CALIFORNIA LIBRARY SERVICES REGULATIONS

(Code of California Regulations, Title 5, Division 2, Chapter 1, Subchapter 2, Articles 1-8, Sec. 20101-20265)

SUBCHAPTER 2. CALIFORNIA LIBRARY SERVICES

ARTICLE 1. GENERAL PROVISIONS

§ 20101. General Provisions.

(b) Any public library participating in programs of the Act shall, under section 18724(g)(e) of the Act, provide access to the library's bibliographic and location data upon request from the State Board for inclusion in the appropriate database 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.

Authority: Section 18724 and 18725, Education Code, Reference: Sections 18724, Education Code

§ 20105. General Requirements for Participation.

(b) Public Library Certification. Upon the authorization by the jurisdictional governing body, the head librarian of each public library wishing to participate in the programs of the Act must file a certification of compliance with provisions of the Act. This certification shall remain in effect until the library jurisdiction no longer complies with the stated provisions. The certification shall specifically include compliance with Education Code Sections 18703(c) and 18724(e)(d). If the library or jurisdiction is no longer in compliance, the head librarian shall notify the Board no later than thirty days following such a change in compliance status.

Authority: Section 18724 and 18725, Education Code, Reference: Sections 18703 and 18724, Education Code

§ 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 19792016.
- (b) Additions to the regulations hereby incorporated are as follows:
- (1) "Board Assistant" means the Administrative Assistant II position designated to the Board
- (1)(2) "Chief Executive Officer" means the State Librarian.
- (2) "President" means the elected President of the Board.
- (3)(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)(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 (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) "Resource Sharing" refers to the allowed use or application of a resource created, purchased, or leased by one (1) or more participating libraries' with three (3) or more participating libraries.
- (5) Reference collection. Reference collection means a collection of materials, both print and non-print, designed primarily for use in answering requests for information.
- (6) Reference specialist. 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 undeserved 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)(6) "System consolidation" means the formal and legal joining of geographic service areas, functions, operations, etc. 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)(7) "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)(8) "Vice-President" means the elected Vice-President of the Board.

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

ARTICLE 2. CALIFORNIA LIBRARY SERVICES BOARD PROCEDURES

§ 20116. Officers of the State Board.

(a) The State Board shall annually biennially elect a President and Vice-President at the first last regular meeting of each every odd numbered calendar year.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20118. Regular Meetings.

(a) Date. Regular meetings of the State Board shall take place at least bi-monthly on the third Thursday of the months of February, April, June, August, October; the

December meeting shall be held in conjunction with the California Library Association conference once each year.

- (b) Place. The tentative <u>time of year and</u> locations for the regular meetings of <u>in</u> the <u>following forthcoming</u> calendar year shall be determined annually, at the last regular meeting of the calendar year.
- (c) Change of date or place. Nothing in this regulation shall be construed to prevent the State Board from altering its regular meeting dates or places of meeting location.
- (d) Meeting notice. A notice of regular meetings shall be provided at least seven days prior to the meeting date to any person annually requesting such notice under section 20119 below. Such notice shall include the time, date, and place of the regular meeting and a copy of the agenda therefor Notices of regular meetings shall comply with all requirements laid out in Government Code sections 11120-11131.
- (e) Any person or organization desiring to receive notice(s) of State Board meetings may email the current Board Assistant or direct the request to: California Library Services Board, State Librarian's Office, California State Library, P.O. Box 942837, Sacramento, CA 94237-0001.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20119. Notices.

- (a) Eligibility. Notice of any regular or special public meeting of the State Board shall be given to any person annually requesting under section 20119(b).
- (b) Procedure. Individuals and organizations wishing to receive notice of regular and special meetings of the State Board and copies of the agenda may annually request the Secretary to include their names on the mailing list. Inclusion on the mailing list will result in notification to the addressee of all regular and special meetings of the State Board. The Secretary shall annually notify interested agencies and organizations that, upon request, they are entitle to be placed on the mailing list.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20122. Special Meetings.

