



## DIRECT ACCESS PLAN 2027–2031

### **Serving Ontario, Wayne, Wyoming, and Livingston Counties**

A required component of the 2027–2031 Plan of Service, Effective January 1, 2027 – December 31, 2031, Required by Commissioner's Regulation §90.3

### **Introduction**

The Direct Access Plan is a State-approved agreement between the OWWL Library System (the System) and the New York State Education Department, required by Commissioner's Regulation §90.3(a) through (d)(4). It is a required component of the System's 2027–2031 Plan of Service.

Direct access is a commitment to ensuring that all residents within the System's service area in Ontario, Wayne, Wyoming, and Livingston Counties can access the full range of library resources at all 42-member library locations. The OWWL Library System views this plan as a framework for equitable service. Every resident deserves access to a great library, regardless of which municipality they call home.

This plan addresses the delivery of library services to unserved and underserved residents who live within the System's geographic boundaries. It describes the limited conditions under which restrictions may be considered, as well as the steps the System takes before any restriction is imposed, including good-faith efforts to negotiate funding solutions with municipalities.

### **Definitions**

The following definitions are drawn directly from Commissioner's Regulation §90.3 and govern the interpretation of all provisions in this plan.

**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(d)(1)(ii))

**Resident Borrower:** "...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(a)(5))

**Nonresident Borrower:** "...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(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(a)(11))

**Unserviced:** "...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(a)(10))

**Serious Inequities and Hardships:** "...those conditions which adversely affect resident borrowers of member libraries. Such conditions are defined in accordance with the 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(a)(9))

**OWWL Library Card:** The OWWL Library Card provides access to borrowing and services at all member library locations, as well as shared online services and digital collections. Cards are available at any member library location or at <https://owwl.org>.

## **Library Services for All Residents Within System Boundaries**

This section describes how all individuals residing within the System's boundaries, including those living outside any member library's chartered service area, receive library services.

### Free On-Site Use

Member libraries offer free on-site use of all library resources to residents of the four counties comprising the OWWL Library System service area: Ontario, Wayne, Wyoming, and Livingston. Free on-site use includes access to computers and the internet. Preference may be given to local residents for computer use.

### Guest Access

On-site resources that require library card access have provisions for guest access to support use by residents and nonresidents who do not yet have an OWWL Library Card.

### System-Wide OWWL Library Card

All member libraries offer direct access to all residents of the OWWL Library System service area by means of a single, free, system-wide OWWL Library Card. No fee may be charged to any individual within the System's service area for the issuance of this card.

### Permitted Exceptions to Unrestricted Direct Access

Subject to approval by a majority of member libraries and without prior approval from the Commissioner of Education, member libraries may implement the following limited restrictions on access to services supported by local public funds:

1. Member libraries may give preference to residents of their taxing district for attendance at library programs, provided those programs are supported entirely by local tax funds.
2. Member libraries may give preference to residents of their taxing district for use of computers and internet resources.
3. Member libraries may restrict the loan of nonprint materials and equipment, and printed materials less than one year from the acquisition date, that were purchased with local tax funds, to residents of their taxing district.
4. Member libraries may restrict the loan of special, pilot, or experimental collections (as defined by individual libraries) to the residents of their taxing district.

Any restrictions implemented under items 3 and 4 above must be applied consistently with current System-wide policies, including policies approved by the OWWL Directors Advisory Council (OWWLDAC). Where a conflict exists between this plan and an adopted policy, the more restrictive provision applies. Member libraries must consult with the System before implementing any restriction under these items.

### Jurisdictions with Populations Over 10,000 Not Contracting for Service

As specified in Commissioner's Regulation §90.3(d)(2)(i), member libraries shall not be required to provide direct access to their materials and services to residents of a jurisdiction of 10,000 population or more that has not exercised authority under Education Law §255 to establish and maintain a public library, and that is not contracting for public library service in accordance with Education Law §256. This restriction does not apply to the System's central library.

