



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK /
ALBANY, NY 12234

TO: Cultural Education Committee

FROM: Jeffrey W. Cannell

SUBJECT: Amendment to Section 90.5 of the Regulations of the
Commissioner of Education Relating to Reference and
Research Library Resources Systems

DATE: October 5, 2010

STRATEGIC GOAL: Goals 2-5

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Board of Regents adopt the proposed amendment to section 90.5 of the Regulations of the Commissioner of Education to update and clarify certain terms and provisions relating to the operations of reference and research library resources systems?

Reason(s) for Consideration

To review current policy and make changes as required by State statute.

Proposed Handling

The proposed amendment is being presented to the Cultural Education Committee for adoption at the October 2010 Regents meeting.

Procedural History

The proposed amendment was discussed by the Cultural Education Committee at the September 2010 Regents meeting.

Background Information

The proposed amendment is needed to update and clarify certain terminology relating to operations of the Reference and Research Library Resources Systems. Specifically:

Certain terminology relating to the functions of reference and research library research systems is amended to accurately reflect current operations of the library systems and to omit references to obsolete practices and terms.

Certain terminology relating to the plan of service of each reference and research library resources system has been amended to make it consistent with current practice.

A Notice of Proposed Rule Making was published in the State Register on August 4, 2010. No public comments were received. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That subdivisions (a), (b) and (c) of section 90.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective November 10, 2010.

Timetable for Implementation

The proposed amendment will be presented for adoption as a permanent rule at the October 2010 meeting of the Board of Regents. If adopted at the October 2010 Regents meeting, the proposed amendment will become effective on November 10, 2010.

AMENDMENT OF SECTION 90.5 OF THE REGULATIONS OF THE COMMISSIONER
OF EDUCATION

Pursuant to sections 207, 215, 254, 255(1)-(5), 272(2) and 273 of the Education Law.

1. Subdivision (a) of section 90.5 of the Regulations of the Commissioner of Education is amended, effective November 10, 2010, as follows:

(a) Governance.

(1) The trustees shall employ a full-time director who is a trained professional librarian and who has had at least eight full years of post-masters of library science professional library experience, at least two years of which shall have been in an administrative capacity, or equivalent experience as determined by the commissioner, and who holds, or is eligible for, certification under section 90.7 of this Part.

(2) Prior to commencement of his or her duties, the treasurer of a reference and research library resources system, appointed pursuant to paragraph (1) of subdivision (c) of section 90.6 of this Part, shall [execute and file with the trustees an official undertaking in such sum] be bonded with such penalty and sureties as the board shall direct and approve.

(3) Voting. Each voting member institution of a reference and research library resources system shall have one vote in the election of each trustee at the annual meeting, and each member institution shall designate an official representative who shall have the authority to cast the member institution's vote.

2. Subdivision (b) of section 90.5 of the Regulations of the Commissioner of Education is amended, effective November 10, 2010, as follows:

(b) Membership.

[(1) Criteria. (i) Each reference and research library resources system shall file with the commissioner for his approval, as an amendment to its plan of service, its minimum criteria for membership.

(ii) Each reference and research library resources system shall file with the commissioner for his approval, as an amendment to its plan of service, each new application for membership in the reference and research library resources system.

(iii) Each reference and research library resources system petitioning the commissioner for approval of a plan of service amendment to add a new member shall demonstrate how such new member will improve the library resources presently available to the research community in the area of the system and/or will bring improved reference and research services to the users of such new member.

(iv) (i) Each reference and research library resources system shall include all public library systems which provide service within the area served by the system and which have applied for membership and all school library systems some part of which falls within the area served by the system and which have applied for membership.

[(v) (ii) Each reference and research library resources system may also include public, school, free association, hospital, and Indian libraries, libraries of educational agencies, libraries of nonprofit organizations, and other special libraries that provide service within the area served by the system, provided they meet the criteria for membership [as contained in an amendment to the system plan of service approved by the commissioner pursuant to subparagraph (i) of

this paragraph] approved in the annual report except that no public, free association or Indian library which is not a member of a public library system or school library which is not a member of a school library system shall be eligible for membership in a reference and research library resources system.

[(vi) Provisional approval of any new member of a reference and research library resources system may be given during the period December 31, 1980 to December 31, 1982, subject to review and redetermination after December 31, 1982.

(2) Voting. Each member institution of a reference and research library resources system shall have one vote in the election of each trustee at the annual meeting, and each member institution shall designate an official representative who shall have the authority to cast the member institution's vote.]

3. Subdivision (c) of section 90.5 of the Regulations of the Commissioner of Education is amended, effective November 10, 2010, as follows:

(c) Plan of service.

(1) Each reference and research library resources system shall submit for approval by the commissioner a plan of service in a form and by a date [to be] prescribed by [him] the commissioner. Such plan shall be [revised periodically as determined by the commissioner] developed and kept current through revisions made with the ongoing participation of members in the region. The plan of service defines the mutual commitments, responsibilities and obligations of the reference and research library resources system and its members in meeting the service needs of the area served and statewide library service goals.

(2) In addition to the information required by paragraph d of subdivision 2 of section 272 of the Education Law, the plan shall include, but need not be limited to:

(i) [a description of regional resources, including their variety in format and subject matter;

(ii)] a description of programs to meet needs in services, materials and facilities;

[(iii)] (ii) a description of the system's efforts to [fully use] maximize and leverage local resources, responsibility, initiative and support of library service,[s, and the manner in which] State aid [will assist their] should be used in the stimulation of local efforts, but not [be used] as their substitute;

[(iv)] (iii) an assurance that public funds will be utilized economically and efficiently;

[(v)] (iv) the means by which the system will assure compatibility of its computerized and other technical operations with those of other library systems in the State and the New York State Library;

[(vi)] (v) the identification of special client groups, their needs, and the means for meeting these needs;

[(vii)] (vi) a description of the means for locating library materials within the system area and the procedures for accepting, verifying and responding to loan requests, including delivery;

[(viii)] an indication that the plan is compatible with the approved plans of service of other library systems in the region, as demonstrated by evidence of appropriate consultation with public library systems, school library systems and the regional intersystem cooperative network; and

(ix) (vii) [evidence that service programs are compatible with the Regional Medical Library Network or other special library networks which also serve member libraries.] an indication of the manner in which the reference and research library resources system strengthens the programs of its members;

(viii) evidence that all types of members in the region participate in the development of the plan and that the plan balances the needs of all types of members; and

(ix) activities involving professional development, education, and training.

[(3) Any contract relating to library services into which the system enters with its member libraries, other library systems, consortia or networks shall be considered an amendment to the plan of service, and shall be subject to the prior approval of the commissioner.]

(d) Reports. . . .