Special meetings may be called by the President of the State Board or a majority of the members thereof for any stated purpose. Notice of such meetings shall be provided at least 24 hours in advance to those persons so requesting under section 20119(b). Special meetings shall comply with all special meeting provisions in Government Code sections 11120-11131.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20123. Emergency Meetings and Agenda Items.

- (a) Power. An emergency meeting may be called by the President of the State Board or a majority of the members thereof without providing the notice required by section 20118(d) if there is an unforeseen emergency condition in existence.
- (b) Definition. An unforeseen emergency condition exists when there is an immediate threat of adverse effects on the program authorized by the Act of such scope that requires action of the State Board to avert such effects.
- (c) Agenda Items. An item may be included on the agenda of any regular meeting if an unforeseen emergency condition exists without the notice required by section 20118 section 20118(d).
- (d) Certification. Concurrence of 7 of the members is required to certify that an emergency condition exists in order to take any action at an emergency meeting or regarding an emergency item.
- (e) Notice. If reasonably possible, notice of the emergency item or meeting shall be provided to those so requesting under section 20119(b)20118(e). Lack of such notice shall not invalidate any action taken on said item or at said meeting.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20124. Agenda.

- (a) All matters to be submitted for consideration of the State Board shall be sent to the Secretary to the Board Assistant at least 10 15 business days preceding a regular meeting of the State Board, by email or by mail at California Library Services Board, California State Library, P.O. Box 942837, Sacramento, CA 94237-0001.
- (b) Setting of Agenda. The agenda for regular meetings of the State Board shall be set by the Chief Executive Officer at least 8 12 business days prior to the meeting.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20125. Speakers.

- (a) Recognition of Speakers. Members of the public or the State Library staff will may be recognized by the President of the State Board to speak at any State Board meeting. All remarks made shall be germane to the business at hand and shall be addressed to the President. No person other than the person having the floor and members of the State Board shall be permitted to enter the discussion.
- (b) Subject of Remarks. All speakers before the State Board shall confine their remarks to the subject indicated in their written request, or indicated in the recognition by for which they were recognized by the President.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20127. Robert's Rules of Order.

Except where the provisions of the California Library Services Act of 19772016 or of

these regulations provide to the contrary, or when the State Board determines otherwise, the State Board shall operate under the latest edition of Robert's Rules of Order.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20130. Public Hearings.

- (c) Speakers.
- (1) Notice. Persons wishing to address the State Board on a subject to be considered at a public hearing, should present a request to the Secretary Board Assistant four (4) working days in advance of the meeting at the office of the Secretary by email, or in person at the Board Assistant's Office, at the Stanley Mosk Library-Courts Building, 914 Capitol Mall, Sacramento California 95814, stating the subject they wish to address, the organization they represent, if any, and the nature of their testimony. Persons wishing to address the Board, who have not presented a request four days in advance, may be heard at the discretion of the presiding officer.
- (2) Copies of Statement. The speaker may provide a written copy of his statement to the Secretary Board Assistant 24 hours in advance of the hearing.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20134. Public Records.

- (a) Inspection of Public Records.
- (1) Inspection of the original copy of any public record of the State Board (as defined in Government Code section 6252(d) and 6254) will be permitted during regular office hours of the State Library, <u>Stanley Mosk</u> Library-Courts Building, <u>914 Capitol Mall</u>, Sacramento California 95814.
- (2) Requests to inspect such records should be filed with the Secretary Board Assistant at least five working days prior to the requested date in order to insure availability.
- (3) Requests for inspection should be as specific as possible in identifying the records desired.
- (4) Original copies of public records shall not be removed from the office the Secretary Stanley Mosk Library-Courts Building.
- (b) Obtaining Copies of Public Records.
- (1) Requests to obtain copies of public records may be made in person or by mail to the office of the Secretary Board Assistant at California Library Services Board, California State Library, P.O. Box 942837, Sacramento, CA 94237-0001.
- (2) Such requests should be as specific as possible in identifying the records desired.
- (3) Certification of the authenticity of copies may be obtained from the Secretary <u>Board</u> <u>Assistant</u>.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

ARTICLE 3. GENERAL PROVISIONS FOR SYSTEMS

§ 20135. System Budget Request and Plan of Service.

