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Mid-Hudson Library System Plan of Service 2027-2031

Free Direct Access Plan

INTRODUCTION

The Free Direct Access Plan (FDAP) is a State approved agreement between the Mid-Hudson Library System (MHLS) 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 FDAP reflects MHLS's commitment that no resident in the area served by MHLS 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 FDAP provides the process for member libraries to identify and place restrictions on excessive and unfair use of resources that have a negative impact on services a member library provides their resident borrowers.

MHLS serves the chartered and registered public libraries in Columbia, Dutchess, Greene, Putnam, and Ulster Counties except in Ulster County where seventeen of the county's twenty-one public libraries are MHLS members and the remaining four libraries are Ramapo-Catskill Library System members.

DEFINITIONS

Direct Access:

"…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." [8 CRR-NY 90.3 Approval of Public Library Systems; (d)(1)(ii)]

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 CRR-NY 90.3 Approval of Public Library Systems; (a)(5)]

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 Education Law and who is a library cardholder at that library or at another member library of the public library system or who is a system cardholder." [8 CRR-NY 90.3 Approval of Public Library Systems; (a)(6)]

Underserved:
"…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."[8 CRR-NY 90.3 Approval of Public Library Systems; (a)(11)]

Unserved:
"…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." [8 CRR-NY 90.3 Approval of Public Library Systems; (a)(10)]

Serious inequities and hardships:
"…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 nonresident borrowers." [8 CRR-NY 90.3 Approval of Public Library Systems; (a)(9)]

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.***
   A. All residents in the area served by MHLS 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 any member library to all eligible residents in the area served by MHLS.

   B. Exceptions to Direct Access: MHLS member libraries may implement, at their discretion, the following limited restrictions, on individuals residing outside the library chartered to serve area for services funded with local public funds[1].
      1) Member libraries may give preference to the residents of their taxing district for attendance at library programs.
      2) Member libraries may give preference to the residents of their taxing district for the use of computers and other on-site technology.
      3) Member libraries may restrict the loan of special, subscription, pilot or experimental collections to the residents of their taxing district, (such as locally or county-based eResource subscriptions, Library of Things collections, and museum passes), in compliance with MHLS Resource Sharing Standards[2].

[1] *Local Public Funds* are funds reported by a MHLS member library as local public operating fund receipts in the library's Annual Report for Public and Association Libraries to the State of New York.

[2] Special collections, containing unique items not commonly circulated among member libraries, may be excluded from the holds system and that checkout and check in of said items be done only at the owning library. This is adjudicated by the Resource Sharing Advisory Committee.

4) Member libraries may give preference to the residents of their taxing district for the reservation and use of meeting space(s).

The entitlement to library services and borrowing privileges outlined in this FDAP shall be forfeited by any individual who fails to observe the rules and regulations or follow the policies of MHLS member libraries and/or MHLS.

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 MHLS, residents of the library's chartered service area will continue to be entitled to on-site access as specified in #1, above, including the Exceptions to Direct Access.

   B. Residents served by a newly chartered and registered library which have not joined MHLS, will be entitled to on-site access as specified in #1, above, including the Exceptions to Direct Access.

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

   A. MHLS considers "serious inequities and hardships" to be those conditions which adversely affect residents of the chartered areas of member libraries and/or significantly deprive resident borrowers of the opportunity to borrow library materials and access library services.

   B. The criteria used by the system to begin to make the determination of serious inequities and hardship are:

      1) Excessive use of a library's collection by residents outside the library's chartered to serve area.

      2) Excessive use of a library's collection by residents of a single geographic and/or administrative area[3] outside the library's chartered to serve area which is: (1) served by a chartered public

[3] ILS Town Code data is used to determine geographic or administrative area(s).

library, and (2) does not provide equitable funding[4] for library materials and services.

3) Excessive use of a library's collection by residents of a geographic and/or administrative area that is: (1) not within a chartered public library service area, and (2) does not provide equitable funding[5] for library services by contract for library service with MHLS or a MHLS member library or MHLS member libraries.

