

1 **CALIFORNIA LIBRARY SERVICES REGULATIONS**

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

4 **SUBCHAPTER 2. CALIFORNIA LIBRARY SERVICES**

5 **ARTICLE 1. GENERAL PROVISIONS**

6
7 **§ 20100. Scope.**

8 The regulations contained in this chapter shall implement the California Library Services
9 Act, Chapter 4 of Part 11 of Division 1 of Title 1 of the Education Code, beginning with
10 section 18700 thereof.

11 **§ 20101. General Provisions.**

- 12 (a) The State Board finds that it is in the best interests of the citizens of California and
13 best fulfills the purposes of the Act (Chapter 4, part 11, Division 1, Title 1, Education
14 Code) that libraries participating in any one program of the Act participate in all
15 applicable programs of the Act.
- 16 (b) Any public library participating in programs of the Act shall, under section
17 18724~~(g)~~(e) of the Act, provide access to the library's bibliographic and location data
18 upon request from the State Board for inclusion in the appropriate database
19 established by the State Board in implementation of the Act. The access shall be
20 provided in such form, manner, and frequency as are agreed upon between the
21 State Board and the library.
- 22 (c) Funding distributed according to California Library Services Act provisions may not
23 be used to support other than library purposes. To comply with Education Code
24 Section 18703(c), the funding may not be used to replace local funds for library
25 services, but only to supplement the local funding to further the purposes of the Act.
- 26 (d) A public library participating in any program of the Act must participate in the direct
27 loan transaction reporting, whether the library participates in either of the direct loan
28 programs or not. During the designated transaction reporting periods all CLSA
29 participating libraries must record all direct loans made to eligible residents of other
30 jurisdictions whose libraries are participating in the direct loan programs, as long as
31 the handling costs of paid loans are not being covered in whole, or in part, by CLSA
32 funds in addition to direct loan reimbursement funds, LSTA funds, or by funds
33 provided by the jurisdiction of the eligible non-resident.

34 **§ 20103. Waiver of Filing Date.**

35 The State Board may waive or reset any filing dates required by these regulations, if the
36 State Board determines that so doing would best serve the purposes of the Act.

37 **§ 20104. Eligibility to Participate.**

38 Funding under any program of the Act shall be provided only to libraries which are
39 physically and administratively located within California and which meet any additional
40 eligibility criteria required for specific program participation.

1 **§ 20105. General Requirements for Participation.**

- 2 (a) Public Library Participation Authorization. Every public library wishing to participate
3 in any of the programs of the Act must file with the State Board an authorization by
4 the jurisdictional governing body for that library's participation. The authorization
5 must be in the form and manner and be filed by the date specified by the State
6 Board.
- 7 (b) Public Library Certification. Upon the authorization by the jurisdictional governing
8 body, the head librarian of each public library wishing to participate in the programs
9 of the Act must file a certification of compliance with provisions of the Act. This
10 certification shall remain in effect until the library jurisdiction no longer complies with
11 the stated provisions. The certification shall specifically include compliance with
12 Education Code Sections 18703(c) and 18724(e)(d). If the library or jurisdiction is no
13 longer in compliance, the head librarian shall notify the Board no later than thirty
14 days following such a change in compliance status.
- 15 (c) Participation by Libraries other than Public Libraries. The head librarian of such
16 library eligible to participate in any of the programs of the Act and wishing to do so
17 must file with the State Board a notice of its intent to participate and of its agreement
18 to the provisions of the Act and administrative regulations as they apply to the
19 library's participation. This notice shall be filed in such form and manner as specified
20 by the State Board by September 1 of the fiscal year preceding active participation.
21 The agreement shall remain in effect until rescinded by the State Board or the
22 library.
- 23 (d) Reports, Applications, and Claims. Any budget documents, reports, applications,
24 and claims for funds pursuant to this Act shall be submitted by participating libraries
25 in such form and manner and by the dates established by the State Board.
- 26 (e) No public library participating in the programs of the Act may charge its residents, as
27 defined in section 20203, any fee to obtain a library card nor for services for which it
28 is receiving reimbursement under the California Library Services Act.
- 29 (f) The California Library Services Board believes that it is in the best interests of the
30 citizens of California that the information services of public libraries be provided free
31 of charge.

