

**Pioneer Library System
Free Direct Access Plan
to fulfill Commissioner's Regulation 90.3(a) through (d) (4)**

Overview:

The Free Direct Access Plan is an agreement between the Pioneer Library System and the New York State Education Department and is required by Commissioner's Regulations 90.3(a) through (d) (4). The plan addresses the delivery of library services to unserved and underserved residents who live within the Pioneer Library System's geographic boundaries. For System residents who do not live within a member library chartered service area, the Plan allows for the possible imposition of restrictions on direct or on-site access should it constitute excessive and unfair use or inadequate levels of public support that negatively impact the services member libraries provide their residents.

Definitions for the purposes of this Plan:

Direct Access:

The ability of an individual who resides or owns property within the boundaries of a public library system and who has a valid borrower 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 system on the same basis as that specified for cardholders in each individual library.

Resident Borrower:

An individual who resides within the boundaries of the chartered service area of a public or association library and who is a library card holder at that library.

Non-resident borrower:

An individual who resides outside the boundaries of the chartered service area of a public or association library but within the geographic boundaries of the four counties in the Pioneer library system and has an OWWL library card.

Underserved:

Individuals residing within the chartered service area of a member library that Pioneer has identified as having an inadequate level of local income to support the delivery of acceptable library services.

Unserved:

Individuals residing in the System geographic boundaries but not in a member library chartered service area. (Similar to non-resident borrower, but without an OWWL library card.)

Serious inequities and hardships:

Conditions which adversely affect resident borrowers of member libraries, which may include, but are not limited to, a definition of what constitutes excessive borrowing by non-resident borrowers.

Free Direct Access:

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 member libraries offer free on-site use of library resources to all residents of the four counties which comprise the Pioneer Library System (Livingston, Ontario, Wayne, Wyoming). Onsite resources requiring library card access have provisions for guest logons to support use by residents and non-residents without an OWWL borrower card. Preference may be given to local residents for on-site access to public computers and the Internet. All member libraries offer direct access to all residents of the Pioneer Library System service area by means of a single, free, system-wide OWWL borrower card.

As specified in the Regulations, libraries "shall not be required to provide free direct access to their materials and services to residents of a jurisdiction of 10,000 population or more which has not exercised the authority contained in section 255 of the Education Law, or other pertinent legislative act, to establish and maintain a public library, or which is not contracting for public library service in accordance with section 256 of the Education Law."

2. *Describe how the system will assure that those persons residing 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.*

Though unprecedented and unlikely, should a member choose to withdraw from Pioneer, the System and/or member libraries will provide on-site and direct access for those users formerly served by the withdrawn member. All chartered and registered libraries in the Pioneer geographic service area are members of the System.

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

Serious inequities occur when the circulation of materials, use of library resources, or attendance at library programs by non-residents is excessive and significantly deprives resident borrowers from timely access to materials and resources or attendance at programs. Hardships occur when non-resident use by borrowers from any one municipality exceeds 10% of a library's use statistics for which there is inadequate compensation from the non-resident municipality. The level of funding from non-resident municipalities, school districts, or counties should approximate the per capita funding at the library where the hardship occurs. Libraries may take measures to limit the services provided to excessive non-resident borrowers from areas that fail to provide sufficient funding.

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

Excessive borrowing occurs in a member library when a) over 10% of circulation or program attendance is to non-residents of any one municipality outside the library's chartered service area or b) over 50% of a library's total circulation is to non-residents.

- 5a. *Describe the unserved and underserved populations within the system.*

The 2010 census population of the Pioneer Library System's 4 counties is 309,251. Of that, 33,770 reside outside any library's chartered service area and are therefore counted as unserved. Several of the municipalities and/or school districts where the unserved reside do provide funding to the local libraries that provide services for their residents. At the time of this revision/review, there are no underserved populations within the system.

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 so identified.
The System assesses the adequacy of local support by the ability of the library to meet the Minimum Public Library Standards. In addition to meeting the minimum standards, member libraries must meet their ILS cost obligation and contribute to the shared downloadable collection of audiobooks and ebooks. All libraries within the Pioneer Library System meet these criteria.

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

For member libraries with surrounding unserved populations Pioneer encourages and advises member libraries (Directors and Boards) to consider expanding their chartered service area to include unserved residents and to seek funding sustainability by becoming school or special district public libraries. Where those efforts are impracticable, Pioneer consults and assists member libraries with approaching unserved municipal or county entities to seek funding for non-resident use of member libraries. Should a member library become underserved,, Pioneer will support their efforts in seeking budget increases from local funders or through supplemental budget votes.

5d. Provide a timetable for such actions.

Advising members in becoming district libraries and/or advocating for better funding are ongoing efforts provided both on-demand and periodically through workshops and written communications.

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

The Executive Director and her designees are responsible for carrying out the actions related to becoming district libraries and advocating for improved funding.

6. Describe the conditions under which modifications to the Free Direct Access Plan can be made: a) without the prior approval of the Commissioner of Education and b) with the prior approval of the Commissioner of Education.

a) Libraries that experience excessive non-resident borrowing as defined in Section 4 above may, upon appropriate public notice and without further approval from the System or from the Commissioner of Education:

- Place restrictions on the loan of library resources, said restrictions to be limited to nonprint materials and equipment and to print materials less than one year from the acquisition date and purchased with local funds.
- Place restrictions on attendance at library programs, provided such programs are supported entirely by local funds.

b) Additional restrictions and/or modifications may be requested by individual libraries and must be approved by a majority of the member libraries and by the System Board of Trustees before transmission to the Commissioner of Education for approval. The request for restrictions must include the following, in a form acceptable to the Division of Library Development:

- Documentation showing the inequities and hardships affecting resident borrowers of the library making the request
- Description of the proposed restrictions/modifications (may not include charging for services)
- Description of the anticipated impact from implementation of modifications
- Specific time period for which modifications will be implemented (renewals are required to extend beyond specified end date)
- System recommendations for addressing the underlying problem(s).

7. *Describe how the system will assure that member libraries are complying with the Free Direct Access Plan approved by a majority of member libraries.*

Following the approval of the Free Direct Access Plan by the member libraries, the Pioneer Board, and the Commissioner of Education, the Plan will be distributed as approved to each member library, accompanied by a memo from the System explaining:

- a) This Plan is required under the Commissioner's Regulations and
- b) It has been approved by a majority of member libraries as a guide to direct public access to library service in Pioneer and
- c) Members are required to abide by it.

In the unlikely event that any member library deliberately fails to comply, Pioneer will work with the offending library to bring it into compliance. If compliance efforts are unsuccessful, the offending library may be stripped of System services, such as:

- termination of consulting services
- termination of participation in the integrated library system
- termination of interlibrary loan services
- termination of delivery service

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

Input was gathered via multiple methods:

1. Draft plan distributed and discussed by the Pioneer Library System Board of Trustees, which has 2 representatives from each of the 4 counties within the System.
2. Draft then distributed to all member directors for a comment period
3. PLS Executive Director available for an open forum at the Director's Advisory Council
4. Member directors seek input from local trustees and provide feedback to Executive Director
5. Revised plan approved by Pioneer Library System Board of Trustees and distributed to member library boards for review and vote
6. Upon majority vote of member library boards, the plan will become ratified and the System Board will submit it for approval by the Commissioner