



TO: Office of Cultural Education

FROM: Michael Mastroianni *Michael Mastroianni*

SUBJECT: Proposed Amendment of Section 90.2 of the Regulations of the Commissioner of Education Relating to Library Policies

DATE: October 23, 2024

AUTHORIZATION(S): *Don Ng* *Betty M...*

SUMMARY

Issue for Discussion

Should the Board of Regents adopt the proposed amendment of section 90.2 of the Regulations of the Commissioner of Education relating to library policies?

Reason for Consideration

Review of policy.

Proposed Handling

The proposed amendment is presented to the Cultural Education Committee for discussion at the November 2025 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on November 19, 2025, for a 60-day public comment period. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

Comprehensive board-approved policies are necessary for the operation of public and association libraries. Maintaining current board-approved policies related to internal operations and external services strengthens library governance and accountability across New York's public and association libraries.

Therefore, the Department proposes to amend section 90.2(b)(4) of the Commissioner's regulations to require that, to register and maintain registration with the Department, a public, free association, or Indian library must adopt certain external and internal policies. Specifically, the board of the library must adopt external policies related to: (1) the selection of library materials and reconsideration of such selection; (2) public usage of library space and meeting rooms; (3) codes of conduct; and (4) confidentiality of library records. Additionally, the board must adopt internal library policies related to: (1) personnel; (2) disaster preparedness; and (3) financial control.

Such libraries must adopt these policies by January 1, 2027, which aligns with their annual reporting obligations.

Related Regents Items

Not applicable.

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for permanent adoption at the March 2026 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the March 2026 meeting, the proposed amendment will become effective on March 25, 2026.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 215, and 254 of the Education Law

1. Paragraph (4) of subdivision (b) of section 90.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(4) has board-approved written policies for the operation of the library, which shall be reviewed and updated at least once every five years or earlier if required by law[;]. In addition to any other policies required by law, on or before January 1, 2027, such board-approved written policies shall include:

(i) external policies related to:

(a) the selection of library materials and reconsideration of such selection;

(b) public usage of library space and meeting rooms;

(c) codes of conduct; and

(d) confidentiality of library records; and

(ii) internal library policies related to:

(a) personnel policies that ensure consistent staff management and fair employment practices;

(b) disaster preparedness; and

(c) financial control policies that fulfill the legal and fiduciary responsibilities of the governing body and promote fiscal oversight, accountability, and sustainable management.