32 **§ 20106. Uniform Population Statistics.**

33 Any funds distributed per capita shall be awarded using the most recently published and
34 available combined estimate for cities and counties from the California State
35 Department of Finance.

36 **§ 20107. Definitions.**

- 37 (a) The definitions concerning California Library Services Act components set forth in
38 Education Code Section 18710 are hereby incorporated by reference, with additions
39 as noted in subsection (b) of this section. ~~The definitions incorporated by reference~~
40 ~~are accurate to California Statutes 1979-2016.~~
- 41 (b) Additions to the regulations hereby incorporated are as follows:
42 (1) "Board Assistant" means the Administrative Assistant II position designated to
43 the Board
44 ~~(1)(2) "Chief Executive Officer" means the State Librarian.~~

1 (2) “Home Library” means the public library within whose taxing area a person
2 resides.

3 ~~(2)(3)~~ “President” means the elected President of the Board.

4 ~~(3)(4)~~ “Public library affiliation” means the formal and legal joining to a System (i.e.
5 the obtaining of full System membership status) by a public library not previously
6 a member of any System. A Public Library Affiliation is not considered complete
7 until all necessary local System and jurisdictional agreements have been
8 approved and are in force, and the State Board has approved the affiliation.

9 ~~(4)(5)~~ “Public library consolidation” means the formal and legal joining of the
10 functions, services, operations, etc. of two or more formerly independent public
11 libraries into a single public library, as defined in Education Code Section 18710
12 (f). A Public Library Consolidation is not considered complete until all necessary
13 local jurisdictional agreements have been approved and are in force, and the
14 State Board has approved the consolidation (see Administrative Code Section
15 20180, below).

16 (6) “Resource Sharing” refers to the allowed use or application of a resource
17 created, purchased, or leased by one (1) or more participating libraries’ with
18 three (3) or more participating libraries.

19 ~~(5) Reference collection. Reference collection means a collection of materials, both~~
20 ~~print and non-print, designed primarily for use in answering requests for~~
21 ~~information.~~

22 ~~(6) Reference specialist. Reference specialist means a trained and experienced~~
23 ~~librarian who can provide reference referral services and who can also~~
24 ~~understand how to approach the community in general and the underserved in~~
25 ~~particular, together with appropriate skills in analysis of information needs and~~
26 ~~design and implementation of reference programs responsive to those needs. A~~
27 ~~reference specialist may be employed in providing any of the services for which~~
28 ~~he/she is qualified.~~

29 ~~(7) “Secretary” means the Executive Secretary of the Board.~~

30 ~~(8) “State Board” means the California Library Services Board.~~

31 ~~(9)(7)~~ “System consolidation” means the formal and legal joining of geographic
32 service areas, functions, operations, etc. of two or more formerly separate
33 Systems into a single Cooperative Library System, as defined in Education Code
34 Section 18710(c). A System Consolidation is not considered complete until all
35 necessary local System consolidation agreements have been approved and are
36 in force, and until the State Board has approved the consolidation (see
37 Administrative Code Section 20185, below).

38 ~~(10)(8)~~ “Valid non-resident borrowers card” means a card that is issued free of
39 charge by a public library to a resident of another jurisdiction which maintains a
40 public library, as long as such card meets all of the legal requirements of the
41 issuing library.

42 ~~(11)(9)~~ “Vice-President” means the elected Vice-President of the Board.

45 **ARTICLE 2. CALIFORNIA LIBRARY SERVICES BOARD PROCEDURES**

46 **§ 20116. Officers of the State Board.**

1 The State Board shall elect a President and Vice-President. The State Librarian shall be
2 the Chief Executive Officer of the State Board.

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

5 (b) Should a vacancy occur in the Office of President or Vice-President, the State Board
6 shall at its ~~next~~ next regular meeting elect one of its members to fill such vacancy for
7 the remainder of the term.

8 (c) Duties of President. The President shall preside at all meetings of the State Board,
9 shall execute for the State Board any documents requiring such execution, and shall
10 perform such other duties as the State Board so provides.

11 (d) Duties of Vice-President. The Vice-President shall in the absence of the President
12 perform any of the duties of President that cannot reasonably await the President's
13 return.

