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DEPARTMENTAL REVIEW

DEPARTMENT OF EDUCATION AND THE ARTS WEST VIRGINIA LIBRARY COMMISSION

AUDIT OVERVIEW

Public Library Directors Are Satisfied With the
Quality of Services Provided by the West Virginia
Library Commission

The Development of an Electronic Depository
Library System Would Increase the Effectiveness
of the State Depository Library Clearinghouse



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EXECUTIVE SUMMARY

Issue 1: Public Library Directors Are Satisfied With the Quality of Services Provided by the West Virginia Library Commission

The West Virginia Library Commission (WVLC) was created in 1929 to develop and advise libraries in the state. The mission of WVLC is to promote, assist, and support the development of effective and efficient library services that ensure all citizens in the state access to the highest quality library services and information resources to meet their needs. Currently, there are 97 library systems throughout West Virginia with a total of 173 public library facilities (including branches). Thirteen of the 97 library systems are “service center” libraries that employ a formally educated librarian and provide professional and management services to the affiliate libraries assigned to it by the WVLC.

A survey of public library directors was conducted by providing a website link via email. All 173 public library facility directors in West Virginia were asked to rate the quality of services, advice, and assistance received from the WVLC. Of the 173 survey recipients, 135 responded for a 78.03 percent participation rate. This represents a 98% confidence level with a 5% margin of error. The results of the survey were positive, 70.1 percent of respondents rated the overall quality of advice and assistance as excellent. When asked to describe the overall level of responsiveness and ease of communication with the WVLC when requesting services and/or support, library directors responded similarly with 73.9 percent answering excellent.

When library directors were asked if their library has benefited from the efforts of the WVLC, an astounding 98 percent of respondents agreed. Next, survey respondents were asked about the quality of individual services provided by the WVLC. Answer choices provided include: excellent, satisfactory, unsatisfactory, and N/A (not applicable). Ratings for the individual services provided by the WVLC were favorable as were the respondents’ comments. Network technology services were broken down into four subtopics and listed separately from the other services provided by the WVLC. Again, the respondents were highly satisfied with the quality of the services received. The Legislative Auditor commends the WVLC for

The mission of WVLC is to promote, assist, and support the development of effective and efficient library services that ensure all citizens in the state access to the highest quality library services and information resources to meet their needs.

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All 173 public library facility directors in West Virginia were asked to rate the quality of services, advice, and assistance received from the WVLC. Of the 173 survey recipients, 135 responded for a 78.03 percent participation rate.

its high level of service and customer service orientation towards library directors throughout the state.

Issue 2: The Development of an Electronic Depository Library System Would Increase the Effectiveness of the State Depository Library Clearinghouse

West Virginia Code §10-1-18a establishes the state depository library clearinghouse (clearinghouse) under the purview of the Department of Education and the Arts and more specifically the WVLC. The statute requires that the clearinghouse is directed by a WVLC staff member who holds a graduate degree in library science. The primary duties of the clearinghouse are to receive and distribute all public documents to the state depository libraries located throughout West Virginia.

The statute designates three institutions as complete state depository libraries, but allows for additional state depository libraries to be designated by the clearinghouse upon request from a library. Those institutions designated by code as depository libraries are West Virginia University library, Marshall University library and the state Department of Archives. Currently, there are 9 voluntary state depository libraries in addition to the 3 libraries mandated by the code for a total of 12 state depository libraries.

There are two mandates for state agencies found in West Virginia Code §10-1-18a(f). First, is to designate a documents officer and notify the clearinghouse of his or her identity, and the second is to deposit copies of all public documents with the clearinghouse. After discussions with the clearinghouse Director and the Executive Secretary of the WVLC, it is evident that a majority of state agencies are not complying with either of the statute's requirements.

The Legislative Auditor recommends that the WVLC explore the possibilities of developing an electronic system that can accommodate digital documents to improve the effectiveness of the state depository library clearinghouse. Ideally, the system's capabilities should include a means of accepting, storing, retrieving,

The primary duties of the clearinghouse are to receive and distribute all public documents to the state depository libraries located throughout West Virginia.

Those institutions designated by code as depository libraries are West Virginia University library, Marshall University library and the state Department of Archives.

and distributing digital materials. The Legislative Auditor could not determine if West Virginia's depository library clearinghouse staff of three would be sufficient to carry out the tasks necessary to operate a system similar to that of Connecticut. However, the implementation of the program would certainly require additional training for clearinghouse personnel. A resource that should be considered in the development of an electronic depository is the State's Office of Technology (OT). The OT is in the beginning stages of acquiring and implementing an Enterprise Resource Planning (ERP) system. According to the director of Information Services-Applications, the OT would be willing to have discussions with the WVLC and look into the ability of the ERP system to enhance or assist the clearinghouse in interacting with state agencies for the purpose of preserving digital public documents.

A resource that should be considered in the development of an electronic depository is the State's Office of Technology (OT).

Recommendations

1. *The Legislative Auditor recommends that the Legislature consider amending the code to require state agencies to annually update the identity of their documents officer.*
2. *The Legislative Auditor recommends that the State Depository Library Clearinghouse should distribute to state agencies an annual reminder of their statutory duties under WV Code §10-1-18a(f).*
3. *The Legislative Auditor recommends that the Legislature consider expanding the definition of a public document to explicitly include those documents that are created and/or published in an electronic or digital format.*
4. *The Legislative Auditor recommends that the Legislature consider enacting legislation that requires the West Virginia Library Commission and the State Depository Library Clearinghouse to develop, maintain, and provide public access to an electronic depository for public state documents that are born digital.*

OBJECTIVE, SCOPE & METHODOLOGY

Objective

A review of the West Virginia Library Commission was conducted as part of the Departmental Review of the Department of Education and the Arts as required by WV Code §4-10-8(b)2. The purpose of the evaluation was to determine whether or not the West Virginia Library Commission successfully fulfills its statutory mandates.

Scope

The scope of the library survey goes back indefinitely depending on the term of each library director's employment and extends until the closing of the survey on December 1, 2009. The West Virginia State Depository Library Clearinghouse information ranges from 1995 to December 2009.

Methodology

Information concerning the daily operations of the West Virginia Library Commission and the services provided to libraries was gathered through interviews and correspondence with agency personnel. Data concerning the quality of services provided by the West Virginia Library Commission was collected from West Virginia public library directors via an online electronic questionnaire. All 173 public library facility directors in the state were invited to participate in the survey and 135 responses were received. The participation rate was 78.03 percent with a confidence level of 98 percent and a 5 percent margin of error. Background information concerning the Federal Depository Library Program and current state initiatives was obtained from a literature review. Every aspect of this review complied with Generally Accepted Government Auditing Standards (GAGAS).

