

NEW JERSEY ADMINISTRATIVE CODE
TITLE 15. DEPARTMENT OF STATE
CHAPTER 22. LIBRARY NETWORK SERVICES
SUBCHAPTER 1. GENERAL PROVISIONS

Authority

AUTHORITY: N.J.S.A. 18A:4-14, 18A:74-3.3, 18A:74-6 and 18A:74-10; Reorganization Plan No. 002-1996.

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Chapter Expiration Date

Chapter 22, Library Network Services, expires on June 15, 2010.

N.J.A.C.

15:22-1.1. Scope and purpose

The rules set forth in this chapter provide for the establishment and designation of regions and regional library cooperatives designed to promote the cooperative use of services and materials of all types of libraries in the State through the provision of library services on a regional as well as a Statewide basis, pursuant to the provisions of P.L. 1983, c.486 (N.J.S.A. 18A:73-35a et seq.), known as the Library Network Law.

N.J.A.C.

15:22-1.2. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Academic library" means a library within a publicly or privately supported institution of higher education.

"Council of members" means the voting representatives of the members of the regional library cooperative.

"Institutional library" means a library within an adult or juvenile residential facility or day training center, other than a public school, administered and substantially funded by State, county or municipal funds to carry out health, welfare, educational and correctional programs.

"Interlibrary loan" means a transaction between libraries, a form of resource sharing by which one library's collection is utilized by another library in response to a mediated request for a specific item on behalf of its users. The original or a copy of the item may be provided.

"Lay representative" means a New Jersey resident who is not eligible for a certificate as a professional librarian, associate educational media specialist or educational media specialist and is not in the employ of any New Jersey library or library-related agency defined in this chapter. Members of library boards of trustees shall be considered lay representatives.

"Library materials" means print and nonprint items.

"Library network" means all libraries in all regional library cooperatives, the State Library, and any other libraries providing services to other libraries.

"Library region" means a multi-county area designated by the State Librarian as the geographic area within which libraries may establish a regional library cooperative.

"Library-related agency" means a county audio-visual aids commission established under N.J.S.A. 18A:51; learning resource center; regional curriculum services unit; or any other nonprofit organization meeting the criteria for membership in the regional library cooperative in accordance with N.J.A.C. 15:22-1.5(b).

"Local library cooperative" means a group of academic libraries, institutional libraries, public libraries, school libraries, special libraries and library-related agencies, or any combination thereof, which is organized as a nonprofit corporation pursuant to N.J.S.A. 15A:1-1 et seq. to provide cooperative or reciprocal library services.

"Multitype" means libraries of more than one type (academic, institutional, public, school and special) and library-related agencies.

"Public library" means a municipal, county, association, or joint library which receives public funding.

"Reference service" means the response to user needs by either mediated question handling or non-mediated access to information. A mediated reference transaction involves the use, recommendation or instruction in the use of one or more information sources, or referral to such sources elsewhere, by a member of the reference/information staff. A non-mediated reference transaction is the use of resources without the assistance of reference/information staff.

"Regional contract library" means a library, library-related agency, local library cooperative, or commercial vendor with which the regional library cooperative contracts for the purpose of providing regional library services.

"Regional library cooperative" means a membership organization of libraries and library-related agencies within a library region organized as a nonprofit corporation pursuant to N.J.S.A. 15A:1-1 et seq. which has agreed to provide and receive cooperative service and which has been designated a regional library cooperative by the State Librarian.

"Residents" means persons residing, employed, attending school, or who own property in the library region.

"School district" means an operating school district as listed in the current New Jersey State Department of Education directory. For the purposes of this program, every school (public and nonpublic) located within a district so listed shall be considered a member of the district.

"School library" means a library/media center within any publicly or privately supported elementary or secondary school, or in any post-secondary vocational or technical school.

"Special library" means a library/information center of a business, a professional, scientific, or trade association, a government, hospital or other for-profit or nonprofit institution or organization which provides that organization with information, library materials, and technical bibliographic and research services.

"State contract library" means a library, library-related agency, local library cooperative, or commercial vendor with which the State Library contracts for the purpose of providing library services.