4) An unserved municipality has refused to contract for library services used by its residents over a period of two (2) years where written documentation verifies that repeated requests for funding for library materials and services have been denied.

5) An unserved municipality has refused to charter or provide funding for library services where chartering or funding ballot initiatives have been voted down in two successive years.

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

A. MHLS considers the starting point to assess "excessive out of chartered service area borrowing" to be:

1) 2027-2028: 51%[6] of the member library's total circulation based on a three-year average[7] to residents of all geographic and/or administrative areas[8] outside the library's chartered service area. In2029-2031 this percentage will be lowered to 38%; or

[4] *Equitable funding* of library services is defined as the average Total Local Public Funds per capita for all MHLS member libraries within the county they are located, based on the average of the last three years, as reported by MHLS member libraries in their Annual Report for Public and Association Libraries to the State of New York.

[5] Ibid.

[6] Percent same as current Direct Access Plan; Percentage based on ILS Circulation Data by Terminal & Town Code [8] ILS Town Code

[7] Three-year average will not take 2020 into account due to the anomaly of the pandemic.

2) 2027-2028: 40%[8] of the member library's total circulation based on a three-year average[9] to residents of a single geographic and/or administrative area[10] which is: (1) served by a chartered and registered public library, and (2) does not provide equitable funding[11] for library services. In 2029-2031 this percentage will be lowered to 30%; or

3) 11%[12] of a member library's total circulation based on a three-year average[13] to residents of a geographic and/or administrative area[14] that is: (1) not within a chartered and registered public library service area, and (2) does not provide equitable funding[15] for library services by contract with MHLS or a MHLS member library or MHLS libraries.

5. *Unserved and Underserved Populations*

5.a Describe the unserved[16] and the underserved[17] populations within the system.

Unserved populations exist in some areas of Columbia, Dutchess, Greene, and Ulster Counties. Putnam County has no unserved population. The areas of unserved populations have been mapped by the NYSED Division of Library Development: https://www.nysl.nysed.gov/sites/default/files/libdev/libs/service-area-maps/system-and-county-maps/mid-hudson.pdf

[8] Percent same as current Direct Access Plan; Percentage based on ILS Circulation by Terminal & Town Code
[9] Three-year average will not take 2020 into account due to the anomaly of the pandemic.
[10] ILS Town Code
[11] *Equitable funding* (see footnote 5)
[12] Percent same as current Direct Access Plan; Percentage based on ILS Circulation by Terminal & Town Code
[13] Three-year average will not take 2020 into account due to the anomaly of the pandemic.
[14] ILS Town Code
[15] *Equitable funding* (see footnote 5)
[16] CR 90.3 (a) - Unserved 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.
[17] CR 90.3 (a) - 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.

There are currently no underserved populations within MHLS (see 5.b, below, for MHLS criteria to identify underserved populations).

5.b Describe the criteria used by the system to identify libraries having an inadequate level of local income to support delivery of acceptable library services (underserved). List those libraries so identified.

The MHLS criteria for determining an "inadequate level of local income to support delivery of acceptable library services (underserved)", is the member library's ability to comply with minimum standards for public libraries as described in New York State education law and New York State Commissioner's Regulations (http://www.nysl.nysed.gov/libdev/excerpts/finished_regs/902.htm). Each member library reports on their compliance with the NYS minimum standards in their Annual Report for Public and Association Libraries to the State of New York. If the library is in compliance with the minimum standards, or if the Commissioner of Education has granted a waiver from one or more of the standards, the library is deemed to have an adequate level of support.

5.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.

MHLS and its member libraries have a successful history of sharing resources and providing library services to residents in the area served by MHLS, including persons in unserved areas. MHLS will assist libraries in securing sustainable funding so they can better serve library patrons, including residents in unserved areas. MHLS will provide consulting services to member libraries and report to the MHLS Board of Trustees and the MHLS Directors Association regarding unserved areas. MHLS will work with member libraries to advocate for and to negotiate fair and equitable contracts with unserved communities in order to ensure the availability of library service for the residents of underserved communities. MHLS will work with member libraries serving residents in unserved areas to ensure adherence with the FDAP, which guarantees no resident in the area served by MHLS will be excluded from direct or on-site access to library resources.