ISSUE 1

Public Library Directors Are Satisfied With the Quality of Services Provided by the West Virginia Library Commission

Issue Summary

The mission of the West Virginia Library Commission is to promote, assist, and support the development of effective and efficient library services that ensure all citizens in the state have access to the highest quality library services and information resources to meet their needs. Currently, the West Virginia Library Commission provides advice and assistance to 97 library systems throughout West Virginia in areas such as library operations, library development, special programs, and computer and network assistance. In order to determine if the Library Commission fulfills its mission, the Legislative Auditor surveyed the library directors of all 173 public library facilities in the state. A majority of respondents' rated the Library Commission's quality of services as excellent and provided favorable comments as well. Thus, the Legislative Auditor commends the Library Commission for its high level of service towards library directors throughout the state.

Currently, there are 97 library systems throughout West Virginia with a total of 173 public library facilities (including branches).

The West Virginia Library Commission Provides Advice and Assistance in All Aspects of Library Operations to Libraries Throughout the State

The West Virginia Library Commission (WVLC) was created in 1929 to develop and advise libraries in the state. The mission of WVLC is to promote, assist, and support the development of effective and efficient library services that ensure all citizens in the state access to the highest quality library services and information resources to meet their needs. Currently, there are 97 library systems throughout West Virginia with a total of 173 public library facilities (including branches). Thirteen of the 97 library systems are "service center" libraries that employ a formally educated librarian and provide professional and management services to the affiliate

libraries assigned to it by the WVLC. The service center libraries aid the WVLC in advising and assisting the smaller affiliate libraries that may or may not have a formally trained librarian.

The WVLC is under the purview of the Department of Education and the Arts and is divided into the following four sections.

- Administrative Services
- Library Development
- Network Services
- Special Services

Administrative Services

The Administrative Services division of the WVLC manages the business aspects of the agency. One important duty is the fulfillment of the clerical requirements for the Schools and Libraries Program of the Universal Service Fund, commonly known as “E-Rate.” The E-Rate program helps ensure affordable access to telecommunication services by making discounts available to eligible schools and libraries for the cost of telecommunications, internet access, and internal connections. The WVLC pays 100 percent of all costs associated with internet access for the 173 public library facilities statewide. A reimbursement is then paid to the WVLC by the service provider. Although the total reimbursement amounts vary, the average reimbursement amount ranges from 70 to 74 percent of the total costs. The remaining portion of the internet costs is paid from the federal Library Services and Technology Act (LSTA) grant. Without the E-Rate reimbursements, the WVLC would be unable to pay 100 percent of the costs associated with Internet Access for the 173 public library facilities throughout West Virginia.

Administrative Services also operates the Library Television Network (LTN). The LTN began in 1977 and produces programs for library development services, state agencies, and private sector entities. These programs are also available via the WVLC’s web video server. Examples of program topics include: Catalog Training, Informative, Historical, Staff Development and Continuing Education,

The E-Rate program helps ensure affordable access to telecommunication services by making discounts available to eligible schools and libraries for the cost of telecommunications, internet access, and internal connections.

Literacy and Adult Education, The College of DuPage Teleconferencing, WVLC's Library Television Network, Hack's Tech Rescue, and At Your Library Public Service Announcement.

Other programs managed by Administrative Services include the RADAR Clearinghouse and the Tobacco Prevention Clearinghouse. The Tobacco Clearinghouse promotes the prevention and cessation of tobacco use and the RADAR Clearinghouse advances substance abuse awareness and prevention. Informational materials are distributed throughout communities to individuals and health care professionals. Grant funding for these two clearinghouse programs is provided by the Department of Health and Human Resources, Bureau of Behavioral Health and Health Facilities, Office of Behavioral Health Services.

Library Development

The Library Development division of the WVLC provides leadership and guidance for the development of library programs and facilities through consulting services and distributing state and federal funds to the public libraries throughout West Virginia. The WVLC's administrative rules establish requirements for Grants-in-Aid (GIA) recipients. GIA funds are calculated per capita and distributed to public library systems based on the library's service population. For those libraries that fail to meet the minimum requirements set forth by the WVLC, their funding is reduced by a percentage and withheld until compliance is achieved.

Library Development communicates with the public libraries through a biweekly electronic bulletin, quarterly mailings, site visits, and a toll free number. Site visits to public libraries are conducted by Library Development staff as needed. The consulting services provided by the Library Development section include the following:

- Adult Services (literacy and book discussion groups),
- Library Operations (areas of administration),
- Staff Development (training opportunities), and
- Technical Services (cataloging Help Desk, acquisitions, automation systems).
- Children and Young Adult Services (story hours, summer reading programs).

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Network Services field technicians are strategically stationed throughout West Virginia to allow for a quick response.

Network Services

The Network Services division designs, supports, maintains, and continuously upgrades the Statewide Library Network infrastructure and its technical environment. Helpdesk support can be accessed by libraries via email, an online form, or a toll free telephone number. Network Services field technicians are strategically stationed throughout West Virginia to allow for a quick response. Technical support tasks include but are not limited to operating system (UNIX) hardware/software maintenance, router installation and maintenance, PC software/hardware replacement and maintenance, catalog software administration and maintenance, hubs switches and cabling installation and maintenance, network (WAN LAN) and wireless support, equipment contract support, and data circuit installation and maintenance.

Special Services

Finally, the Special Services division of the WVLC is a regional library under the Library of Congress' National Library Services for the Blind and Physically Handicapped (NLS). The regional library in Charleston has three sub regional offices located in Parkersburg, Huntington, and Romney, West Virginia. This free program loans recorded and Braille books and magazines, music scores in Braille and large print, and specially designed playback equipment to residents of the United States who are unable to read or use standard print materials because of blindness, visual impairment or physical limitations. The playback equipment is currently undergoing a technological transition where audio cassette players are being replaced by digital players that are compatible with USB flash memory drives.

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National Federation of the Blind (NFB)-Newline is another audio service provided free of charge to patrons through Special Services. NFB-Newline provides 24 hour, 7 day a week access to newspapers via a toll free telephone number. This service is important because it fills the gap of timeliness which is often a problem with

audio books released through the NLS. The Special Services section of the WVLC also operates a recording studio where local books and magazines are narrated by community volunteers and recorded for distribution to patrons. Local publications recorded regularly include *Wonderful West Virginia* and *Goldenseal* magazines. Other volunteers, working through the Telephone Pioneer organization, assist by repairing playback equipment, as well as, computers and equipment used by the Special Services staff.

Highly Favorable Survey Results Indicate That Public Library Directors are Satisfied with the West Virginia Library Commission’s Services

Because the basic mission of the WVLC is service based, the Legislative Auditor assessed the satisfaction of the beneficiaries of those services. A survey of public library directors was conducted by providing a website link via email. All 173 public library facility directors in West Virginia were asked to rate the quality of services, advice, and assistance received from the WVLC. Of the 173 survey recipients, 135 responded for a 78.03 percent participation rate. This represents a 98% confidence level with a 5% margin of error.