- (1) A population profile. This shall be no more than five three years old, and shall use the most current data available.
- (2) A description of the users and the non-users of the services of the members of the System.
- (3) A description of the services provided by the System.
- (4) A list of the major unmet information needs of the population of the System area.
- (5) (4) A plan for the use of CLSA funds, listing each of the services(s) in (3) above which the System plans to maintain or improve, and each of the unmet needs in (4) above which the System plans to address. Under each such service to be provided, the plan shall include:.
- (b) Budget. The System budget shall document in the form and manner prescribed by the State Board the dollar amounts to be expended for providing each System service or addressing each unmet need.
- (d) Membership and Population Figures. The State Board shall periodically, and at least annually, review and approve the membership and population figures, and determine an appropriate funding formula which shall be uniform statewide.

Authority: Section 18724, Education Code. Reference: Section 18724(d), 18710(c), 18710(o), 18740, 18746, and 18747, Education Code.

§ 20136. System Administrative Policy Manual.

Each System participating in programs of the Act must develop by July 1, 1979, a System Administrative Policy Manual which shall include along with any other items the System finds useful, its policies for:

Authority: Section 18724, Education Code. Reference: Section 18710(c), 18710(o), 18740, 18746, and 18747, Education Code.

§ 20140. System Administration.

(a) Cooperative Library Systems. The System Administrative Council shall consist of the head librarian of each jurisdiction in the system. In case of the head librarian's absence, an official delegate or alternate may vote in place of the head librarian. It shall have regular meetings, open and accessible to the public as required in the Ralph M. Brown Act (Govt. Code Section 54950-549613). Information about the meetings of the Council shall be disseminated in such a way and in such languages as the Council determines will most effectively inform the public of the Council's activities. The Council shall provide for the position of a Council Chair-person, and for rotation of that position among the Council members.

Authority: Section 18724, Education Code. Reference: Section 18710(c), 18710(o), 18740, and 18747, Education Code.

ARTICLE 4. SYSTEM REFERENCE

§ 20158. Allowance.

Each System shall receive an annual allowance based on the number of member libraries of the System and on the total population served by that System. The State Board shall periodically, and at least annually, review and approve the membership and population figures, and determine an appropriate funding formula which shall be uniform statewide.

Authority: Section 18724, Education Code. Reference: Section 18724 and 18741(repealed 2016), Education Code.

ARTICLE 5: CONSOLIDATIONS AND AFFILIATIONS

§ 20180. Public Library Consolidations.

- (a) If any two or more contiguous jurisdictions operating public libraries wish to consolidate their libraries into a single library agency and receive establishment grants under Education Code Section 18732, a joint notice of intent signed by the head librarians of the consolidating jurisdictions must be filed with the State Board no later than September 1 of the fiscal year immediately preceding the effective date for consolidation. Authorizations to consolidate, approved by the governing body of each consolidating jurisdiction, and a joint plan for provision of consolidated services, signed by the head librarians, must be filed with the State Board no later than June 1 of the fiscal year immediately preceding the effective date of the consolidation.
- (b) The State Board's approval of requests for library consolidation funds under Education Code Section 18732 shall be based on its determination that the consolidation provides a more effective means of carrying out the purposes of the Act than would be the case if the consolidation did not occur.
- (c) For purposes of determining the eligibility of the consolidating jurisdictions to receive funds under other provisions of the Act, a A public library consolidation approved by the State Board will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the consolidation authorizations are filed.

Authority: Section 18724, Education Code. Reference: Section 18724 and 18726c, Education Code.

§ 20185. System Consolidations.

(a) If any two or more Systems whose borders are contiguous-wish to consolidate and receive a consolidation grant under Education Code Section 18751, a joint notice of intent, approved by the Administrative Councils of the consolidating systems, must be filed with the State Board no later than September 1 of the fiscal year immediately preceding the effective date of consolidation. System participation authorizations approved by the jurisdictional governing body of each of the System's member libraries, and a new system plan of Service and budget, must be filed with the State Board no later than June 1 of the fiscal year immediately preceding the effective date of consolidation. If the State Board approves the consolidation funding request, a grant

shall be awarded for each of the two fiscal years following the fiscal year in which the filing is made.