14 (e) Duties of the Chief Executive Officer.

15 (1) Make such reports and recommendations to the State Board as he deems
16 desirable and appropriate or as may be required by the State Board.

17 (2) Administer the provisions of this chapter.

18 (3) Review all claims to ensure programmatic and technical compliance with the
19 provisions of this chapter.

20
21 **§ 20117. Quorum.**

22 A quorum for all State Board meetings shall be seven (7) members. The concurrence of
23 7 of its members shall be necessary to the validity of all actions of the State Board.

24 **§ 20118. Regular Meetings.**

25 (a) Date. Regular meetings of the State Board shall take place at least ~~bi-monthly on~~
26 ~~the third Thursday of the months of February, April, June, August, October; the~~
27 ~~December meeting shall be held in conjunction with the California Library~~
28 ~~Association conference~~ once twice each year.

29 (b) Place. The tentative time of year and locations for the regular meetings ~~of~~ in the
30 ~~following~~ forthcoming calendar year shall be determined ~~annually~~, at the last regular
31 meeting of the calendar year.

32 (c) Change of date or place. Nothing in this regulation shall be construed to prevent the
33 State Board from altering its regular meeting dates or ~~places of meeting~~ location.

34 (d) Meeting notice. ~~A notice of regular meetings shall be provided at least seven days~~
35 ~~prior to the meeting date to any person annually requesting such notice under~~
36 ~~section 20119 below. Such notice shall include the time, date, and place of the~~
37 ~~regular meeting and a copy of the agenda therefor~~ Notices of regular meetings shall
38 comply with all requirements laid out in Government Code sections 11120-11131.

39 (e) Any person or organization desiring to receive notice(s) of State Board meetings
40 may email the current Board Assistant or direct the request to: California Library
41 Services Board, State Librarian's Office, California State Library, P.O. Box 942837,
42 Sacramento, CA 94237-0001.

43 **§ 20119. Notices.**

44 (a) ~~Eligibility. Notice of any regular or special public meeting of the State Board shall be~~

1 ~~given to any person annually requesting under section 20119(b).~~

2 ~~(b) Procedure. Individuals and organizations wishing to receive notice of regular and~~
3 ~~special meetings of the State Board and copies of the agenda may annually request the~~
4 ~~Secretary to include their names on the mailing list. Inclusion on the mailing list will~~
5 ~~result in notification to the addressee of all regular and special meetings of the State~~
6 ~~Board. The Secretary shall annually notify interested agencies and organizations that,~~
7 ~~upon request, they are entitle to be placed on the mailing list.~~

8 **§ 20120. Open Meetings of Committees, Commissions, and Advisory Bodies.**

9 (a) State Board Committees. Meetings of State Board committees composed solely of
10 members of the State Board, created by a formal action of the State Board, shall be
11 open and public.

12 (b) Advisory Bodies. Unless otherwise provided by law, meetings of any advisory body,
13 or committees or subcommittees thereof, created by statutes or by formal action of
14 the State Board, to advise or report or recommend to the State Board, shall be open
15 and public.

16 **§ 20121. Open Meetings.**

17 All meetings of the State Board will be open and public except for executive sessions
18 authorized by Government Code Sections 11120- 11131.

19 **§ 20122. Special Meetings.**

20 Special meetings may be called by the President of the State Board or a majority of the
21 members thereof for any stated purpose. ~~Notice of such meetings shall be provided at~~
22 ~~least 24 hours in advance to those persons so requesting under section 20119(b).~~

23 Special meetings shall comply with all special meeting provisions in Government Code
24 sections 11120-11131.

25 **§ 20123. Emergency Meetings and Agenda Items.**

26 (a) Power. An emergency meeting may be called by the President of the State Board or
27 a majority of the members thereof without providing the notice required by ~~section~~
28 section 20118(d) if there is an unforeseen emergency condition in existence.

29 (b) Definition. An unforeseen emergency condition exists when there is an immediate
30 threat of adverse effects on the program authorized by the Act of such scope that
31 requires action of the State Board to avert such effects.

32 (c) Agenda Items. An item may be included on the agenda of any regular meeting if an
33 unforeseen emergency condition exists without the notice required by ~~section 20119~~
34 section 20118(d).