The results of the survey were positive, 70.1 percent of respondents rated the overall quality of advice and assistance as excellent. When asked to describe the overall level of responsiveness and ease of communication with the WVLC when requesting services and/or support, library directors responded similarly with 73.9 percent answering excellent. One of respondents commented, “All of the people that I have dealt with through the WVLC go above and beyond to help in any way asked.” Yet another wrote, “Response time depends on the whom (sic) you are contacting. Some are excellent.” One other respondent stated, “My questions are always answered promptly and completely.” This response was typical of survey participants. Below, figures one and two represent the results of the two previously mentioned survey questions.

All 173 public library facility directors in West Virginia were asked to rate the quality of services, advice, and assistance received from the WVLC. Of the 173 survey recipients, 135 responded for a 78.03 percent participation rate.

The results of the survey were positive, 70.1 percent of respondents rated the overall quality of advice and assistance as excellent.

Figure 1:
Overall Quality of
WVLC Advice and
Assistance

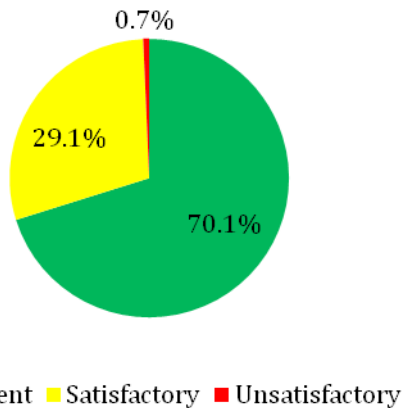
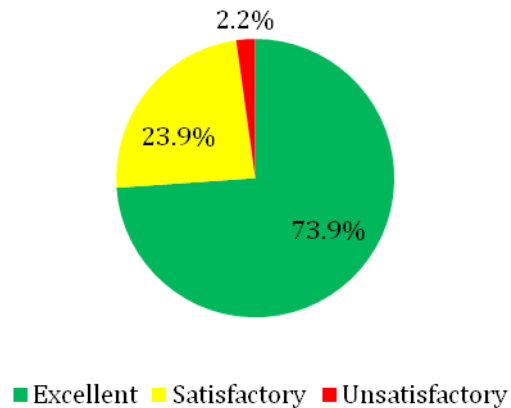


Figure 2:
Overall
Responsiveness and
Communication

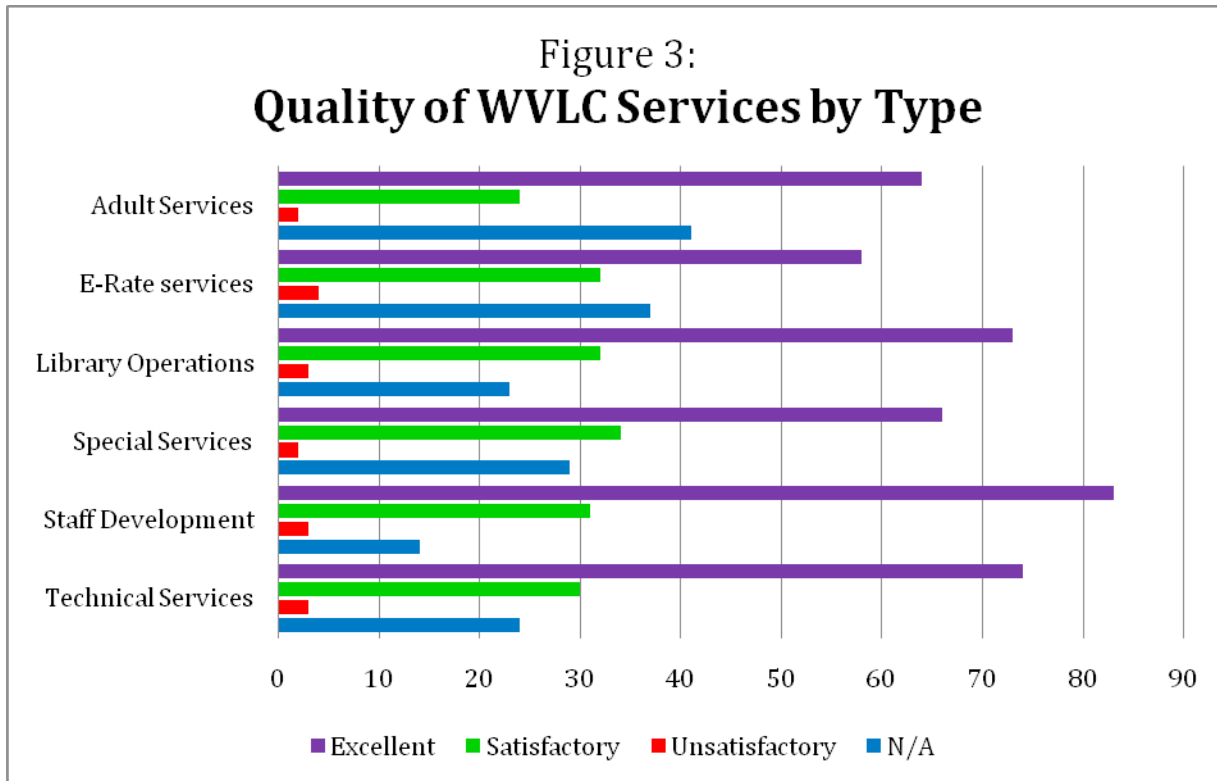


When library directors were asked if their library has benefited from the efforts of the WVLC, 98 percent of respondents agreed. Next, survey respondents were asked about the quality of individual services provided by the WVLC. Answer choices provided include: excellent, satisfactory, unsatisfactory, and N/A (not applicable). Reasons for not using a service and selecting N/A ranged from obtaining assistance from a service center library or outside source, adequate pre existing knowledge, status as a branch library, or the service is not offered at that location. The survey results are illustrated in figure 3. Ratings for the individual services provided by the WVLC were favorable as were the respondents' comments.

When library directors were asked if their library has benefited from the efforts of the WVLC, 98 percent of respondents agreed.

One respondent commented, "If you have a question or problem they are always available to help out. If it is a computer problem, it is fixed immediately. If it requires research on their part, they have an answer back within 24 hours. Most of the time they will go beyond what is required of them." Yet another respondent stated, "In all mentioned above they do a great job. Sometimes help from the Automation Dept may be a little slow, but otherwise great. Some of the techs are better than others." A third respondent commented, "The only dealings I have with WVLC is the tech services dept. They are very good." These responses were typical of the overall comments

for this question.