N.J.A.C.

15:22-1.3. Designation of library regions

(a) The State Librarian, with the approval of Thomas Edison State College, shall designate no more than seven library regions within the State. No county shall be divided among two or more

library regions. The library regions shall be established on the basis of, but not limited to, the following considerations:

1. Population;
2. Population density;
3. Number and types of libraries and library-related agencies;
4. Information resources;
5. Marketing and transportation patterns;
6. Contiguity of municipalities.

(b) The State Librarian shall review the designated library regions at least every five years and make revisions if appropriate.

(c) Voting members of a regional library cooperative located within the same county may request that the county be transferred to a different library region when a majority of the members in that county vote for such a transfer.

(d) If a request for a transfer from one library region to another has been denied, the appeals and hearing process as specified in N.J.A.C. 15:22-1.18 shall be followed.

N.J.A.C.

15:22-1.4. Regional library cooperative; formation

(a) Upon approval by the State Librarian of the plan for service and the plan and budget for the first year of operation of the regional library cooperative, the State Librarian shall establish and designate the regional library cooperative.

1. Each duly established and designated regional library cooperative shall be eligible for an initial appropriation to fund the first year of operation of the regional library cooperative, in accordance with a plan and budget submitted to, and approved by the State Librarian.

2. Applicants whose request to be designated as a regional library cooperative has been denied may proceed with the appeals and hearing process described in N.J.A.C. 15:22-1.18.

(b) The established and designated regional library cooperative shall constitute a council of members and shall be incorporated as a nonprofit corporation pursuant to N.J.S.A. 15A:1-1 et seq. The council of members shall organize, elect an executive board, and adopt bylaws within six months.

N.J.A.C.

15:22-1.5. Regional library cooperative: organization and membership

(a) All members of a regional library cooperative are members of the New Jersey Library Network and shall be eligible to receive and participate in the regional and Statewide services of the Network.

(b) To be eligible to become a member of a regional library cooperative, a library or library-related agency shall have explicit service objectives, a fixed location and regular hours of service, an organized collection of information and materials accessible for use by its designated clientele, and qualified and responsible staff. Its organizational structure shall be identifiable with a legal basis for operation and an established funding pattern. It shall be willing and able to contribute to the appropriate services and programs as determined by the regional library cooperative, and mutually agreed upon.

(c) The board of governance or the appropriate administrative authority for each eligible library and library-related agency that wishes to become a member of the regional library cooperative shall take official action as specified by the State Librarian to join the regional library cooperative.

(d) The executive board of the regional library cooperative shall review each application for membership in the regional library cooperative and shall take official action by approving or

disapproving membership. If an application for membership is disapproved by the executive board, the appeals and hearing process as specified in N.J.A.C. 15:22-1.18 shall be followed.

N.J.A.C.

15:22-1.6. Voting

(a) Each academic library, institutional library, public library, special library, and each library-related agency which is a member of a regional library cooperative shall have one vote in the council of members except as specified in (a)1 and 2 below. The voting representative shall be appointed by the board of governance or the appropriate administrative authority of the library or library-related agency.

1. The academic libraries which are members of a regional library cooperative and are located on a single campus shall have one vote in the council of members. The board of governance or the appropriate administrative authority for the campus shall appoint one voting member to the council of members.

2. The institutional libraries which are members of the regional library cooperative and which are part of a single institution shall have one vote in the council of members. The board of governance or the appropriate administrative authority for each institution shall appoint one voting member to the council of members.

(b) The public school libraries which are members of a regional library cooperative and are located within a single operating public school district shall be considered a single entity and shall have one vote in the council of members. They shall elect one voting representative from among themselves, whose appointment shall be subject to the approval of the chief school administrator and the district board of education.

(c) The private and parochial school libraries which are members of a regional library cooperative and are located within a single operating public school district shall be considered a single entity and shall have one vote in the council of members. They shall elect one voting representative from among themselves.

N.J.A.C.