35 (d) Certification. Concurrence of 7 of the members is required to certify that an
36 emergency condition exists in order to take any action at an emergency meeting or
37 regarding an emergency item.

38 (e) Notice. If reasonably possible, notice of the emergency item or meeting shall be
39 provided to those so requesting under ~~section 20119(b)~~20118(e). Lack of such
40 notice shall not invalidate any action taken on said item or at said meeting.

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1 **§ 20124. Agenda.**

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

8 **§ 20125. Speakers.**

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

17 **§ 20127. Robert's Rules of Order.**

18 Except where the provisions of the California Library Services Act of ~~1977~~2016 or of
19 these regulations provide to the contrary, or when the State Board determines
20 otherwise, the State Board shall operate under the latest edition of Robert's Rules of
21 Order.

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23 **§ 20130. Public Hearings.**

- 24 (a) Notice. The State Board may hold a public hearing regarding any matter pending
25 before it, after giving the 45-day notice as required by the California Administrative
26 Procedures Act. Such notice shall include adequate descriptive matter relating to the
27 subjects to be considered in hearing.
28 (b) Alternative hearing. The State Board may direct that a public hearing be held before
29 staff of the State Library, an advisory commission to the State Board, or a standing
30 or ad hoc committee of the State Board regarding any matter which is, or is likely to
31 be, pending before the State Board.
32 (c) Speakers.
33 (1) Notice. Persons wishing to address the State Board on a subject to be
34 considered at a public hearing, should present a request to the ~~Secretary~~ Board
35 Assistant four (4) working days in advance of the meeting ~~at the office of the~~
36 Secretary by email, or in person at the Board Assistant's Office, at the Stanley
37 Mosk Library-Courts Building, 914 Capitol Mall, Sacramento California 95814,
38 stating the subject they wish to address, the organization they represent, if any,
39 and the nature of their testimony. Persons wishing to address the Board, who
40 have not presented a request four days in advance, may be heard at the
41 discretion of the presiding officer.

- 1 (2) Copies of Statement. The speaker may provide a written copy of his statement to
2 the ~~Secretary~~ Board Assistant 24 hours in advance of the hearing.
- 3 (3) Public Testimony. At or before the hearing at which oral comments from the
4 public are to be received, the State Board or other hearing body shall determine
5 the total amount of time that will be devoted to hearing such oral comments, and
6 may, at its discretion, determine the time to be allotted to each person or to each
7 side of an issue.

8 **§ 20131. Waiver by Presiding Officer.**

9 At any time upon a showing of good cause, the presiding officer of the hearing may
10 waive the requirements of Sections 20130.

11 **§ 20134. Public Records.**

12 (a) Inspection of Public Records.

13 (1) Inspection of the original copy of any public record of the State Board (as defined
14 in Government Code section 6252(d) and 6254) will be permitted during regular
15 office hours of the State Library, Stanley Mosk Library-Courts Building, 914
16 Capitol Mall, Sacramento California 95814.

17 (2) Requests to inspect such records should be filed with the ~~Secretary~~ Board
18 Assistant at least five working days prior to the requested date in order to insure
19 availability.

20 (3) Requests for inspection should be as specific as possible in identifying the
21 records desired.

22 (4) Original copies of public records shall not be removed from the ~~office the~~
23 Secretary Stanley Mosk Library-Courts Building.

24 (b) Obtaining Copies of Public Records.

25 (1) Requests to obtain copies of public records may be made in person or by mail to
26 the ~~office of the Secretary~~ Board Assistant at California Library Services Board,
27 California State Library, P.O. Box 942837, Sacramento, CA 94237-0001.

28 (2) Such requests should be as specific as possible in identifying the records
29 desired.

30 (3) Certification of the authenticity of copies may be obtained from the ~~Secretary~~
31 Board Assistant.

32
33 **ARTICLE 3. GENERAL PROVISIONS FOR SYSTEMS**

34 **§ 20135. System Budget Request and Plan of Service.**

35 Each System participating in programs of the Act shall adopt a System Plan of Service
36 and prepare a budget for carrying out the objectives of the Plan. After approval by the
37 Administrative Council, the System budget request and Plan of Service shall be
38 annually submitted to the State Board by June 1 of the fiscal year immediately
39 preceding the fiscal year for which funds are requested.

