

NOTICE PUBLICATION/REGULATION SUBMISSION

NONSUBSTANTIVE

See instructions on reverse.

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2013-0815-02N	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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ENDORSED FILED IN THE OFFICE OF

2013 SEP 25 PM 3:16

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

2013 AUG 15 AM 10:25
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
California State Library

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Public Library Programs, Administration		TITLE(S) 5	FIRST SECTION AFFECTED 5 CCR 20101	2. REQUESTED PUBLICATION DATE September 1, 2013
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Sandy Habbestad		TELEPHONE NUMBER (916) 653-7532
				FAX NUMBER (Optional) (916) 653-8443
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Public Library Programs, Administration	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 20101, 20107, 20190
TITLE(S) 5	REPEAL 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Sandy Habbestad	TELEPHONE NUMBER (916) 653-7532	FAX NUMBER (Optional) (916) 653-8443	E-MAIL ADDRESS (Optional) sandy.habbestad@library.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Gerald Maginnity</i>	DATE 8/7/13
TYPED NAME AND TITLE OF SIGNATORY Gerald Maginnity, Chief Executive Officer and Acting State Librarian	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 25 2013

Office of Administrative Law

TITLE 5 (Chapter 1, Division 2, Subchapter 2). CALIFORNIA LIBRARY SERVICES

ARTICLE 1. GENERAL PROVISIONS

Section 20101. General provisions.

- (a) The State Board finds that it is in the best interests of the citizens of California and best fulfills the purposes of the Act (Chapter 4, Part 11, Division 1, Title 1, Education Code) that libraries participating in any one program of the Act participate in all applicable programs of the Act.
- (b) Any public library participating in programs of the Act shall, under Section 18724(h g) of the Act, provide access to the library's bibliographic and location data upon request from the State Board for inclusion in the appropriate data base established by the State Board in implementation of the Act. The access shall be provided in such form, manner, and frequency as are agreed upon between the State Board and the library.
- (c) Funding distributed according to California Library Services Act provisions may not be used to support other than library purposes. To comply with Education Code Section 18703(c), the funding may not be used to replace local funds for library services, but only to supplement the local funding to further the purposes of the Act.
- (d) A public library participating in any program of the Act must participate in the direct loan transaction reporting, whether the library participates in either of the direct loan programs or not. During the designated transaction reporting periods all CLSA participating libraries must record all direct loans made to eligible residents of other jurisdictions whose libraries are participating in the direct loan programs, as long as the handling costs of paid loans are not being covered in whole, or in part, by CLSA funds in addition to direct loan reimbursement funds, ~~LSCA~~ LSTA funds, or by funds provided by the jurisdiction of the eligible non-resident.

Note: Authority cited: Section 18724, and 18725, Education Code. Reference: Sections 18700-18703, and 18724, Education Code.

Section 20107. Definitions.

- (a) The definitions concerning California Library Services Act components set forth in Education Code Section 18710 are hereby incorporated by reference, with additions as noted in subsection (b) of this section. The definitions incorporated by reference are accurate to California Statutes 1979.
- (b) Additions to the regulations hereby incorporated are as follows:
 - (1) "Chief Executive Officer" means the State Librarian.
 - (2) "President" means the elected President of the Board.
 - (3) "Public library affiliation" means the formal and legal joining to a System (i.e., the obtaining of full System membership status) by a public library not previously a member of any System. A Public Library Affiliation is not considered complete until all necessary local System and jurisdictional agreements have been approved and are in force, and the State Board has approved the affiliation.
 - (4) "Public library consolidation" means the formal and legal joining of the functions, services, operations, etc. of two or more formerly independent public libraries into a single public library, as defined in Education Code Section 18710(e f). A Public Library Consolidation is not considered complete until all necessary local jurisdictional agreements have been approved and are in force, and the State Board has approved the consolidation (see Administrative Code Section 20180, below).
 - (5) "Reference collection" means a collection of materials, both print and non-print, designed primarily for use in answering requests for information.

- (6) "Reference specialist" means a trained and experienced librarian who can provide reference referral services and who can also understand how to approach the community in general and the underserved in particular, together with appropriate skills in analysis of information needs and design and implementation of reference programs responsive to those needs. A reference specialist may be employed in providing any of the services for which he/she is qualified.
- (7) "Secretary" means the Executive Secretary of the Board.
- (8) "State Board" means the California Library Services Board.
- (9) "System consolidation" means the formal and legal joining of geographic service areas, functions, operations, et cetera, of two or more formerly separate Systems into a single Cooperative Library System, as defined in Education Code Section 18710(c). A System Consolidation is not considered complete until all necessary local System consolidation agreements have been approved and are in force, and until the State Board has approved the consolidation (see Administrative Code Section 20185, below).
- (10) "Valid non-resident borrowers card" means a card that is issued free of charge by a public library to a resident of another jurisdiction which maintains a public library, as long as such card meets all of the legal requirements of the issuing library.
- (11) "Vice-President" means the elected Vice-President of the Board.