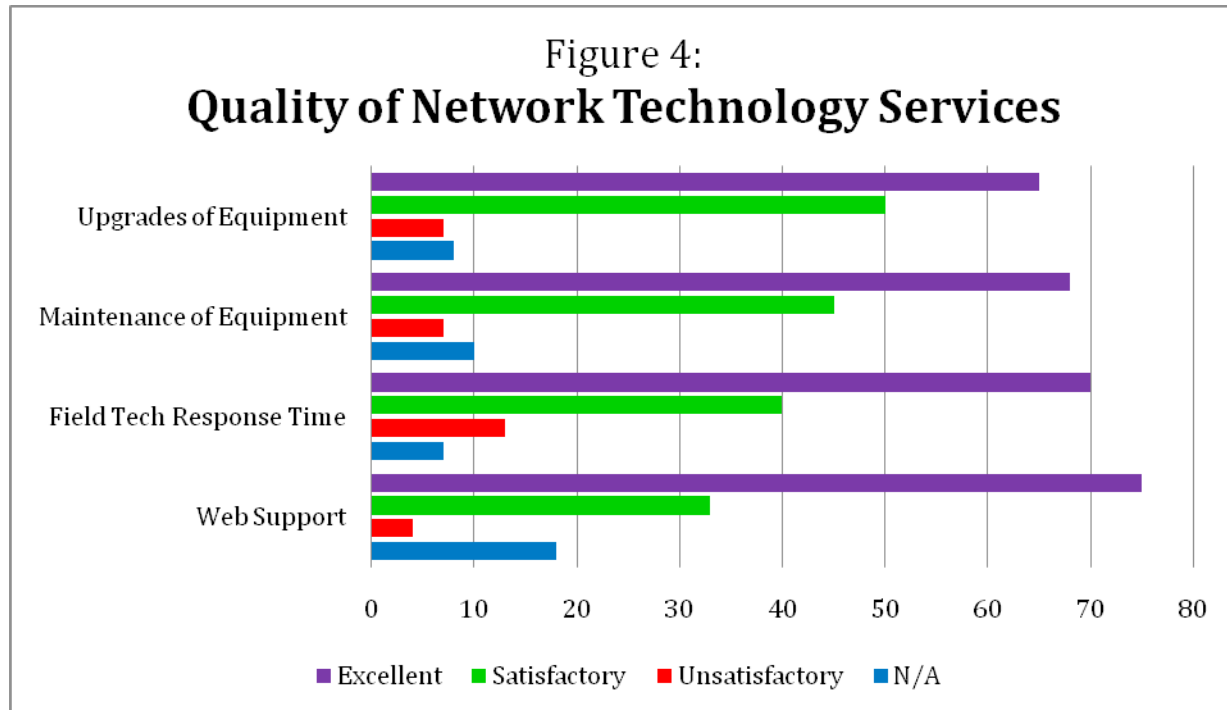
Network technology services were broken down into four subtopics and listed separately from the other services provided by the WVLC. Again, the respondents were highly satisfied with the quality of the services received. Although the comments were mostly positive, there was some concern over the availability of field technicians. Some respondents indicated that technicians may be covering too large an area and spread too thin. One respondent commented, “These employees have many responsibilities and could use more help.” However the quality of service received from the technicians was praised repeatedly throughout the comments section. Another respondent stated, “Those fellas at Tech are the most conscientious state employees in the state of West Virginia. The level of service is excellent. When we have computer problems, they stick with it until all issues are resolved.” Perhaps the most critical

Network technology services were broken down into four subtopics and listed separately from the other services provided by the WVLC. Again, the respondents were highly satisfied with the quality of the services received.

response stated:

As indicated previously, our local computer tech handled 40-50 libraries so even at the best there was a delay. In the last six months she was on the job, we saw her twice. When we received the computers from the Gates Foundation, they sat for almost four months in their boxes while we waited for her to come and install them. Supposedly, there has been upgrades (sic) to the network, but our Internet service is slow and boggy. We complained by email, received a response three days later, and was (sic) told it was being sent higher, and we haven't heard anything more. The message seems to be to shut up and make do. I don't expect to have the fastest Internet in the state, but it would be nice to know what is going on and what the plans for the future are. I really think that the WVLC needs to get out of the automation business; they spend an enormous amount of state and federal money providing support to libraries who should be responsible for their own automation systems.

It should be noted that responses such as this were the exception. Overwhelmingly, respondents praised the efforts of the network technology services staff. The overall survey results for network technology services are shown in figure 4.



Conclusion

As stated, 98 percent of library directors who responded to the Legislative Auditor’s survey agreed that their library has benefited from the efforts of the WVLC. After reviewing the survey results and library directors’ comments, the Legislative Auditor finds that, overall, the public library directors are satisfied with the quality of services received from the WVLC. The Legislative Auditor commends the WVLC for its high level of service and customer service orientation towards library directors throughout the state. The positive results of the survey show that although there are some minor issues, the WVLC is effectively serving its agency clients.

ISSUE 2

The Development of an Electronic Depository Library System Would Increase the Effectiveness of the State Depository Library Clearinghouse.

Issue Summary

West Virginia Code §10-1-18a establishes a State Depository Library Clearinghouse for the purpose of facilitating public access to publications issued by state agencies. State agencies are statutorily mandated to submit copies of public documents to the State Depository Library Clearinghouse for distribution to the state depository libraries located throughout the state. However, most state agencies are not in compliance with the statutory mandates. The Legislative Auditor finds that the State Depository Library Clearinghouse's inability to accommodate digitally created documents is a factor in state agencies noncompliance. The lack of participation by state agencies diminishes the ability of the clearinghouse to provide adequate service to the depository libraries and detracts from the quality of the depository collections in libraries throughout the state. There has been a move nationally and by other states to develop a collection, preservation, and dissemination strategy for digital materials. Thus the West Virginia Library Commission should explore the possibilities of developing an electronic system that can accommodate digital documents to improve the effectiveness of the state depository library clearinghouse.

West Virginia Code §10-1-18a establishes a State Depository Library Clearinghouse for the purpose of facilitating public access to publications issued by state agencies.

Free Public Access to Government Documents Dates Back to Early 1800's

The idea of providing for the dissemination of government documents was put into practice as early as 1813 when Congress enacted the first law requiring certain Congressional documents to be printed and sent to a limited number of state offices, universities, and historical societies. A depository library system that resembles the current program didn't begin to take shape until the late 1850's. In 1857 the public official overseeing depository distribution was given the authorization to designate libraries to receive publications. That authority to designate depositories was extended by a joint resolution of Congress to congressional representatives in 1858 and again to senators in 1859.

