

Item: WLS Maintenance of Effort Waiver

Background: The New York State Library Division of Library Development (DLD) conducts reviews of the Annual Reports submitted by public library systems and central libraries throughout the State. Part of the review process is to ensure that public library systems and central libraries are achieving local funding levels that meet the Maintenance of Effort (MOE) requirement. When New York State provided library aid for cooperative public library systems in 1958, there was a concern that towns, villages, cities and counties might misinterpret the State's action to mean that local funds were no longer necessary. Since library systems were conceived to supplement what local communities and libraries could accomplish rather than supplant local effort, language was written into the law to discourage reductions in local public income. Should a public library system or central library fall below the MOE determined by the law, the State Aid to which such library system or central library would otherwise be entitled shall be reduced by 25% in the following aid year unless a waiver is requested.

Status: Under the Provisions of Education Law, a public library system may request a waiver from the Commissioner of Education. Upon receipt and review of legal documentation from the system, the Commissioner is authorized to waive the MOE requirement for a period of up to three calendar years. The MOE waiver process, which WLS needs to complete, requires an explanation of why the triggering event occurred and what steps have been taken to address the cause of the MOE triggering event. The failure to meet the MOE requirement was triggered because the Mount Vernon Public Library's 2020 Annual Report has not yet been accepted and approved by DLD.

Three documents need to be successfully submitted to and approved by DLD to strengthen WLS's chances of having the MOE waiver approved if Mount Vernon Public Library is to remain as the System's Central Library:

- 2020 Annual Report – the deadline for submission has passed, but approval by DLD is still required.
- Registration application – the deadline for the completed application's review and approval by DLD is March 31, 2022. Final approval requires that the library's 2020 Annual Report be approved by DLD first so that the financial data from the 2020 Annual Report can be incorporated into the library's registration application.
- 2021 Annual Report – the deadline for the submission was Tuesday, March 15, 2022. DLD approval of the 2021 Annual Report is contingent on approval of the 2020 Annual Report.

Dr. Kirchner and Executive Assistant Elise Burke have been working with Timur Davis, Director of the Mount Vernon Public Library, and his staff to move the 2020 Annual Report and the registration application forward so that the documents can be reviewed and approved by the Mount Vernon Public Library Board of Trustees and then forwarded to DLD for review and approval.

The Field Library in Peekskill has volunteered to serve as the Interim Central Library for the system during the time period of the waiver if necessary. The Field Library meets the requirements for a central library as defined in Commissioner's Regulation 90.4. If the MOE waiver were to be filed with the Field Library as the Central Library, the 2022-2026 WLS Plan of Service would need to be updated to reflect this change.