- (b) The State Board's approval of requests for System consolidation funds under Education Code Section 19851 shall be based on its determination that the consolidation provides a more effective way of carrying out the purposes of the Act than would be the case if the consolidation did not occur.
- (c) For purposes of determining the eligibility of the consolidating systems to receive funds under other provisions of the Act, a A system consolidation approved by the State Board will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the consolidation authorizations are filed.

Authority: Section 18724, Education Code. Reference: Section 18724 and 18726c, Education Code.

§ 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.
- (c) For purposes of determining the eligibility of the affiliating public library or system to receive funds under other provisions of the Act, aAn affiliation will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the affiliation authorization is filed.

Authority: Section 18724, Education Code. Reference: Section 18724 and 18726c, Education Code.

ARTICLE 6. DIRECT LOAN

§ 20203. Residency.

For purposes of this Article, each resident of the State shall be deemed to have a single legal residency, which shall entitle <a href="https://hiery.com/hi

- (a) It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she one returns in seasons of repose.
- (b) There can be only one residence.
- (c) A residence cannot be lost until another is gained.
- (d) The residence of the parent with whom an unmarried minor child maintains his or her their place of abode is the residence of such unmarried minor child.
- (e) A married person shall have the right to retain his or her their legal residence in the State notwithstanding the legal residence or domicile of his or her their spouse.

Authority: Section 18724, Education Code. Reference: Section 18702, 18710(e), 18724, and 18731, Education Code.

§ 20205. Non-Resident Borrower Eligibility.

(a) Hold a valid borrowers card issued by his/her their home library, or

Authority: Section 18724, Education Code. Reference: Section 18702, 18710(e), 18724, and 18731, Education Code.

§ 20215. Reimbursement for Net Direct Loans.

Loan of a library material of any type by a participating public library to an eligible nonresident borrower shall result in reimbursement from the state under Education Code Sections 18731 and 18743 to the extent that the number of such loans exceeds the number of items borrowed by that library jurisdiction's residents from other participating public libraries, during a specific reporting period.

Authority: Section 18724, Education Code. Reference: Section 18731 (repealed 2016) and 18743 (repealed 2016), Education Code

§ 20216. Reporting Requirements.

To obtain reimbursement, participating public libraries shall provide reports in the form and manner, and for the period required. Reports must be submitted by established deadlines. Records in support of claims for state funds must be maintained for four years.

Authority: Section 18724, Education Code. Reference: Section 18731 (repealed 2016) and 18743 (repealed 2016), Education Code

§ 20217. Reimbursable Costs.

Reimbursable costs, expressed on a unit basis, are those handling costs incurred by the lending library in processing a direct loan to a non-resident. The State Board shall periodically review, at least once a year, and approve such cost data, but the reimbursement rate, as adopted, shall be uniform statewide.

Authority: Section 18724, Education Code. Reference: Section 18731 (repealed 2016) and 18743 (repealed 2016), Education Code

ARTICLE 7. COMMUNICATION AND DELIVERY

§ 20235. Definition of Reporting Terms.

In complying with the reporting requirements of Section 20135 each system shall report the following items using the following definitions with respect to the communication, and delivery, and resource sharing programs:

(b) "Item delivered" means the physical-removal of a discrete item from one library to another by means of a delivery van, U.S. Mail, courier service, or other delivery system or the delivery of digital materials. Reasonable judgement shall be exercised in

determining particular "items" status (e.g., a carton containing 10,000 brochures is one - not 10,000 items).

(d) "Other" means that when a system employs communications, or delivery methods, or shared resources, other than those specifically cited on the standard reporting forms, the system must specify the method(s) employed and separately account for the message or delivery volume for each such method. The System must describe the communication, delivery method, or shared resource and the outcome of providing it.

Authority: Section 18724, Education Code. Reference: 18724(d) and 18745, Education Code.

§20236. Inclusion

<u>Unless otherwise prohibited by Education Codes 18745-18746, intra-system communication, delivery and resource sharing includes the acquisition or maintenance of technology or digital transmission products required to locate, create, or make accessible digital, virtual, or electronic material, which may also include telecommunication equipment and its installation along with service fees.</u>

Authority: Section 18724, Education Code. Reference: 18724, 18745 and 18746, Education Code.