The printing of government documents was first conducted by private printers but, in 1860 the U.S. Government Printing Office (GPO) was established and given the authority to execute public printing. The responsibility of disseminating printed government documents shifted throughout the 1800's until Congress passed the Printing Act of 1895, which transferred the responsibility to the GPO. By consolidating all of the existing printing laws, the Act centralized the printing efforts of the three branches of government under the GPO and eliminated inefficient and disorganized distribution practices of the time.

The next major legislative adjustment to the depository library system occurred with the passage of the Depository Library Act of 1962. The Act revised the laws governing the distribution and retention of U.S. Government publications, increased the number of depository libraries allowed to be designated by public officials, and established regional depository libraries. These changes helped enable the rapid expansion of the depository library system as we know it today.

Under the GPO, the Superintendent of Documents manages the Federal Depository Library Program (FDLP), which designates libraries across the U.S. to receive copies of government publications for public use. The FDLP operates under the authority and mandates of 44 USC §§ 1901-1916 which requires federal agencies to make all their publications available to the Superintendent of Documents for cataloging and distribution. Currently, there are nearly 1,250 federal depository libraries throughout the United States and its territories. Very few of the depository libraries are regional libraries, collecting all materials distributed by the GPO. A majority of federal depository libraries are selective depositories accepting only a portion of the documents distributed by the FDLP. West Virginia is home to 13 selective depository libraries and 1 regional depository library.

Due to the technological advances that have taken place in the years since the Depository Library Act of 1962, the creation, transmission, and storage of information has rapidly changed. In 1977, the GPO began distributing microfiche in place of print due to its lower production costs and space saving capabilities. Today, the digital format has provided an opportunity to extend accessibility and again eliminate the need for storage space in depository libraries. Congress embraced the opportunity with the passage

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of the Government Printing Office Electronic Information Access Enhancement Act of 1993. The landmark legislation mandated electronic public access to a wide range of federal material including the Congressional Record and the Federal Register. The Act requires the FDLP and the GPO to maintain an accessible electronic directory and storage system for electronic federal information. To fulfill those requirements a website called “GPO Access” was developed.

GPO Access is a service funded by the FDLP that provides free electronic access to information produced by the Federal Government. Currently, the informational content on GPO Access is in the process of being migrated to GPO’s new system called the Federal Digital System (FDsys). The advanced digital system will enable agencies to submit materials electronically to the GPO for printing and publishing services, electronic distribution, and inclusion in the FDLP. The FDsys will also provide for search capabilities, version control, and preservation of materials.

Although the methods of transmitting information have drastically changed, the importance of providing citizens with free public access to government documents and information is just as imperative today as it was over 150 years ago when the dissemination of public documents was initiated. Several modifications have been made to the FDLP since its inception but according to the GPO, the underlying principles in which its purpose and goals are rooted have not changed. Those same principles, listed below, are applicable to state governments as well.

- *A well informed citizenry, cognizant of the policies and activities of its representative Government, is essential for the proper functioning of democracy; information provided by government documents is a primary means for citizens to keep informed;*
- *The public has a right to information contained in Government documents, which have been published at public expense; the Government has an obligation to ensure availability of and access to these documents at no cost. The documents are a permanent source of Federal information; and*

Although the methods of transmitting information have drastically changed, the importance of providing citizens with free public access to government documents and information is just as imperative today as it was over 150 years ago when the dissemination of public documents was initiated.

- *The government benefits by realizing efficiencies afforded by a centralized distribution system such as the Federal Depository Library Program, which ensures wide availability of government publications; individual agencies are able to satisfy much of public demand for their publications without incurring the costs associated with responding to individual requests for free copies.*

The West Virginia Library Commission Administers the State Depository Library Clearinghouse

Just as the federal government provides for free public access to government documents through the FDLP, West Virginia operates an entity that functions with the same objective. West Virginia Code §10-1-18a establishes the state depository library clearinghouse (clearinghouse) under the purview of the Department of Education and the Arts and more specifically the WVLC. The statute requires that the clearinghouse is directed by a WVLC staff member who holds a graduate degree in library science. According to the Journal of the House of Delegates 72nd Legislature of West Virginia for the 1995 regular session, the legislative intent behind the development of a clearinghouse was “to facilitate public access to publications issued by state agencies.” The primary duties of the clearinghouse are to receive and distribute all public documents to the state depository libraries located throughout West Virginia.

Other responsibilities of the clearinghouse include establishing requirements for eligibility to become and remain a depository library. The statute designates three institutions as complete state depository libraries, but allows for additional state depository libraries to be designated by the clearinghouse upon request from a library. Those institutions designated by code as depository libraries are West Virginia University library, Marshall University library and the state Department of Archives. Currently, there are 9 voluntary state depository libraries in addition to the 3 libraries mandated by the code for a total of 12 state depository libraries.

In addition to establishing the clearinghouse, West Virginia Code §10-1-18a(f) instructs each state agency to designate one person as its documents officer and to communicate the identity of that documents officer to the clearinghouse. Each agency's documents officer is required to deposit with the clearinghouse a

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Those institutions designated by code as depository libraries are West Virginia University library, Marshall University library and the state Department of Archives. Currently, there are 9 voluntary state depository libraries in addition to the 3 libraries mandated by the code for a total of 12 state depository libraries.

minimum number of copies of any state public document prior to its release.

Most State Agencies Are Not In Compliance with the Clearinghouse's Statutory Mandates

There are two mandates for state agencies found in West Virginia Code §10-1-18a(f).

- Designate a documents officer and notify the clearinghouse of his or her identity.
- Deposit copies of all public documents with the clearinghouse.

After discussions with the clearinghouse Director and the Executive Secretary of the WVLC, it is evident that a majority of state agencies are not complying with either of the statute's requirements.

First, the clearinghouse's most recent list of state agencies' documents officers is outdated, making it counterproductive to regular communications between the clearinghouse and state agencies' documents officers. The disconnect between the clearinghouse and state agencies perpetuates noncompliance. As a result, the clearinghouse is prevented from facilitating public access to publications issued by state agencies.

The clearinghouse staff should not be liable for tracking down an agency's documents officer. The Code clearly indicates that the state agency is responsible for notifying the clearinghouse of the identity of its documents officer. To help ensure that this information is current and accurate, the Legislature may wish to consider amending the code section to include a more specific provision that requires state agencies to annually update the identity of their documents officer.

The second mandate that most state agencies are neglecting is the requirement to deposit copies of public documents with the clearinghouse. According to the WVLC, only about eight entities are consistent in providing documents to the clearinghouse. The lack of participation by state agencies not only diminishes the ability of the

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clearinghouse to provide adequate service to the depository libraries, but it also detracts from the quality of the depository collections in libraries throughout the state. Thus the agencies' noncompliance denies citizens of West Virginia public access to publications issued by state agencies.

