



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12230**

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To PULISDO:

Thank you for the thoughtful comments on the recent decision of the Schenectady County Public Library to leave the MVLS/SALS ILS. Here is the State Library's response to the two PULISDO questions regarding withdrawing from a library system and free direct access.

**Other than charter revision, is there mechanism for a public library to no longer be a “participant” (as that term is used by Education Law 255) in a cooperative library system?**

The process for joining a library system is outlined in the law. See [Education Law Section 255\(2\)\(i\)](#) (requiring approval of the member library). The library and system charters and plans of service also require approval (see [Education Law §272\(1\)\(c\)](#)). As such, withdrawing from a library system should mirror the same process and potential withdrawals will require the action of the member library Board of Trustees, the library system Board of Trustees, and the approval of the Commissioner of Education. Subsequently, amendments to the library systems charter would need to be approved by the Board of Regents, pursuant to a petition for a charter amendment or as otherwise authorized under [Education Law §219\(1\)](#), and the Commissioner, respectively, and plans of service would need to be approved by the State Library. Indeed, the State Education Department has the authority to forcibly make changes to the charters of libraries or library systems, or to remove trustees under certain conditions, but uses this authority sparingly when necessary to address failures of local boards. Forced charter actions could include dissolution, consolidation, or changes in service areas of libraries or library systems, etc.

**Must a participating library who has been removed from an ILS still offer “direct access” to residents of the system?**

Yes, as per [Commissioner's Regulation 90.3](#), “free direct access” requires all public libraries within a library system to offer their materials to a library card holder from any other library within that system.

Thank you,

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