15:22-1.7. Duties of council of members

(a) The duties of the council of members of the regional library cooperative shall include, but not be limited to, the following:

1. Review and adopt bylaws, which are subject to approval by the State Librarian;
2. Elect members of the executive board;
3. Approve the three-year plan and its annual operating program; and
4. Approve the annual budget.

N.J.A.C.

15:22-1.8. Executive board: organization and duties

(a) The executive board shall be composed of a minimum of nine and a maximum of 15 members to include at least:

1. Five members elected by the council of members of the regional library cooperative: one each from an academic library, an institutional library, a public library, a school library and a special library. If an institutional representative is not available, that position may be filled by an at-large representative;

2. Two members at large elected by the council of members of the regional library cooperative;

3. Two lay representatives elected in accordance with the bylaws adopted by the regional library cooperative. Each must reside within the designated area of the regional library cooperative; and

4. Additional members, up to a maximum of six, who shall be elected in accordance with bylaws adopted by the council of members of the regional library cooperative.

(b) The executive board shall be governed by the bylaws adopted by the council of members of the regional library cooperative and all board meetings shall be conducted in accordance with the Open Public Meetings Act pursuant to N.J.S.A. 10:4-6.

(c) The duties of the executive board shall be to:

1. Hire an executive director and any necessary additional staff, fix their compensation and establish terms and conditions of employment;

2. Develop the three-year plan and submit it to the council of members of the regional library cooperative for approval;

3. Develop the annual operating program and budget and any revisions to the three-year plan and submit them in writing to the council of members of the regional library cooperative for approval;

4. Contract with libraries, library-related agencies, local library cooperatives, commercial vendors, individuals, or any other designated regional library cooperative as may be necessary to implement the three-year plan for the regional library cooperative;

5. Receive and disburse all income;

6. Submit quarterly a written report, either in paper or electronic form, including a financial report to the membership of the regional library cooperative and to the State Librarian;

7. Submit the three-year plan, the annual update, and the annual budget to the State Librarian for review and approval; and

8. Submit to the State Librarian an annual report, including a program evaluation and financial audit, and any additional reports as the State Librarian may require.

N.J.A.C.

15:22-1.9. Executive board; term of office

(a) Members of the first executive board shall be elected for staggered terms of one, two and three years, with terms to be apportioned among the total members. Thereafter, each member of the executive board shall be elected for a term of three years.

(b) No member of the executive board shall serve for more than two consecutive terms. Upon serving two consecutive terms, a member of the executive board may serve again only after an interim of at least two years.

(c) Vacancies shall be filled for the unexpired term in accordance with the provisions of the bylaws.

N.J.A.C.

15:22-1.10. Executive director; appointment and duties

(a) The executive director hired by the executive board of the regional library cooperative shall be eligible for State certification as a professional librarian available through the licensing authority, Thomas Edison State College, or educational media specialist by the State Department of Education.

(b) The duties of the executive director shall include, but not be limited to, the following:

1. Coordinate and administer the activities, programs and services of the regional library cooperative;
2. Supervise the staff of the regional library cooperative;
3. Assist in developing the five-year plan for executive board review and council of members' approval;
4. Assist in developing the annual program and budget for review by the executive board and approval of the council of members of the regional library cooperative;
5. Negotiate all contracts for executive board approval; and
6. Attend meetings of the executive board and of the regional library cooperative.

N.J.A.C.

15:22-1.11. Regional library cooperative; responsibilities and services

(a) Within one year following establishment and designation as a regional library cooperative and receipt of an initial appropriation, each regional library cooperative shall submit for approval by the State Librarian a three-year plan for regional library cooperative services and annual program and operating budget in support of the plan.

(b) Annually thereafter, each regional library cooperative shall submit for approval by the State Librarian any revisions to its three-year plan and an annual program and operating budget in support of the plan.

(c) The goals, objectives, programs, and activities specified in a three-year plan for regional library cooperative services shall provide that:

1. All contracts meet applicable Federal and State rules;
2. The terms and conditions of all contracts be part of and made consistent with the goals, objectives, programs and activities of the plan; and
3. All contract services be provided to member libraries, library-related agencies and residents of the library region in accordance with the plan.