## **Library Services: When a Member Library Withdraws or Was Never a Member**

### Withdrawal of a Member Library

In the event that a member library withdraws from the System, residents of the withdrawing library's chartered service area will continue to be entitled to on-site access at all remaining member libraries as described above. The System will not be subject to

any loss of state aid so long as those residents continue to benefit from the System's library services (Education Law §272(1)(c)).

#### Libraries That Were Never System Members

Residents served by a chartered and registered library that has never been a member of the System will similarly be entitled to on-site access at all member libraries as described above.

### **Definition of Serious Inequities and Hardships**

The OWWL Library System considers "serious inequities and hardships" to be conditions that adversely affect resident borrowers of member libraries and significantly deprive them of the opportunity to use library materials and services equitably.

Specifically, serious inequities and hardships occur when nonresident use by borrowers from any one municipality, school district, or other geographic or administrative area exceeds 10% of a member library's use statistics, and that area provides inadequate or no compensation for that use.

#### Criteria for Determining Serious Inequities and Hardships

The criteria used by the System to determine whether serious inequities and hardships exist include:

1. Excessive use of a library's collection by residents of a geographic or administrative area (such as a municipality or school district) that is not within any chartered public library service area and does not provide adequate funding for the library's services.
2. The level of funding from nonresident municipalities, school districts, or counties should approximate the per capita funding available at the library where the hardship occurs.
3. Member libraries experiencing such conditions may take reasonable measures to limit the services provided to excessive nonresident borrowers from areas that fail to provide sufficient funding, subject to the procedures described in the Modifications section below.

### **Excessive Out-of-Chartered-Service-Area Borrowing**

The OWWL Library System defines excessive out-of-chartered-service-area borrowing as follows:

- Excessive borrowing from a single source occurs when over 10% of a member library's circulation or program attendance is attributable to nonresidents of any

one municipality, school district, or other geographic or administrative area outside the library's chartered service area.

- Excessive borrowing in aggregate occurs when over 50% of a member library's total circulation is attributable to nonresidents across multiple municipalities or areas outside the library's chartered service area, even if no single municipality reaches the 10% threshold on its own.

These two measures work together: the first identifies situations in which a single unserved area places a disproportionate burden on a library, while the second identifies situations in which the cumulative impact of nonresident use from multiple areas is unsustainable for the library's resident borrowers.

## **Unserved and Underserved Populations**

### Description of Unserved and Underserved Populations

The OWWL Library System serves four counties: Ontario, Wayne, Wyoming, and Livingston. Based on the 2020 United States Census, the total population of the System's service area is approximately 306,106:

<b>COUNTY</b>	<b>2020 POPULATION</b>
<b>ONTARIO</b>	112,458
<b>WAYNE</b>	91,283
<b>WYOMING</b>	40,531
<b>LIVINGSTON</b>	61,834
<b>SYSTEM TOTAL</b>	<b>306,106</b>

This represents a decrease of approximately 3,145 residents from the 309,251 figure reported in the 2022–2026 plan, which was based on 2010 Census data.

A portion of residents within the System's boundaries reside outside the chartered service area of any member library and are therefore counted as unserved. Based on a review of the New York State Library service area maps (revised August 1, 2025) and 2020 Census data, the estimated unserved population within the System's boundaries is approximately 28,000 to 32,000 residents. This represents a reduction from the 33,770 unserved residents identified in the 2022–2026 plan, reflecting both the region's overall population decline and ongoing service area expansion efforts by member libraries.

A geographic analysis of unserved areas, including town-level population estimates, is produced by the System as part of the annual report described in the Actions to Expand Library Services section below.

### Criteria for Identifying Underserved Libraries

The System assesses the adequacy of local support by the ability of the member library to:

1. Meet the Minimum Public Library Standards as defined by the Commissioner's Regulations;
2. Meet its Integrated Library System (ILS) cost obligation to the System; and
3. Contribute to the shared downloadable collection of audiobooks and e-books.

Libraries that do not meet these criteria are identified as having insufficient local income to support the delivery of acceptable library services.

