






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

TO: The Honorable the Members of the Board of Regents

FROM: Mark Schaming 

SUBJECT: Proposed Amendment of Section 90.19 of the Regulations of the Commissioner of Education Relating to the Regional Bibliographic Data Bases and Interlibrary Resources Sharing Program

DATE: March 4, 2021

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents amend section 90.19 of the Regulations of the Commissioner of Education relating to the regional bibliographic data bases and interlibrary resources sharing program?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment will be presented to the Full Board for adoption at the March 2021 Board of Regents meeting. A copy of the proposed amendment is included as Attachment A. Supporting materials are available upon request to the Secretary of the Board of Regents.

Procedural History

The proposed amendment was discussed by the Cultural Education Committee at the November 2020 meeting of the Board of Regents. A Notice of Proposed Rule Making was published in the State Register on December 2, 2020 for a 60-day public comment period. Following publication in the State Register, the Department received no

comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed.

Background Information

The Regional Bibliographic Data Bases and Interlibrary Resources Sharing Program (RBDB), established by Education Law §273(6), provides annual State formula funding to New York State's nine Reference and Research Library Resources Councils (3Rs) to promote automation projects that "support bibliographic control and interlibrary resource sharing of information resources" to all types of libraries and library systems in their region as well as projects to "coordinate and integrate the automated systems" of member library systems.

The 3Rs were initially established by the State in 1966 to expand the availability of the resources of academic, medical, law, business and special libraries to more New Yorkers and to enable libraries of all types to buy services and share resources cooperatively in order to strengthen programs and services. The State provides annual funding to each library system in accordance with the provisions of Education Law §273. Each of the 3Rs is governed by a board of trustees and has a variety of advisory committees to help carry out its work. All nine of the 3Rs are supported by a combination of State Aid, membership dues and other revenue sources.

The proposed amendment to section 90.19 of the Commissioner's regulations is necessary to update and clarify certain terminology related to the use of technology in libraries and to reflect new technologies, best practices and current standards. In addition, the amendment realigns outdated program planning requirements, reporting requirements and eligibility criteria to reflect current practices.

Related Regents Items

November 2020: [Proposed Amendment of Section 90.19 of the Regulations of the Commissioner of Education Relating to the Regional Bibliographic Data Bases and Interlibrary Resources Sharing Program](https://www.regents.nysed.gov/common/regents/files/1120ced1.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1120ced1.pdf>)

Recommendation

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

VOTED: That section 90.19 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 31, 2021.

Timetable for Implementation

If adopted at the March 2021 meeting, the proposed amendment will take effect on March 31, 2021.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 208, 215, 253-268, 271-273, 273-a, 282, 283, 284, and 285.

1. Section 90.19 of the Regulations of the Commissioner of Education is amended to read as follows:

§90.19 [Grants for] State aid for regional bibliographic data bases and interlibrary resources sharing

(a) Definitions.

As used in this section and in Education Law, section 273(6):

(1) *Regional bibliographic data bases or databases* [means machine-readable files of bibliographic records and holdings of libraries] means the storage and access of digital records, assets, collections, and information resources within a reference and research library resources system region[, including public, academic, school and special libraries] through its member organizations.

(2) *Region* means the geographic area served by an approved reference and research library resources system including its member organizations.

(3) *Library automation* means [the application of computer and telecommunications technology to bibliographic control, data base access, resource sharing and other electronic communication or transmission] to store and access digital records, assets,

collections, and information resources for the purpose of improving and enhancing services to library users.

[(4) *Automated circulation system* means the application of computer and telecommunications technology to control the circulation of library materials, which may be integrated with other functions in an automated system.

(5) *Automated system* means the application of computer and telecommunications technology to library functions, including control of circulation of library materials, acquisitions, cataloging, serials control, public access catalog, and similar activities and the integration of these functions into one system.]

[(6)] (4) *Automation program* means an organized plan applying [automation to library functions to promote bibliographic control, data base access, resource sharing, and other electronic communication or transmission among the school, public, academic and special libraries within a region] technology to promote resource sharing among all types of libraries and increase visibility of regional and statewide digital records, assets, collections, and information resources.

[(7) *Five-year plan*] (5) *Approved Plan of Service* means [a regional library automation program which addresses the development and management of a regional bibliographic data base, access to this and other data bases, resource sharing, and other electronic communication or transmission and which incorporates the public library systems, school library systems, and other libraries within the region] the reference and research library resources system's plan of service submitted to the State Library pursuant to Education Law §272(2)(d).

[(8) *Annual plan* means a plan submitted by a reference and research library resources system which covers the current year of the five-year plan.

(9) *Electronic doorway library* means a library which enhances information retrieval and resource sharing for its users based upon two-way electronic capability, into and out of the library.

(10) *Statewide electronic library network*] (6) Statewide library cooperation means a [virtual network which includes existing and future physical networks in the State applicable for library purposes] collaborative physical and virtual network which is applicable for exposing digital records, assets, collections, and information resources. The key concept underlying the network is interconnectivity among separate [physical] networks [thus, in effect, resulting in one logical statewide network for libraries].

(7) National standards and best practices mean the standards agreed upon by the National Information Standards Organization (NISO). In cases where there is not yet a national standard there are often best practices that are developed when standards cannot keep up with rapid changes in technology. These best practices often are agreed upon by professional organizations.

(b) [Plans] Inclusion in Plan of Service.