- 1 (a) Plan of Service. The annual Plan of Service shall describe in the form and manner
2 prescribed by the State Board how the System proposes to carry out the purposes of
3 the Act, and it shall include information relative to the following statements
4 (1) A population profile. This shall be no more than ~~five~~ three years old, and shall
5 use the most current data available.
6 (2) A description of the users ~~and the non-users~~ of the services of the members of
7 the System.
8 (3) A description of the services provided by the System.
9 ~~(4) A list of the major unmet information needs of the population of the System area.~~
10 ~~(5) (4) A plan for the use of CLSA funds, listing each of the services(s) in (3) above~~
11 ~~which the System plans to maintain or improve, and each of the unmet needs in (4)~~
12 ~~above which the System plans to address. Under each such service to be provided,~~
13 ~~the plan shall include:.~~
14 (b) Budget. The System budget shall document in the form and manner prescribed by
15 the State Board the dollar amounts to be expended for providing each System
16 service ~~or addressing each unmet need.~~
17 (c) In addition, each System shall file by September 1 of each year a report, in the form
18 and manner prescribed by the State Board for the fiscal year just ended, that
19 describes actual accomplishments and expenditures of the System program,
20 compares them with the planned accomplishments and expenditures for the fiscal
21 year reported and includes other appropriate commentary.
22 (d) Membership and Population Figures. The State Board shall periodically, and at least
23 annually, review and approve the membership and population figures, and
24 determine an appropriate funding formula which shall be uniform statewide.

25 **§ 20136. System Administrative Policy Manual.**

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

- 29 (a) Receiving and accounting for state and federal funds on behalf of the System.
30 (b) Employment of System personnel.
31 (c) Executing the System programs approved by the State Board. Policy manuals shall
32 be in conformity with the California Library Services Act. Policy manuals shall be
33 kept current.

34 **§ 20140. System Administration.**

- 35 (a) Cooperative Library Systems. The System Administrative Council shall consist of the
36 head librarian of each jurisdiction in the system. In case of the head librarian's
37 absence, an official delegate or alternate may vote in place of the head librarian. It
38 shall have regular meetings, open and accessible to the public as required in the
39 Ralph M. Brown Act (Govt. Code Section 54950-54964~~3~~). Information about the
40 meetings of the Council shall be disseminated in such a way and in such languages

1 as the Council determines will most effectively inform the public of the Council's
2 activities. The Council shall provide for the position of a Council Chair-person, and
3 for rotation of that position among the Council members.

4 **ARTICLE 4. SYSTEM REFERENCE**

5 **§ 20158. Allowance.**

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

11 **ARTICLE 5: CONSOLIDATIONS AND AFFILIATIONS**

12 **§ 20180. Public Library Consolidations.**

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

32 **§ 20185. System Consolidations.**

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

1 ~~request, a grant shall be awarded for each of the two fiscal years following the fiscal~~
2 ~~year in which the filing is made.~~

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

12 **§ 20190. Public Library Affiliation with an Existing System.**

- 13 (a) ~~If any jurisdiction, not previously a member of any System, joins a System with~~
14 ~~borders contiguous to the jurisdiction, and the System wishes to receive an affiliation~~
15 ~~grant under Education Code Section 18752, the administrative body of the System~~
16 ~~shall file a notice of intent and the jurisdictional governing body of the affiliating~~
17 ~~library shall file an affiliation authorization with the State Board.~~
- 18 (b) ~~The State Board's approval of requests for affiliation shall be based on its~~
19 ~~determination that the proposed membership is at least as effective a way of~~
20 ~~carrying out the purposes of the Act as would be the case if the membership were~~
21 ~~with a System other than the one joined.~~
- 22 (c) ~~For purposes of determining the eligibility of the affiliating public library or system to~~
23 ~~receive funds under other provisions of the Act, a An affiliation will be considered~~
24 ~~effective beginning July 1 of the fiscal year immediately following the fiscal year in~~
25 ~~which the affiliation authorization is filed.~~