### Actions to Expand Library Services to Unserved and Underserved Populations

The OWWL Library System is committed to expanding access to library services for all residents within its boundaries. Ensuring that all areas within the System's geographic boundaries are served by a chartered member library is a core part of the System's mission. The System takes the following actions to address unserved and underserved populations:

1. For member libraries serving surrounding unserved populations, the System encourages and advises Directors and Boards to consider expanding their chartered service area to include unserved residents and to pursue sustainable funding by becoming school or special district public libraries.
2. The System will produce an annual report identifying geographic areas within the system boundaries that fall outside any member library's chartered service area, including population estimates for those areas where available. This report will be shared with affected member library directors and boards to support informed conversations about service area expansion and funding advocacy.
3. Where expanding chartered service areas is not practicable, the System consults and assists member libraries with seeking funding from unserved municipal or county entities for nonresident use of member libraries.
4. The System works with the affected library to actively reach out to municipalities that do not provide library funding to open a dialogue about the value of library service and to explore sustainable funding arrangements. This outreach occurs before any member library imposes restrictions.
5. Should a member library become underserved, the System will support its efforts to seek budget increases from local funders or through budget votes.

### Timetable for Actions

The annual unserved areas report will be produced each year of the plan period and distributed to member libraries no later than December. Advising member libraries about becoming district libraries and advocating for better funding remain ongoing activities

provided both on demand and periodically through workshops, individual consultations, and written communications throughout the five-year plan period (2027–2031).

#### Responsibility for Carrying Out Actions

The System's Executive Director is responsible for providing consulting services and technical assistance to member libraries and their boards as they evaluate options for expanding service areas and seek funding from municipalities and other local entities. Decision-making authority and fiduciary responsibility for each member library rests with that library's board of trustees.

### **Conditions Under Which Modifications to the Direct Access Plan May Be Made**

Certain modifications to unrestricted direct access may be made in accordance with the procedures below. Any restriction imposed under this section must be proportionate, documented, and time-limited. The System's strong preference is to resolve access inequities through negotiation and funding solutions rather than through restrictions.

#### Modifications Without Prior Approval of the Commissioner of Education

Subject to approval by a majority of member libraries, the following modifications may be made without prior approval from the Commissioner of Education:

1. Member libraries that experience excessive nonresident borrowing as defined above may, upon appropriate public notice, place restrictions on the loan of library resources. Such restrictions are limited to nonprint materials and equipment, and printed materials less than one year from the acquisition date, that were purchased with local tax funds.
2. Member libraries may place restrictions on attendance at library programs, provided those programs are supported entirely with local tax funds.
3. Member libraries shall not be required to provide direct access to materials and services to residents of a jurisdiction of 10,000 population or more that has not exercised authority under Education Law §255 to establish a public library and is not contracting for service under Education Law §256.

#### Negotiation Procedure Prior to Invoking Restrictions

Ensuring equitable access across the System's service area is a fundamental part of the System's mission. When a member library experiences conditions that may warrant direct access restrictions, the System has both a responsibility and an obligation to become actively involved.

Before a member library invokes any permitted restriction, the OWWL Library System will take the following steps to pursue a funding-based resolution:

1. The member library notifies the System's Executive Director in writing that excessive nonresident borrowing conditions have been documented in accordance with the criteria above.
2. The System, working with the affected member library, identifies the municipality, school district, or other entity whose residents account for the excessive borrowing.
3. The System initiates contact with the relevant entity to present the data and discuss the impact on the member library. The goal of this outreach is to negotiate a funding arrangement (such as a contract for services under Education Law §256) that appropriately compensates the library.
4. The System provides the relevant entity with a reasonable period (no less than 60 days, unless circumstances require earlier action) to respond and to initiate good-faith funding discussions.
5. If the relevant entity does not respond or declines to negotiate in good faith, the System documents these efforts. The member library may then proceed with permitted restrictions with written notice to the System and to the affected entity.
6. All negotiation efforts, outcomes, and any restrictions imposed will be reported to the System Board.