Note: Authority cited: Section 18724, Education Code. Reference: Section 18700-18767, Education Code.

ARTICLE 3. GENERAL PROVISIONS FOR SYSTEMS

Section 20150. Definitions.

~~For purposes of this Article:~~

- ~~(a) "Discernible difference" means the difference in quality or quantity of service to the user made possible by the support provided under this Article, beyond the service which would have been provided had the member library not had that support.~~
- ~~(b) "Evidence of benefit" means verification (e.g., statistical sample; staff or user personal testimony; case study) of a discernible difference.~~
- ~~(c) "Performance objectives" means the quantified expression of service specifications (e.g., average response time, number of new users satisfactorily served). The quantities may be set at varying levels from year to year, as experience is gained and as available resources vary.~~
- ~~(d) "Service specification" means a qualitative outcome (a goal) which each System shall strive to achieve for one or more of the service components of the System Reference program set forth in Section 20154 of this Article. It describes what is to be examined in determining if a reference service is performing as intended. Service specifications are expected to be relatively constant over a period of several years.~~

Note: Authority cited: Section 18724, Education Code. Reference: Section 18741, Education Code.

Section 20151. Local flexibility.

~~The intent of this Article is to allow Systems maximum flexibility to decide in what way they will carry out the requirements of the Article. Systems should provide the best possible professional Reference services.~~

Note: Authority cited for Chapter 2 (Sections 20150-20195, not consecutive): Section 18720 et seq. , Education Code. Issuing agency: California Library Services Board.

Section 20152. Integrated service program.

~~The intent of this Article is that the elements to improve service to the underserved should be developed and carried out as much as possible in an integrated manner with all local and System services, so that all elements together provide an inseparable, total library service program.~~

Section 20153. Principles.

~~Each System shall adopt a program of coordinated reference service support to the members of the system that conforms to the following principles:~~

- ~~(a) The program makes a discernible difference to the service provided to the user when he or she asks the library for help.~~
- ~~(b) The program incorporates services that are specific to the needs of the underserved.~~
- ~~(c) The program is designed to provide evidence of benefit that will be understandable to local users, library staffs, and state officials.~~

Note: Authority cited: Section 18724, Education Code. Reference: Section 18741, Education Code.

Section 20154. Service components.

~~Each System shall use its reference allowance to provide the following three service components:~~

- ~~(a) general improvement of local reference service;~~
- ~~(b) improvement of reference services to the underserved; and~~
- ~~(c) interlibrary reference.~~

Note: Authority cited: Section 18724, Education Code. Reference: Sections 18710(h)(s) and 18741, Education Code.

Section 20155. General improvement of local reference service.

~~(a) Service specifications and performance objectives for the general improvement of local reference service component which are specific to each System shall be adopted by each System. Each System shall, using information provided by its member libraries:~~

- ~~—(1) Assess the needs of, and the service to the general population now being provided by the System's member libraries, then~~
- ~~—(2) Identify those program areas where improvement can make a significant difference in the quality or quantity of service, and determine which of those can be improved by use of available resources, then~~
- ~~—(3) Evaluate which of those remaining areas would offer the greatest improvement in service to the general population, then finally,~~
- ~~—(4) Adopt service specifications and performance objectives to accomplish the improved service, which shall be subject to approval by the Chief Executive Officer on behalf of the State Board.~~

~~(b) Evidence of benefit. In designing its general improvement of local reference service component, each System shall provide for evidence of benefit that can be gathered without unreasonably burdening the System and its members.~~

Note: Authority cited: Section 18724 Education Code. Reference: Section 18741, Education Code.

Section 20156. Improvement of reference service to the underserved.