(1) [Each reference and research library resources system shall submit for approval a five-year plan for the regional bibliographic data bases and interlibrary resources sharing program pursuant to Education Law, section 273(6)(b), in a form and by a date prescribed by the commissioner. Such plans shall be developed and kept current through amendments made with the ongoing participation of libraries and library

systems in the region. Amendments to the five-year plan shall be in a form and submitted for approval by a date prescribed by the commissioner. The board of trustees of the reference and research library resources system shall submit to the commissioner such evidence of participation of libraries and other library systems as he or she may require. Such participation shall include consultation with an automation committee, composed of representatives of all types of libraries and library systems in the region, which shall be established for such purpose.] Pursuant to Education Law §273 (6)(b), each reference and research library resources system shall submit as part of their plan of service, in a form and by a date prescribed by the commissioner, proposals as to how the system will manage an automation program and use technology to promote resource sharing in the region and statewide.

(2) [An annual plan and budget, consistent with the five-year plan for a regional automation program, shall be submitted by each reference and research library resources system seeking a grant pursuant to Education Law, section 273(6)(a)(1). Such annual plans and budgets shall be developed in consultation with and the ongoing participation of an automation committee representative of all types of libraries and library systems in the region and shall be submitted in a form and in accordance with a timetable prescribed by the commissioner] The elements and format of such plan of service related to the regional bibliographic and interlibrary resources sharing program shall be determined by the commissioner.

[(3) For each public library system seeking a grant pursuant to Education Law, section 273(6)(a)(2), an acceptable plan for an automation program shall be the approved plan referred to in Education Law, section 273(1).]

[(c) Elements of a five-year plan

Five-year plans and amendments shall provide a description of current library automation in the region, of library automation needs and of proposed actions, and shall include, but need not be limited to:

(1) the number of machine-readable bibliographic records and holdings already in existence in the region, and the number of bibliographic records and holdings to be converted to machine-readable form;

(2) a description of the means of maintaining and updating bibliographic data bases;

(3) a description of the means of accessing bibliographic and other data bases including any interfaces between or among data bases, and the availability of materials represented in these data bases;

(4) a description of the process and mechanisms used to share or obtain resources, the effect on resource sharing or usage patterns, and a description of electronic communication or transmission used for these or other purposes;

(5) a description of regional library automation goals and objectives for the five-year period, including the anticipated progress during this period toward enabling all libraries in the region to become electronic doorway libraries;

(6) a year-by-year projection of library automation activities, which in years two through five of the plan may be revised or expanded through amendments;

(7) evidence that all types of libraries and library systems in the region participated in the development of the plan, and that the plan takes into account the automation needs of and is equitable for all types of libraries and library systems;

(8) evidence that the plan will improve the quality of library service available to residents of the region;

(9) methods of and participants involved in monitoring and evaluating accomplishments.

(d) Criteria for approval of plans, amendments, annual plans and budgets] (c)
Eligibility Criteria.

[Approval of five-year plans, amendments, annual plans, and budgets shall be based on the following criteria:

(1) the goals and objectives of the automation program;

(2) the comprehensiveness of the plan including the number and types of participants, the number of records and holdings and type(s) and subject area(s) of materials to be converted, and the activities other than conversion of records and holdings; and

(3) how bibliographic or other data will be accessed and the anticipated increase in resource sharing or change in usage patterns;

(4) the potential for stimulating cooperation among libraries, and the importance to intersystem and inter-type library resource sharing;

(5) the impact on enabling libraries to become electronic doorway libraries or to expand upon existing electronic doorway library services provided or obtained on or through the statewide Electronic Library Network;

(6) activities involving professional development, education, and training;

(7) the cost(s) to implement;

(8) the libraries participating in and/or benefitting from each project, and the impact on service to users of these libraries;

(9) the specificity and supporting data provided, including the staffing required and processes to be followed in carrying out the proposed projects; and

(10) the adequacy of the evaluation procedures used to measure achievement of the stated goals and objectives, including the participants involved.]

(1) In order to be eligible for State aid for an automation program pursuant to subdivision 6 of section 273 of the Education Law, a reference and research library resources system shall:

(a) be operating under an approved plan of service pursuant to paragraph d of subdivision 2 of section 272 of the Education Law;

(b) submit an approvable prior year library system annual report and current year budget;

(c) submit an approvable annual application for such formula aid;

(d) provide program assurances and information as requested by the commissioner; and

(e) show evidence of member input.

[(e) Standards and requirements for library automation projects.] (d) Automation Program Purposes.

[(1) Bibliographic records and holdings and telecommunications-interopability procedures shall be created and maintained in a form which, in the determination of the commissioner, assures regional and intersystem statewide compatibility] Reference and research library systems applying for formula funds under Education Law §273(6) may use such funds for the collaborative purpose of helping its members employ technology and tools to provide and/or improve access to and storage of digital records, assets, collections, and information resources while adhering to national standards and best practices for enhancing resource sharing and access to information.

[(2) Bibliographic records converted through the use of these funds shall be made available, for the purpose of resource sharing, to the State library without charge other than the cost of duplicating such records.]

[(f)] (e) Applications and Reports.

[Each reference and research library resources system which receives an annual grant for regional bibliographic data bases and interlibrary resources sharing shall submit in a form and in accordance with a timetable prescribed by the commissioner, progress reports on the project.]

(1) The commissioner shall determine the format and timetable for the submission of applications and reports.

(2) The commissioner may request any other reports that the commissioner shall deem necessary to carry out the purpose of this program.