



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,  
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February 10, 2022

Sarah Glogowski  
Executive Director, Finger Lakes Library System  
1300 Dryden Road  
Ithaca, NY 14850

Dear Ms. Glogowski:

I regret to inform you that, based on the 2020 annual report, the Tompkins County Public Library has not met the Maintenance of Effort (MOE) requirements for central libraries as defined in section 272 (1) (j) (2) of the Education Law. As you know, the failure of a central library to meet the MOE requirements in Education Law triggers a 25% reduction of 2022 formula state aid for Central Library Services (State FY 2022-2023).

Under the provisions of Education Law 272 (1) (j) (3), a public library system may request a waiver from the Commissioner of Education. Upon receipt and review of appropriate legal documentation from the library system and local government sponsor(s), the Commissioner is authorized to waive the MOE requirement for a period of up to three calendar years.

Enclosed for your information are the pertinent sections of Education Law. I encourage you to contact Barbara Lilley, State Aid Coordinator in the Division of Library Development, New York State Library at (518) 486-4864 or at [Barbara.Lilley@nysed.gov](mailto:Barbara.Lilley@nysed.gov) as soon as possible to review the fiscal calculations and to discuss the legal process for requesting a waiver. Ms. Lilley will be your primary point of contact from the State Library to work with you and your staff throughout the waiver request process.

Please do not hesitate to contact me at [Lauren.Moore@nysed.gov](mailto:Lauren.Moore@nysed.gov) or at (518) 474-5930, or Carol Desch, Coordinator of Statewide Services and Director of the Division of Library Development at [Carol.Desch@nysed.gov](mailto:Carol.Desch@nysed.gov) or (518) 474-7196, if you have questions or concerns.

Sincerely,

Lauren Moore

c: Steven Moolin, Board President, Finger Lakes Library System  
Ingrid Jensen, Board President, Tompkins County Public Library  
Carol A. Desch  
Barbara Lilley

## Education Law Section 272

Conditions under which library systems are entitled to state aid

Conditions under which library systems are entitled to state aid. 1. Public library systems. ...

j. (1) In the event that the sum total of local sponsor support raised by local taxation exclusive of the sum raised for capital expenditures for the support of a public library system and participating libraries in a twelve month period is less than ninety-five per centum of the average of the amounts raised for such purposes by local taxation for the two preceding twelve month periods, the state aid to which such library system would otherwise be entitled shall be reduced by twenty-five per centum. Such state aid shall likewise be reduced by twenty-five per centum in the event that the public library system shall refuse after reasonable notice to make provision for the expansion of the area served in accordance with the regulations of the commissioner. Upon receipt of annual systems and participating libraries activity reports satisfactory to the commissioner, the commissioner shall determine the amount of any underpayment or overpayments related to maintenance of effort and shall apply such adjustment to the next annual payment due such library system. In the first year in which any library system changes its reporting from the calendar year to a fiscal year other than the calendar year, it shall file any additional reporting schedules deemed necessary by the commissioner for the purpose of determining maintenance of effort as required herein, in order that no period of time shall be exempt from such requirement.

(2) In the event that the total sum raised by local taxation, exclusive of the sum raised for capital expenditures, for the support of a central library of a public library system in a twelve month period, is less than ninety-five per centum of the average of the amounts raised for such purposes by local taxation for the two preceding twelve month periods, the state aid to which such library system would otherwise be entitled for the development of its central library shall be reduced by twenty-five

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per centum. Upon receipt of annual central library activity reports satisfactory to the commissioner, the commissioner shall determine the amount of any underpayment or overpayments related to maintenance of effort and shall apply such adjustment to the next annual payment due such library system. In the first year in which any library system changes its reporting from the calendar year to a fiscal year other than the calendar year, it shall file any additional reporting schedules deemed necessary by the commissioner for the purpose of determining maintenance of effort as required herein, in order that no period of time shall be exempt from such requirement.

(3) The commissioner may waive the requirements of subparagraphs one and two of this paragraph, if the commissioner determines that the application of such subparagraphs would result in excessive hardship for the public library system or central library brought about by an extraordinary change in a local sponsor's economic condition, loss by a local sponsor of state aid to local governments provided under section fifty-four of the state finance law, or by a natural disaster. The commissioner may grant such waiver for a period of up to three consecutive calendar years. The commissioner shall report any waivers granted under this subparagraph to the speaker of the assembly, the temporary president of the senate, the chairs of the legislative fiscal committees and the director of the division of the budget.

(4) A "local sponsor" shall mean any municipality, district or school district, as defined in the general municipal law, or any combination thereof.