~~(a) Service specifications and performance objectives for the improvement of reference service to the underserved component which are specific to each System shall be adopted by each System. Each System shall, using information provided by its member libraries:~~

- ~~— (1) Assess the reference needs of, and the reference service to the underserved now being provided by the System's member libraries, then~~
- ~~— (2) Identify the underserved population and those reference program areas where improvement can make a significant difference in the quality or quantity of reference service, and determine which reference program areas can be improved by use of available resources, then~~
- ~~— (3) Evaluate which of those remaining areas would offer the greatest improvement in reference service to the underserved, then finally,~~
- ~~— (4) Adopt service specifications and performance objectives to accomplish the improved reference service, which shall be subject to the approval by the Chief Executive Officer on behalf of the State Board.~~
- ~~(b) Evidence of benefit. In designing its component to improve reference service to the underserved, each System shall provide for evidence of benefit that can be gathered without unreasonably burdening the System and its members.~~
- ~~(c) Determination of "Fair and Equitable." Each System shall provide an identified amount from within its CLSA Reference allowance for its improvement of reference service to the underserved component. This budget, when accompanied by approved service specifications and performance objectives as described in Section 20156(a) above, shall be considered as the "fair and equitable" portion of its reference allowance, required by Education Code Section 18741(b).~~

Note: Authority cited: Section 18724, Education Code. Reference: Sections 18710(s) and 18741, Education Code.

Section 20157. Interlibrary reference.

- ~~(a) Each System shall design its interlibrary reference component to the following service specifications:~~
 - ~~— (1) The highest possible percentage of questions shall be answered.~~
 - ~~— (2) The answers shall be delivered to the user within an acceptable time period.~~
 - ~~— (3) Answers shall meet the user's need in terms of amount, format, language, and accuracy of information.~~
 - ~~— (4) Specifications (1)-(3) should be carried out at the lowest possible cost.~~
- ~~(b) The following uniform performance objectives shall be met by all Systems in implementing the interlibrary reference services specifications:~~
 - ~~— (1) Answers shall be provided for 90% of all questions referred from member libraries.~~
 - ~~— (2) 70% of answers shall be returned to the originating member library within 10 working days of the question having been transmitted by that library into the System's reference referral structure.~~
 - ~~— (3) For 1 and 2 above the following definitions are established:~~
 - ~~“Answer” means a reply to a user's question that provides the user with the information sought; or with knowledge that the information does not exist in verifiable form; or that the information is likely available from one or more indicated sources which can, for a specified reason, be more effectively contacted by the user than by the library system; or any combination of the foregoing. “Answer” does not include a status report.~~

~~“Originating member library” means the System member public library as defined in Education Code Section 18710(l).~~

~~“Within 10 working days” means a 10-day period which begins when a question is referred to a source other than within the originating member library, by a part of that library authorized to do so by its System's reference referral procedures. The measured period ends when the~~

~~answer is received by the part of the originating member library designed by its System procedures to receive the answer to the particular question.~~

~~“Working days” means Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, excluding legal holidays.~~

Note: Authority cited: Section 18724, Education Code. Reference: Sections 18710(h), 18726 and 18741, Education Code.

ARTICLE 5. CONSOLIDATIONS AND AFFILIATIONS

Section 20190. Public library affiliation with an existing system.

- (a) If any jurisdiction, not previously a member of any System, joins a System with borders contiguous to the jurisdiction, and the System wishes to receive an affiliation grant under Education Code Section 18752, the administrative body of the System shall file a notice of intent and the jurisdictional governing body of the affiliating library shall file an affiliation authorization with the State Board, as follows:
- ~~(1) For memberships occurring between July 1, 1980, and June 30, 1981, the notice of intent shall be filed by September 1, 1980, and the affiliation authorization shall be filed by June 1, 1981. If the State Board approves, a grant of \$3,000 shall be made for each of the fiscal years 1981/82 and 1982/83.~~
 - ~~(2) For memberships occurring between July 1, 1981, and June 30, 1982, the notice of intent shall be filed by September 1, 1981, and the affiliation authorization shall be filed by June 1, 1982. If the State Board approves, a grant of \$2,000 shall be made for each of the fiscal years 1982/83 and 1983/84.~~
 - ~~(3) For memberships occurring between July 1, 1982, and June 30, 1983, the notice of intent shall be filed by September 1, 1982, and the affiliation authorization shall be filed by June 1, 1983. If the State Board approves, a grant of \$1,000 shall be made for each of the fiscal years 1983/84 and 1984/85.~~
 - ~~(4) System memberships occurring following June 30, 1983 shall not be eligible for grants under Education Code Section 18752.~~
- (b) The State Board's approval of requests for affiliation grants under Education Code Section 18752 shall be based on its determination that the proposed membership is at least as effective a way of carrying out the purposes of the Act as would be the case if the membership were with a System other than the one joined.
- (c) For purposes of determining the eligibility of the affiliating public library or system to receive funds under other provisions of the Act, an affiliation will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the affiliation authorization is filed.

Note: Authority cited: Section 18724, Education Code. Reference: Sections 18700-18767, Education Code.