ARTICLE 8. INTERLIBRARY LOANS

§ 20251. Scope.

The regulations in this article refer to interlibrary loan activity covered under the provisions of Education Code section 18744 (i.e. System interlibrary loan) and 18765 (i.e. Statewide loan).

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

§ 20252. Intent.

It is the intent of this program of the Act to support the sharing of library resources through interlibrary loan. Library materials needed by a library user and not available in that user's library will be made available to the user via interlibrary loan.

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

§ 20255. Eligibility.

- (a) Public Libraries. Any public library as defined in Education Code section 18710(lj), which has been authorized by its jurisdiction to participate in programs of the Act must participate in the interlibrary loan programs of the Act.
- (b) Libraries Other Than Public Libraries. To be eligible to participate these libraries must be authorized by their own administrative authorities to do so and must file the proper notice with the State Board as outlined in section 20105(c). Further, a library, other than a public library, may be eligible for a reimbursement only for a loan to an

eligible public library. Libraries, other than public libraries, which can become eligible for participation in the interlibrary loan reimbursement programs of the Act include only the following:

- (1) Libraries operated by public schools or school districts. These libraries include only those defined in Education Code section 18710(m).
- (2) Libraries operated by public colleges or universities. These include those academic libraries (Education Code section 18710(a)) which are funded primarily with public funds. Academic libraries potentially eligible for these programs include the libraries of the University of California, of the State University and College System, and of the California Community Colleges.
- (3) Libraries operated by public agencies for institutionalized persons. Libraries for the institutionalized include hospital, correctional, and residential treatment facility libraries which are funded primarily with public funds (i.e. local, state, or federal tax monies). (4) Libraries operated by nonprofit private educational or research institutions. These libraries include those operated by private colleges and universities which maintain nonprofit status under provisions of the federal Internal Revenue Service or the California Franchise Tax laws. These libraries also include those operated by private companies which are primarily devoted to educational or research purposes and which maintain nonprofit status under provisions of the federal Internal Revenue Service or the California Franchise Tax laws. Such libraries may be required by the State Board to furnish proof of their nonprofit status in addition to any other required notices and forms.

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

§ 20257. Reimbursable Transaction.

An interlibrary transaction can result in reimbursement under Education Code sections 18744 and 18765 if it consists of the loan of a library material of any type which is collected by a library or if it consists of the provision of a copy in lieu of loan of a library material, from any eligible, participating lending library to any eligible public library as defined in section 20255 and in Education Code sections 18744 and 18765.

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

§ 20260. Reimbursable Costs.

Reimbursable costs are only those handling costs which a lending library incurs in filling a successfully completed interlibrary loan transaction. The State Board shall periodically, and at least annually, review and approve the cost data and determine an appropriate funding formula which shall be uniform statewide.

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

§ 20265. Participation Requirements.

Participating libraries, both public and nonpublic, shall conform to the following requirements:

- (a) Reporting. To obtain reimbursement a library shall provide by the deadline reporting date, all required reports of its interlibrary loan transactions in an established form and manner determined by the Board for the period required.
- (b) Audit. For audit purposes, a record of the interlibrary loan transactions must be maintained for four years.
- (c) Fees. A library providing an item for interlibrary loan may not collect a handling fee on a transaction for which that library claims an interlibrary loan reimbursement under provisions of this article. A photocopy fee, exclusive of photocopy handling charge, may be collected.
- (d) Direct Loan Availability. Participating libraries shall make maximum use of available bibliographic access tools to refer users to borrow directly from nearby libraries where requested material is easily available, rather than to process an interlibrary loan.
- (e) Responsibility for Borrowed Materials. The borrowing library shall be responsible for all items it borrows, and if such item is lost or damaged by the library or its users, the borrowing library may be required by the lending library to make restitution for the item. (f) Adherence to Standards. All participating libraries shall attempt to follow the standards described in the "California Library Services Act Interlibrary Loan Standards," which is hereby incorporated by reference. The State Board may withhold reimbursements to libraries which continually fail to meet the standards of performance.

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.