(d) In order to provide to every resident of New Jersey full and equal access to the collective library resources of the State, the State Library shall assure that the following services are provided in each region:

1. Information/reference services to supplement those provided by each local library, including interlibrary reference and referral services to residents of the library region;
2. Interlibrary loan/document delivery services on behalf of residents of the library region;
3. Delivery services for library materials including surface and electronic delivery;
4. Technology initiatives designed to maximize interconnectivity of the State's information resources and those seeking to access them;
5. Technical support services for local library staff to maximize effective use of regional services; and
6. Continuing education for local library staff, particularly in areas that will maximize residents' access to information resources.

(e) Each regional library cooperative shall include the services listed in (d) above in its three-year plan and specify how the services will be provided to residents of the region. The regional library cooperatives may contract with libraries, library-related agencies, local library

cooperatives, commercial vendors or individuals for the provision of any or all of these services on a regional basis.

(f) A regional library cooperative may also provide, but not be limited to, the following services:

1. Consultant services;
2. Cooperative and/or coordinated acquisition of library materials and/or subject specialization programs;
3. Reciprocal borrowing between and among member libraries;
4. Staff development and in-service training programs;
5. Access to computerized literature citation and information data bases; and/or
6. Public relations services.

(g) The three-year plan for regional library cooperative services shall be reviewed and evaluated by the executive board on an annual basis and amended as appropriate to reflect any change approved by the council of members of the regional library cooperative, and to provide for an annual program and operating budget. Any amended three-year plan and the annual program and budget shall be submitted to the State Librarian for review and approval.

N.J.A.C.

15:22-1.12. Withdrawal from regional library cooperative

Any member may withdraw from a regional library cooperative when its board of governance or the appropriate administrative authority determines by resolution or other recorded act to withdraw. Notification of intent to withdraw shall be submitted by the board of governance or the appropriate administrative authority to the executive board of the regional library cooperative, with a copy to the State Librarian. The notice shall be filed on or before April 1 of any year, and withdrawal shall take place on or before June 30 of the ensuing year. Upon discontinuing membership, the member relinquishes its rights to any funds, supplies, materials, equipment or property held by or belonging to the regional library cooperative. Upon receipt of such notification and the satisfaction of all obligations by the withdrawing member, the executive board of the regional library cooperative shall officially note the withdrawal and shall file notice of this action with the State Library.

N.J.A.C.

15:22-1.13. Dissolution of regional library cooperative

(a) The regional library cooperative may submit an application for dissolution to the State Librarian when:

1. The council of members receives a resolution for dissolution from the executive board; or
2. A petition to dissolve is signed by 40 percent of the council of members of the regional library cooperative; and
3. The governing bodies of a majority of the council of members approve the dissolution.

(b) The application shall include a plan providing for the payment of all outstanding debts and describing how the obligations of the regional library cooperative will be liquidated.

(c) Upon receipt of the application, the State Librarian shall:

1. Determine if the area of service can be allocated to other adjoining regional library cooperatives;

2. Determine whether the assets and liabilities of the regional library cooperative can be assumed and absorbed by adjoining regional library cooperatives;

3. Take into consideration any other factors which relate to the operation and function of the regional library cooperative.

(d) If the State Librarian determines that the regional library cooperative must be liquidated and approves the plan for dissolution, the dissolution shall take effect when all the legal and fiscal obligations of the regional library cooperative have been satisfied.

(e) Each duly established and designated regional library cooperative shall remain in existence until such time as the State Librarian either revokes its designation as a regional library cooperative as specified in (e)1 below or approves a plan for dissolution of the regional library cooperative.

1. Revocation of designation as a regional library cooperative will occur when the appeals and hearing process specified in N.J.A.C. 15:22-1.18 has been completed and a regional library cooperative's three-year plan, annual revision of the three-year plan, annual program or annual budget are not approved by the State Librarian due to noncompliance with the provisions of N.J.A.C. 15:22-1.11.