26 **§ 20192. Public Library Withdrawal from System Membership.**

- 27 (a) ~~If a member library does not retain its membership in any System participating in the~~
28 ~~programs of the Act, the System shall notify the State Board no later than three~~
29 ~~months preceding the beginning of the fiscal year in which the withdrawal takes~~
30 ~~effect.~~
- 31 (b) ~~Any System failing to provide the notice required in Section 20192(a) may be~~
32 ~~required to return to the State Board any funds allocated to it on the basis of the~~
33 ~~withdrawing library's membership, if the Chief Executive Officer determines that such~~
34 ~~funds would not have been allocated had the required notice been provided.~~

35 **§ 20195. Public Library Change of System Membership.**

36 ~~If any jurisdiction at present or previously a member of a System which has received~~
37 ~~state funds pursuant to that jurisdiction's membership, wishes to join another System~~
38 ~~instead, and if the library and the System it proposes to join wish to receive state funds~~
39 ~~pursuant to that jurisdiction's membership under Article 5 of the Act, the governing body~~
40 ~~of the jurisdiction and the administrative body of the System it proposes to join shall file~~
41 ~~a joint notice of intent with the State Board. The notice shall be filed by September 1 of~~
42 ~~the year preceding any July 1 of the first full fiscal year for which state funds pursuant to~~

1 the new membership are requested. The State Board shall approve all appropriate state
2 fund payments to the System under Article 5 of the Act only if it determines that the new
3 membership results in a more effective statewide method of carrying out the purposes
4 of the Act than would be the case if the jurisdiction retained or resumed the System
5 membership it had previously. If the State Board does not make such a determination in
6 favor of the new membership, then the new System's funding under Article 5 of the Act
7 shall be calculated on the basis of the System comprising only those public library
8 jurisdictions whose membership is approved.

9 **ARTICLE 6. DIRECT LOAN**

10 **§ 20200. Scope.**

11 Except where otherwise specified, the regulations contained in the Article apply both to
12 Education Code Section 18731 (Universal Borrowing) and Education Code Section
13 18743 (Equal Access) of the Act.

14 **§ 20203. Residency.**

15 For purposes of this Article, each resident of the State shall be deemed to have a single
16 legal residency, which shall entitle ~~him/her~~ them to resident library services of the
17 jurisdiction in which ~~he/she~~ they resides, and such services shall not be reimbursable
18 under this Article. In determining the places of residency, the following rules as
19 ~~excepted from provided in~~ Government Code section 244 shall be observed:

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

29 **§ 20205. Non-Resident Borrower Eligibility.**

30 An eligible non-resident borrower must be a resident of California,

- 31 (a) Hold a valid borrowers card issued by ~~his/her~~ their home library, or
32 (b) Hold or obtain a valid non-resident borrowers card issued by any California public
33 library, or
34 (c) Hold a valid state borrowers identification card issued by any California public
35 library;
36 (d) And present any additional identification normally required by a library of its own
37 residents.
38 (e) Nothing in this section shall prevent the issuing of a non-resident card or charging of
39 fees to a resident of another state, except that loans to such non-residents shall not
40 be counted as reimbursable transactions.

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§ 20206. Valid Identification.

The lending library must be supplied with the name and current address of the borrower and the name of the library jurisdiction in which the borrower maintains his or her legal residency.

§ 20210. Exchange of Local Funds Prohibited.

Libraries participating in direct loan programs authorized by the Act, shall not charge other jurisdictions for borrowing privileges extended to their residents, except that contracts for loan or other services provided within a defined geographic area by a library jurisdiction to residents of another jurisdiction not served by their library jurisdiction are not prohibited. Persons served under such contracts are to be registered as residents of the jurisdiction providing the contract service.

§ 20211. Maintenance of Local Service Standards.

It is the intent of this Article that local service standards be maintained:

- (a) Extension of borrowing privileges by libraries to non-residents, should not adversely affect the level of service provided by the home library to its own residents.
- (b) No library jurisdiction may reduce or fail to maintain or improve the level of service to its residents for the purpose of placing undue reliance on the library services of neighboring library jurisdictions.

~~**§ 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.~~

~~**§ 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.~~

~~**§ 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.~~

ARTICLE 7. COMMUNICATION AND DELIVERY

§ 20235. Definition of Reporting Terms.