5.d-Provide a timetable for such actions

All of the efforts in 5.c will be ongoing.

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

The MHLS Executive Director, MHLS Assistant Director, and the MHLS Library Sustainability Coordinator will be primarily responsible for carrying out these actions.

6. ***Describe the conditions under which modifications to the free direct access plan can be made:***

6.a-Without the prior approval of the Commissioner of Education.

(1) MHLS member libraries that experience excessive out of chartered service area borrowing, as defined in Section 4, above, may submit to the MHLS Executive Director a claim of serious inequities and hardship. A claim must: (1) be in writing; (2) be based on the official approval of the claim by the member library's board of trustees at a public meeting; and (3) include documented efforts by the library director and board of trustees to secure adequate support from the area(s) in its claim of serious inequities and hardships.

(2) MHLS will act within 90 days on a claim of serious inequities and hardships as defined in Section 4, above.

a) On receipt of a claim, MHLS staff will verify the levels of library use leading to the claim, as well as, verify any other criteria in the claim that may be applied under the FDAP. Verification by MHLS will be transparent but authoritative.

b) The MHLS Executive Director will report MHLS findings regarding the claim to the director and board of trustees of the member library submitting the claim.

c) The MHLS Board of Trustees will review, at a public meeting of the Board, all claims of serious inequities and hardships submitted to MHLS and the findings of MHLS staff

regarding a claim. The MHLS Board will decide if a claim of serious inequities and hardship is valid.

(3) Based on the MHLS Board accepting a claim of serious inequities and hardship as valid, MHLS staff will confer with the MHLS Directors Association to implement one or more of the following:

a) Restrict system wide loaning of non-print materials purchased with local funds;

b) Restrict patron-placed holds and staff-placed holds.

6.b-With the prior approval of the Commissioner of Education.

(1) Proposed restrictions to library service or access beyond those defined in this FDAP, must be approved by MHLS Board of Trustees and the MHLS Directors Association prior to transmission to the Commissioner of Education for approval.

(2) A request for restrictions beyond those defined in this FDAP must be accompanied by the following, in a form acceptable to the Division of Library Development:

a) Documentation of the completion of the serious inequities and hardships claim process as described in 6.a, above;

b) A clear description of the proposed restrictions and modifications to the FDAP being requested provided such modifications do not include charging for library services;

c) Description of the anticipated impact on resident and non-resident[18] borrowers after modifications are approved and implemented;

d) Provision of a time frame for the beginning and end of such restrictions and modifications to the FDAP.

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.***

[18] CR 90.3 (a) - 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 Education Law and who is a library cardholder at that library or at another member library system or who is a system cardholder.

A. Based on the recommendation of the MHLS Directors Association, the adoption by the MHLS Board of Trustees, and the approval by the Commissioner of Education, the FDAP will be distributed to all member libraries and posted on the MHLS website. MHLS will lead a discussion on the approved FDAP at a regular meeting of the MHLS Directors Association to review the plan in detail and reinforce the importance of compliance with the plan. MHLS staff will be responsive to any queries or concerns regarding the FDAP.
B. MHLS member libraries, Board of Trustees, and staff recognize the MHLS Plan of Service, of which this FDAP is a part, is an agreement between MHLS and the State Education Department and is required by Commissioner's Regulations 90.3 (a) through (d)(4).

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

A. An ad hoc committee of member library directors was convened to discuss the existing plan and to make recommendations to update the plan.
B. A draft of the plan was reviewed by the MHLS System Services Advisory Committee, the MHLS Personnel & Planning Committee and was unanimously endorsed by both the MHLS Directors Association and the MHLS Board of Trustees.

Endorsed by the MHLS Directors Association: June 24, 2026

Approved by a supermajority of MHLS Member Library Boards: August 27, 2026

Approved by the MHLS Board of Trustees: July 14, 2026 and September 10, 2026