The Legislative Auditor Identifies Three Causes of Agencies' Noncompliance

Noncompliance with the depository requirement is not an issue unique to West Virginia. According to the FDLP, in the early 1900's federal agencies' participation was less than enthusiastic and the same occurrence continues to be a problem today. Connecticut and Florida have also noted state agencies unresponsiveness to the mandates to submit documents to the depository library program. The Legislative Auditor has identified three circumstances that impede West Virginia's state depository library clearinghouse from successfully functioning as the Legislature intended. An agency's noncompliance with West Virginia Code §10-1-18a could be attributed to any one or combination of the following items:

- lack of an enforcement mechanism;
- lack of knowledge of the statutory requirement; or
- lack of a system to accommodate a electronic format.

First, state agencies are not penalized when they do not submit public documents to the clearinghouse because there is no enforcement mechanism in the Code or otherwise. The lack of consequence for noncompliance allows state agencies to be indifferent to the statutory requirement. However, the resources required for active enforcement are likely not cost effective. Therefore, a more desirable alternative for the clearinghouse may be to focus on educating state agencies about the importance of their compliance and the overall value of the program.

A second cause of noncompliance may be that state agency personnel are not aware of the requirement to designate a documents

Therefore, a more desirable alternative for the clearinghouse may be to focus on educating state agencies about the importance of their compliance and the overall value of the program.

officer and submit copies of public documents to the clearinghouse. The clearinghouse director indicated that state agencies were contacted in the past about submitting documents; however, there is not a regular schedule or procedure for notification. In an effort to inform and convey the significance of agency compliance, perhaps an annual reminder of the agencies' statutory duties could be composed by an influential source, such as, the Secretary of Education and the Arts and distributed to state agencies by the clearinghouse. Although the burden of notification is not legally assigned to the clearinghouse, it appears to be the entity best situated to distribute a notification.

Finally, the last and most complex obstacle to the success of the state depository library program is the clearinghouse's inability to accommodate public documents that are created digitally. The Executive Secretary of the WVLC provided the following statement concerning the current situation with the state depository library clearinghouse and state agencies compliance with West Virginia Code §10-1-18a et al.

However, the greatest detriment to the clearinghouse is agencies making their documents available only electronically and in many cases only on their webpage. The law has not kept pace with the technology. ... When the agencies produce their report on a disk and/or their webpage it is not often submitted to the clearinghouse.

In an effort to inform and convey the significance of agency compliance, perhaps an annual reminder of the agencies' statutory duties could be composed by an influential source, such as, the Secretary of Education and the Arts and distributed to state agencies by the clearinghouse.

Clearinghouse staff reiterated the concerns of the Executive Secretary by indicating that when contacted, state agencies oftentimes stated that the document is published online only and that a print copy will not be provided to the clearinghouse.

West Virginia Code §10-1-18a(a) defines a public document as:

*... any document, report, directive, bibliography, rule, newsletter, pamphlet, brochure, periodical, request for proposal, or other publication, **whether in print or an unprinted format** that is paid for in whole or in part, by funds appropriated by the Legislature and may be subject to distribution to the public (emphasis added).*

The definition provided by statute makes clear that the format in which a document is drafted does not affect its status as a public document. Thus, the requirement to submit a document is not contingent upon its format. The Legislative Auditor commends state agencies for taking initiative to provide further access to public information. However, the fact that an agency chooses to post documents on its website or otherwise does not preclude it from fulfilling its statutory duty to submit copies to the clearinghouse. To prevent uncertainties, the Legislature may wish to expand the definition of a public document to explicitly include those documents that are created and/or published in an electronic or digital format.

Changes to legislation have helped some states increase public access and agency compliance. For example, in 2000, Georgia amended its publications statute to require submission of electronic documents. Additionally, Colorado, in 2003, directed state agencies to deposit electronic publications according to a specific format, allowing the state library to provide permanent public access. Another example is the Washington Legislature, which in 2001 sponsored a digital archive repository to ensure preservation and access to state digital information. Furthermore, Connecticut implemented a mandate similar to that of the federal government's GPO Electronic Information Access Enhancement Act of 1993. Connecticut's statute requires the State Library to "provide access to the public, on a permanent basis, to a collection of tangible state publications and to a digital archive of intangible state publications, and a depository library system."

The fact that an agency chooses to post documents on its website or otherwise does not preclude it from fulfilling its statutory duty to submit copies to the clearinghouse.

Challenges and Advantages to the Electronic Dissemination of Public Documents Identified by the U.S. Government Accountability Office

Agencies that assert that public access is being provided by publishing the document on the internet via an agency website overlook the possible complications with relying on this method for providing adequate public access. In 2001, the U.S. Government Accountability Office (GAO) released a report that assessed the impact of providing documents to the public solely in electronic format. The challenges identified in the report findings include ensuring that

documents are 1) authentic, 2) permanently maintained, and 3) equally accessible to all individuals.

According to the GAO, the authenticity of a document must be guaranteed to patrons. Relying on the ability of an individual to determine the quality and accuracy of a document causes a disproportionate negative impact on people who are less advantaged in terms of education, information access, and income. Documents that are not accurate or that have been modified from their original state defeat the goal of creating a well informed citizenry. One way to ensure legitimacy is with electronic signatures or seals. The GPO is currently using public key infrastructure technology to provide authentication of government publications disseminated online via GPO Access.

According to the GAO, the authenticity of a document must be guaranteed to patrons.

Permanence or retention of an online document is not guaranteed by many agencies that post documents on their websites. The lifespan of online documents varies greatly and could be forever lost with one click of the mouse, either intentionally or accidentally. To be an acceptable source of public information, a stable electronic system is needed to ensure indefinite access to public information just as print and microfiche documents have done for many years.

The accessibility of electronically disseminated digital documents is a double-edged sword because it provides greater access to some citizens but creates barriers for others. The internet allows instant, location independent, 7 days a week, 24 hours a day access to public information. However a lack of internet access or difficulties operating computer equipment and navigating complex websites with multitudes of information could make public information inaccessible to some. The effect of the obstacles on accessibility can be lessened with well trained librarians that are available to assist patrons with the acquisition of public information.

The GPO is currently using public key infrastructure technology to provide authentication of government publications disseminated online via GPO Access.

In its report, the GAO also specified the advantages of electronically disseminating public government documents. The three advantages are 1) accessibility, 2) cost, and 3) functionality. The first advantage is greater accessibility which is discussed above. The second is the ability to store, maintain and disseminate documents at a reduced cost. Electronic documents do not require

warehousing, shelf space, or shipping fees. The cost of shipping would not be as significant for West Virginia's clearinghouse due to the relatively small number of shipments that are mailed. Finally, the third benefit identified by the GAO is the improved functionality offered by electronic documents in comparison to print. Electronic documents allow the user to:

- search documents and document databases,
- link documents to related information,
- copy and Paste text in the document,
- incorporate images, audio and video materials, and
- print documents on demand.