In complying with the reporting requirements of Section 20135 each system shall report

1 the following items using the following definitions with respect to the communication,
2 and delivery, and resource sharing programs:

- 3 (a) "Message" means the transmission of a discrete body of information from one library
4 to another by means of a telecommunications system to a single individual or
5 institutional addressee. Many separate items of information may be contained in a
6 single message. The same body of information transmitted to several addressees at
7 physically distinct locations constitutes several, not one, messages. Written
8 information physically conveyed by delivery van, U.S. Mail, or other courier services
9 is not considered a "message" for communications and delivery reporting purposes.
- 10 (b) "Item delivered" means the physical-removal of a discrete item from one library to
11 another by means of a delivery van, U.S. Mail, courier service, or other delivery
12 system or the delivery of digital materials. Reasonable judgement shall be exercised
13 in determining particular "items" status (e.g., a carton containing 10,000 brochures is
14 one -not 10,000 items).
- 15 (c) "Frequency/schedule of delivery service" means that specific (daily, twice weekly,
16 weekly, etc.) frequency of delivery service received by member libraries. If not all
17 members receive the same frequency of delivery service the number of member
18 libraries served on each differing schedule must be reported.
- 19 (d) "Other" means that when a system employs communications, ~~or~~ delivery methods,
20 or shared resources, other than those specifically cited on the standard reporting
21 forms, the system must specify the method(s) employed and separately account for
22 the message or delivery volume for each such method. The System must describe
23 the communication, delivery method, or shared resource and the outcome of
24 providing it.

25 **§20236. Inclusion**

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

31 **ARTICLE 8. INTERLIBRARY LOANS**

32 **§ 20251. Scope.**

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

36 **§ 20252. Intent.**

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

40 **§ 20255. Eligibility.**

41 (a) ~~Public Libraries. Any public library as defined in Education Code section 18710(lj),~~

1 which has been authorized by its jurisdiction to participate in programs of the Act must
2 participate in the interlibrary loan programs of the Act.

3 ~~(b) Libraries Other Than Public Libraries. To be eligible to participate these libraries
4 must be authorized by their own administrative authorities to do so and must file the
5 proper notice with the State Board as outlined in section 20105(c). Further, a library,
6 other than a public library, may be eligible for a reimbursement only for a loan to an
7 eligible public library. Libraries, other than public libraries, which can become eligible for
8 participation in the interlibrary loan reimbursement programs of the Act include only the
9 following:~~

10 ~~(1) Libraries operated by public schools or school districts. These libraries include only
11 those defined in Education Code section 18710(m).~~

12 ~~(2) Libraries operated by public colleges or universities. These include those academic
13 libraries (Education Code section 18710(a)) which are funded primarily with public
14 funds. Academic libraries potentially eligible for these programs include the libraries of
15 the University of California, of the State University and College System, and of the
16 California Community Colleges.~~

17 ~~(3) Libraries operated by public agencies for institutionalized persons. Libraries for the
18 institutionalized include hospital, correctional, and residential treatment facility libraries
19 which are funded primarily with public funds (i.e. local, state, or federal tax monies).~~

20 ~~(4) Libraries operated by nonprofit private educational or research institutions. These
21 libraries include those operated by private colleges and universities which maintain
22 nonprofit status under provisions of the federal Internal Revenue Service or the
23 California Franchise Tax laws. These libraries also include those operated by private
24 companies which are primarily devoted to educational or research purposes and which
25 maintain nonprofit status under provisions of the federal Internal Revenue Service or the
26 California Franchise Tax laws. Such libraries may be required by the State Board to
27 furnish proof of their nonprofit status in addition to any other required notices and forms.~~

28 **~~§ 20257. Reimbursable Transaction.~~**

29 ~~An interlibrary transaction can result in reimbursement under Education Code sections
30 18744 and 18765 if it consists of the loan of a library material of any type which is
31 collected by a library or if it consists of the provision of a copy in lieu of loan of a library
32 material, from any eligible, participating lending library to any eligible public library as
33 defined in section 20255 and in Education Code sections 18744 and 18765.~~

34 **~~§ 20260. Reimbursable Costs.~~**

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

39 **~~§ 20265. Participation Requirements.~~**

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

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