or any decrease that causes library hours to fall below the state-mandated minimum hours of operation;
- The failure of a nearby library to adequately serve its local users (i.e. lack of facilities such as parking, ongoing construction or chronic budgetary constraints);
- The defeat of a proposition in an untaxed/unserved area to establish a library pursuant to Section 255 of the Education Law, or other pertinent legislative act, to establish or maintain a library;
- The defeat of a proposition in an untaxed/unserved area to contract for library services with a registered member library in accordance with Section 256 of the Education Law.

- When an unserved community has a population over 10,000 and has no equitable contract for library services.

4. Describe what constitutes excessive out of chartered service area borrowing in the system.

Excessive out of service area borrowing occurs when 15% or more of the net difference of an on-site library's circulation is from non-residents, individuals not residing within the library's chartered or contracted service areas. Net difference is based on the number of "home library" items checked out at the circulation desk and does not include "intransit" items received from other member libraries.

5. Unserved and Underserved Populations

a. Describe the unserved and the underserved populations within the system.

Unserved areas in Westchester County include the Village of Elmsford, portions of the Town of Mamaroneck and the Town of Cortlandt (Lakeland School District). A member library currently contracts with each of these communities. The Ardsley Public Library serves the Village of Elmsford; The Larchmont Public Library serves the Town of Mamaroneck; and The Field Library of Peekskill, the Hendrick Hudson Free Library in Montrose, The John C. Hart Memorial Library in Yorktown and the Croton Free Library serve the Town of Cortlandt. Fire Protection District #1 in the Town of Bedford remains an unserved area and the Bedford Hills Free Library provides service to those residents.

At present there are no underserved areas. Residents living within chartered or contracted service areas are served by a member library that exceeds the minimum standards for service as defined in Commissioner's Regulation §90.2 or has been granted a waiver from specific standards by the State Education Department.

b. 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 so identified.

The criteria used are compliance with the minimum standards contained in New York State Education Law and New York State Commissioner's Regulation §90.2 as reported by member libraries on their annual report to the state.

c. 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.

WLS provides ongoing outreach services to encourage and promote library usage to populations that do not typically use public libraries. WLS sponsors trustee training sessions that focus on advocacy techniques to gain increasing funding for their library and the communities they serve.

d. Provide a timetable for such action:

Ongoing

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

WLS and the member libraries

6. Describe the conditions under which modifications to the free direct access plan can be made: (a) without the approval of the Commissioner; (b) with the prior approval of the Commissioner.

a. Libraries that experience excessive out-of-chartered service area borrowing as defined in Section 4 above may, upon appropriate public notice and without further approval from WLS or the Commissioner of Education, may

(1) Place restrictions on the loan of library resources, said restrictions to be limited to non-print materials and equipment, and print materials less than one year from the acquisition date and purchased with local funds; and,

(2) Place restrictions on attendance at library programs *due to lack of space or staffing to accommodate non-residents*, provided such programs are supported entirely by local funds;

(3) Place restrictions on new or experimental collections;

(4) Place restrictions due to the inability of neighboring libraries to provide reciprocity for borrowing similar high demand materials;

b. Further proposed restrictions to library service or access must be approved by a simple majority of member libraries and by the Westchester Library System Board of Trustees before transmission to the Commissioner of Education for approval. The request for restrictions must be accompanied by the following, in a form acceptable to the Division of Library Development:

- Documentation of the serious inequities and hardships affecting the resident borrowers of the member library making the request;
- A clear description of the proposed restrictions and modifications to this direct access plan being requested provided such modifications do not include charging for library services;
- Description of the anticipated impact on resident and non-resident borrowers after modification are approved and implemented;
- Provision of a time frame for the beginning and end of such restrictions and modifications to this direct access plan.

7. Describe how the system will assure that member libraries are complying with the system free direct access plan approved by a majority of member libraries.

WLS and its member libraries are obligated to comply with this Free Direct Access Plan. The Plan of Service for WLS, of which this Free Direct Access Plan is a part, is a contract between the State Education Department and the Westchester Library System. As a condition of System membership, the member libraries have agreed to comply with all Regulations of the Commissioner of Education.

8. Describe how the system obtained member library input to the plan for free direct access.

A draft of the Plan was submitted by WLS to the Public Library Directors Association (PLDA) and the WLS Board of Trustees. The WLS Board of Trustees reviewed the draft Plan to be submitted to PLDA on 2/23/2021. PLDA reviewed the draft Plan at their 3/18/2021 meeting, when one change to Section 1 was recommended and incorporated into the draft Plan. The WLS Board was notified of this revision at their 3/30/2021 meeting. The revised draft Plan was then submitted to the Boards of the 38 member libraries. A simple majority of the 38 member libraries approved the Plan on 7/8/2021. The WLS Board of Trustees approved the Plan on tbd and the Plan was submitted to Division of Library Development for approval by the Commissioner of Education.

Last update: April 1, 2021