This procedure reflects the System's commitment to expanding access and resolving inequities through partnership wherever possible. Restrictions are a last resort, not a first response.

#### Modifications Requiring Prior Approval of the Commissioner of Education

Subject first to approval by a majority of member libraries, and then to prior written approval from the Commissioner of Education, certain additional modifications may be made for individual member libraries. The System Board of Trustees shall not unreasonably delay submission of a member library's request to the Commissioner.

Any request submitted under this section must be in writing and must include all of the following:

1. Documentation of the serious inequities and hardships affecting the resident borrowers of the requesting member library, consistent with the definition above.
2. A description of the proposed modifications to unrestricted direct access, along with a description of the anticipated impact on both resident and nonresident borrowers after the modifications are approved and implemented. No proposed modification may include a fee or charge for a borrower's card.
3. A proposed timeframe within which the modifications will be in effect. Renewals must be requested on a timely basis before the specified end date.
4. System recommendations for remedying the underlying inequity, along with a proposed timetable for action.

The System is expected to continue serving all populations in areas where approved member library restrictions have been imposed. Restrictions apply only to individual member libraries; the System may not impose restrictions.

## **Assuring Member Library Compliance and Member Input**

### Compliance Assurance

Following approval of this Direct Access Plan by the member libraries, the System Board, and the Commissioner of Education, the Plan will be distributed to each member library accompanied by a communication from the System explaining:

- This Plan is required under Commissioner's Regulation §90.3 and is a condition of System membership;
- It has been approved by a majority of member libraries; and
- All members are required to abide by its terms.

In the unlikely event that a member library fails to comply with the terms of this Plan, the System will work directly with that library to bring it into compliance.

If compliance efforts are unsuccessful, the System may withdraw the following System services from the noncompliant library:

- Termination of consulting services;
- Termination of participation in the Integrated Library System (ILS);
- Termination of interlibrary loan services; and/or
- Termination of delivery service.

## **References**

### New York State Education Law

New York Education Law §255 — Authority to establish and maintain a public library.

New York Education Law §256 — Contracts for public library service.

New York Education Law §272 — Conditions under which library systems are entitled to state aid, including provisions governing member library withdrawal and system responsibilities.

New York Education Law §273 — State aid for public library systems, including provisions governing coordinated outreach services.

### New York State Regulations of the Commissioner of Education

8 CRR-NY §90.2 — Minimum Public Library Standards.

8 CRR-NY §90.3 — Approval of Public Library Systems. Regulations of the Commissioner of Education, Title 8, Part 90. Primary regulatory authority for this plan, including definitions (§90.3(a)), approval requirements (§90.3(b) and (c)), direct access requirements (§90.3(d)(1)), permitted modifications without Commissioner approval (§90.3(d)(2)), modifications requiring Commissioner approval (§90.3(d)(3)), and provisional approval provisions (§90.3(d)(4) and (5)).

8 CRR-NY §90.4 — Central Library Services. Regulations of the Commissioner of Education, Title 8, Part 90.

New York State Library — Division of Library Development

New York State Education Department, New York State Library, Division of Library Development. *Public Library Systems Plan of Service: Instructions, 2027–2031*. Albany: New York State Library, 2026.

New York State Education Department, New York State Library, Division of Library Development. *Public Library Systems Plan of Service: Questions, 2027–2031*. Albany: New York State Library, 2026.

New York State Education Department, New York State Library. *OWWL Library System Service Area Maps, Series 6*. Revised August 1, 2025. Data sources: U.S. Census Bureau; New York State ORPTS; New York State Education Department.

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U.S. Census Bureau. *2020 Census National Redistricting Data Summary File (New York)*. Washington, DC: U.S. Census Bureau, 2021. Used for system-wide and county-level population figures.

U.S. Census Bureau. *TIGER/Line Shapefiles, 2020: County Subdivisions, New York*. Washington, DC: U.S. Census Bureau, 2020. Geographic boundary data for unserved area analysis.