In its report, the GAO also specified the advantages of electronically disseminating public government documents. The three advantages are 1) accessibility, 2) cost, and 3) functionality.

Several States Collaborate in National Program Aimed at Developing a Method for Collecting and Preserving Digital Materials

In 2000, Congress established the National Digital Information Infrastructure and Preservation Program (NDIIPP) under the Library of Congress and authorized funding up to \$100 million dollars, with \$75 million contingent on a dollar-for-dollar match. The goal of NDIIPP is to develop a nationwide collection and preservation strategy for digital materials in cooperation with the information and technology industry, concerned federal agencies, libraries, research institutions, and not-for-profit entities. NDIIPP is scheduled to operate through 2010.

In early 2005 all state librarians and state archivists were invited to attend one of three workshops sponsored by the Library of Congress. The purpose of the workshops was to gather facts and consider collaborative opportunities. A representative from the West Virginia Archives and History attended one of the workshops in May 2005. The workshops were reported to have revealed that while a majority of states lack the resources to ensure preservation and long term access of their digitally produced information, some states

had initiated programs that aimed to develop methods to harvest, disseminate, or preserve digital public documents.

Twenty-one states, working in four multistate demonstration projects had joined the NDIIPP, as of 2008, in an effort to accelerate collaborative efforts to preserve important state government information in digital form. Table 1 lists the four projects currently underway and the states involved with each. The state government projects are the most recent addition to NDIIPP. The network of partners has grown to over 100 members including government agencies, educational institutions, research laboratories, and commercial entities. At the conclusion of the NDIIPP project, the Library of Congress will submit a report to Congress, outlining the results and progress towards achieving the national vision for digital preservation.

Table 1		
State NDIIPP Participation		
Project Name/Type	Lead Entity	Participating States
<i>Persistent Digital Archives and Library System</i>	Arizona State Library, Archives and Public Records	AZ, FL, NY, WI
<i>A Model Technological and Social Architecture for the Preservation of State Government Digital Information</i>	Minnesota Historical Society	CA, IL, KS, MN, MS, TN, VT
<i>Multistate Geospatial Content Transfer and Archival Demonstration</i>	North Carolina Center for Geographic Information and Analysis	KY, NC, UT
<i>Multistate Preservation Consortium</i>	Washington State Archives	AK, CA, CO, ID, LA, MT, OR, WA
<i>Source: Library of Congress</i>		

West Virginia Should Develop a Depository Library System Capable of Accommodating Electronic Public Documents

Technological advancements and the expansion of internet service have influenced how people live and do business in the 21st century. Online services range from banking, shopping, and corresponding, to educational instruction and research. The methods by which society works, interacts, communicates, and acquires information has drastically changed over the past 20 years. Thus, West Virginia should consider modernizing the way in which it conveys free public access to its citizens. A comment from one of the state's depository library directors demonstrates how several patrons today access public information.

Much of this information is available online now, and that is how our patrons access (sic).

The director further stated,

Our patrons really do not use the print materials at a level that justifies the expense. ... We do use much of the information that is available online. Perhaps an alternative would be a guide to all such resources online, which we could make widely available to our patrons.

The question is not whether an electronic system capable of handling digital materials should be developed but rather how and who should be involved with it. Because digital documents affect agencies other than the depository library, this initiative should be a collaboration of efforts between librarians, archivist, records managers, and information technology experts. Expertise in each of these fields is needed to help create a practical and user friendly solution.

The Legislative Auditor recommends that the WVLC explore the possibilities of developing an electronic system that can accommodate digital documents to improve the effectiveness of the state depository library clearinghouse. Ideally, the system's capabilities should include a means of accepting, storing, retrieving,

Because digital documents affect agencies other than the depository library, this initiative should be a collaboration of efforts between librarians, archivist, records managers, and information technology experts.

and distributing digital materials. Computer software that performs these desired functions is marketed by the Online Computer Library Center (OCLC), one of the largest providers of computerized library services. The OCLC offers products and services for nearly every aspect of library management, including digital collection management, cataloging and metadata. In addition to other states, Connecticut State Library utilizes the OCLC's services and provides an example of how to harvest, catalog, and archive electronic documents in a depository collection.

As required by Connecticut State Code, the Connecticut State Library maintains electronic documents as well as print documents in its depository library. Records of all documents are maintained in an online electronic catalog. When available, the catalog record for an electronic document contains both a link to the original webpage address and a link to the harvested document. Connecticut State Library staff indicated that the development of an online depository of electronic documents did not require supplementary personnel but rather required existing personnel to take on new and additional duties to meet the needs of the program. There are currently five staff members whose duties entail some interaction with the maintenance of the state electronic depository library.

The Legislative Auditor could not determine if West Virginia's depository library clearinghouse staff of three would be sufficient to carry out the tasks necessary to operate a system similar to that of Connecticut. However, the implementation of the program would certainly require additional training for clearinghouse personnel. This training could partially be supplied by cataloging and technical experts already employed by the WVLC, dependent upon their current workload and availability.

The collection and management of electronically formatted documents would require the clearinghouse to become more active and take on additional duties, such as cataloging. Currently, the clearinghouse does not catalog any of the public documents it receives. This task is left up to the individual state depository libraries to complete upon receipt. If instead the clearinghouse performed the cataloging duties, a centralized and comprehensive electronic

The collection and management of electronically formatted documents would require the clearinghouse to become more active and take on additional duties, such as cataloging. Currently, the clearinghouse does not catalog any of the public documents it receives.

depository could be made available to all the libraries throughout the state.

A resource that should be considered in the development of an electronic depository is the State's Office of Technology (OT). The OT is in the beginning stages of acquiring and implementing an Enterprise Resource Planning (ERP) system. According to the director of Information Services-Applications, the OT would be willing to have discussions with the WVLC and look into the ability of the ERP system to enhance or assist the clearinghouse in interacting with state agencies for the purpose of preserving digital public documents.

Conclusion

Because of the move towards a more computerized world, it is inevitable that a majority of public documents will be born digital. However until a computerized system is developed to accommodate electronic formats, state agencies should make efforts to submit the appropriate number of copies of either a print or CD-Rom version of its public documents. An electronic system that is capable of receiving, storing, and distributing electronic public documents is needed to allow the clearinghouse and depository libraries to be successful in a technologically advanced age. If the clearinghouse is not modernized to keep pace with the advancements in technology, its effectiveness and the value of its services will be decreased due to antiquated procedures and the inaccessibility of the information.

A resource that should be considered in the development of an electronic depository is the State's Office of Technology (OT).