2. Upon revocation of the designation as a regional library cooperative the State Librarian will determine if the area of service can be allocated to other adjoining regional library cooperatives and whether the assets and liabilities of the regional library cooperative can be assumed and absorbed by adjoining regional library cooperatives or by a new regional library cooperative, and will take into consideration any other factors which relate to the operation and function of the regional library cooperative.

N.J.A.C.

15:22-1.14. Local library cooperatives

Any group of academic, institutional, public, school, or special libraries or library-related agencies, or any combination thereof, may organize as a nonprofit organization pursuant to the New Jersey Nonprofit Corporation Act, N.J.S.A. 15A:1-1 et seq., and apply for designation to one or more regional library cooperatives as a local library cooperative for the provision of cooperative or reciprocal library services among themselves on behalf of their collective library patrons. The local library cooperative may include members from more than one regional library cooperative and may receive regional or Statewide contracts for services.

N.J.A.C.

15:22-1.15. Statewide library services

(a) In order to provide to every resident of New Jersey full and equal access to the collective library resources of the State, the State Library shall assure that the services listed in N.J.A.C. 15:22-1.11 (d) are provided. The State Library may contract with libraries, library-related agencies, or commercial vendors to provide any or all of these services on a Statewide basis.

(b) Other services also may be provided Statewide.

N.J.A.C.

15:22-1.16. Library network review board

(a) A library network review board, which shall meet at least annually, shall be appointed to advise the State Librarian with respect to:

1. Necessary or desirable Statewide and inter-regional programs or services; and
2. Types of interaction and linkage of the New Jersey Library Network with interstate and national library networks.

(b) Composition of the library network review board shall be as follows:

1. Each regional library cooperative board shall appoint one representative to serve on the library network review board; and
2. The State Librarian may appoint up to four members, who may represent a library providing a Statewide service.

(c) Each member of the library network review board shall serve for a term of two years. No member of the library network review board shall serve for more than two consecutive terms. Upon serving two consecutive terms, a member may serve again only after an interim of at least two years. Vacancies shall be filled for the unexpired term only. Vacancies occurring among the members appointed by the regional library cooperatives shall be filled by the regional library cooperative in which the vacancies occurred. Vacancies occurring among the members appointed by the State Librarian shall be filled by the State Librarian.

N.J.A.C.

15:22-1.17. Allocation of library network funds

(a) Each year the State Librarian shall determine the amount of the network budget allocation to be expended on Statewide and regional library services. The State Librarian shall also determine the amounts to be allocated to base funding and program development funding for regional library services.

(b) Each year the State Librarian shall identify the services to be provided on a Statewide basis and expend the amount needed for this purpose.

(c) Each year the State Librarian shall determine the amount required to provide base funds to each regional library cooperative according to the following formula:

1. Ten percent of the amount allocated shall be distributed equally among the regional library cooperatives;

2. Eighty percent of the amount allocated shall be distributed among the regional library cooperatives based on the population of the region as shown by the latest Federal census effective in New Jersey; provided that upon application by a municipality or county to the State Librarian, any special census of population taken by the United States Census Bureau subsequent to its latest effective census shall determine such number of inhabitants;

3. Ten percent of the amount allocated shall be distributed among the regional library cooperatives based on the number of square miles within the region.

(d) Each year the State Librarian shall determine the amount required to provide program development funds to each regional library cooperative in accordance with requirements established by the State Librarian. However, no program development funding shall be awarded unless each regional library cooperative has received base funds.

(e) No less than 40 percent of the funds made available for the regional library cooperative shall be allocated in the annual operating budget of a regional library cooperative, and expended as necessary, to reimburse regional contract libraries for services to residents of the library region.

N.J.A.C.

15:22-1.18. Appeals and hearing process

Appeals arising from any action of the State Librarian in administering the rules of this chapter may be requested, and an opportunity given for an informal fair hearing before the State Librarian. In the event of an adverse decision after such an informal hearing, appellants may request a formal hearing pursuant to N.J.S.A. 18A:6-9, 18A:6-24, and 18A:6-27 and Reorganization Plan No. 002-1996. Such hearings shall be governed by the provisions of the Administrative Procedure Act (see N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., as implemented by N.J.A.C. 1:1).