Recommendations

1. *The Legislative Auditor recommends that the Legislature consider amending the code to require state agencies to annually update the identity of their documents officer.*
2. *The Legislative Auditor recommends that the State Depository Library Clearinghouse should distribute to state agencies an annual reminder of their statutory duties under WV Code §10-1-18a(f).*
3. *The Legislative Auditor recommends that the Legislature consider expanding the definition of a public document to*

explicitly include those documents that are created and/or published in an electronic or digital format.

4. *The Legislative Auditor recommends that the Legislature consider enacting legislation that requires the West Virginia Library Commission and the State Depository Library Clearinghouse to develop, maintain, and provide public access to an electronic depository for public state documents that are born digital.*

Appendix A: Transmittal Letter

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

January 4, 2010

J.D. Waggoner, Executive Secretary
West Virginia Library Commission
1900 Kanawha Blvd. E.,
Bldg. 9, Cultural Center
Charleston, WV 25305


Dear Executive Secretary Waggoner:

This is to transmit a draft copy of the Performance Review of the West Virginia Library Commission. This report is scheduled to be presented during the January 10-12, 2010 interim meetings of the Joint Committee on Government Operations and the Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

If you would like to have an exit conference to discuss any concerns you may have with the report, please notify us by January 5, 2010 to schedule an exact time. In addition, we need your written response by noon on January 8, 2010 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 304-340-3192 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,


John Sylvia

Enclosure
c. Martha McKee, Chief of Staff

_____ *Joint Committee on Government and Finance* _____

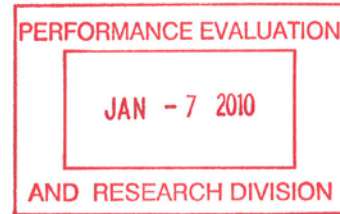
Appendix B: Agency Response



J.D. Waggoner, Executive Secretary

January 5, 2010

John Sylvia, Director
West Virginia Legislature
Performance Evaluation & Research Division
Building 1, Room W-314
1900 Kanawha Boulevard E.
Charleston, WV 25305-0610



Dear Director Sylvia:

In response to the draft copy of the Performance Review of the West Virginia Library Commission I am attaching a few comments. Parts of the comments are simply for clarification and technical cleanup. Others relate to the more difficult issues being faced with the State Documents Clearinghouse.

Also, allow me to recognize the professionalism and dedication of your staff that worked with this agency. Their immediate understanding that library service is a "people business" greatly contributed to the outcomes of the study. Each of your staff addressed questions and concerns and made every effort to accurately reflect the philosophy of the Library Commission in its service to West Virginia.

Respectfully,

A handwritten signature in blue ink that reads "James D. Waggoner".

James D. Waggoner
Executive Secretary

Attachment:

cc: Martha McKee, Chief of Staff
Department of Education & the Arts

Cultural Center • 1900 Kanawha Blvd. E • Charleston, WV 25305
Phone: 304-558-2041 FAX: 304-558-2044
In-State Toll Free: 800-642-9021

Performance Review of the West Virginia Library Commission Agency Response

Issue 1: Public Library Directors Are Satisfied with the Quality of Services Provided by the West Virginia Library Commission

Comments on Issue 1 are essentially clarification concerns.

Administrative Services (page 2)

Duties that are a responsibility of Administrative Services are listed under Library Development. Specifically on page 2 beginning: *"distributing state and federal funds to the public libraries throughout West Virginia. The WVLC's administrative rules establish requirements for Grants-in-Aid (GIA) recipients. GIA funds are calculated per capita and distributed to public library systems based on the library's service population. For those libraries that fail to meet the minimum requirements set forth by the WVLC, their funding is reduced by a percentage and withheld until compliance is achieved."*

Library Development does evaluate compliance issues both from site visits and documentation provided to WVLC by the libraries. However, Administrative Services manages all funds. This includes state and federal dollars for libraries; private grants, i.e. Bill & Melinda Gates Library Foundation; and any gifts received by the agency. Since many of the private gifts and grants do not require compliance review, they are managed totally through the Administrative Services section.

Also on Page 2 under Administrative Services in the description of the E-Rate program the report states *"One important duty is the fulfillment of the clerical requirements for the Schools and Libraries Program of the Universal Service Fund, commonly known as 'E-Rate.'"* The issue is with the terminology used in "clerical requirements." The E-Rate program is a cumbersome and convoluted program. Success involves a complete knowledge of the federal regulations that manage the program through the Federal Communications Commission. WVLC's E-Rate Coordinator must have a thorough understanding to the point of being able to train and advise libraries in regulation and compliance. In FY 2009 this program returned to the Library Commission \$597,176.81 of the \$796,317.96 expended. In other words WVLC received \$796,317.96 worth of services for \$199,141.15. The basic point is the importance of the program and the knowledge base required versus the language used.

Library Development (page 3)

In the bulleted list of "consulting services provided by the Library Development section" there is a critical omission:

- Children & Young Adult Services (story hours, summer reading programs)

When the Library Commission was developing the consulting services, this one was the most requested by public libraries.

Just as an observation on the report, perhaps the discussion of Network Technology Services (p. 6 & 7) could have been more evenly weighted. In the 27 lines of text on this topic, 13 lines – *italicized and indented* – are given to a very negative quote. Although the following sentence states “responses such as this were the exception,” still it occupied roughly half of the space given for Network. In Figure 4 illustrating the Quality of Network Technology Services in four areas the services rating most often is “excellent.” The negative quote may be a valid opinion of a vocal minority, but there should have been equal or greater space given the positive as the majority opinion.

Issue 2: The Development of an Electronic Depository Library System Would Increase the Effectiveness of the State Depository Library Clearinghouse

First, the agency agrees with the Recommendations of the evaluation. In an effort to encourage compliance by all state agencies WVLC will develop a plan for Recommendation 2 to provide an annual reminder to state agencies of their statutory responsibility.

WVLC and all those in the library community support free access. However, free access does not mean the service itself is “free.” The agency has evaluated the possibilities for harvesting documents that are “born digital.” Services mentioned such as OCLC come with a price. There is no margin in the current funding of the Library Commission to expand into these services. Also, staffing levels of the agency have been in constant decline. WVLC has one professionally trained cataloger. In her current job description she catalogs all of the Reference Library’s collection, trains public library staff in cataloging on three identified levels, works with the five library consortia to assure quality cataloging statewide, and supervises the technical services staff. Adding the cataloging of all materials produced by state agencies is not possible with current staff.

The Library Commission does not want to limit access to government information. Many of the documents produced by state agencies contain valuable information that appears in no other publications. Getting this information to the citizen is an important role for libraries.

WVLC is willing to work with all interested parties, agencies and organizations to make this program more successful, but success cannot be spoken into existence. Funding will be required.



WEST VIRGINIA LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

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