

DEPARTMENT OF EDUCATION

Colorado State Board of Education

ADMINISTRATION OF THE STATE PUBLICATIONS DEPOSITORY AND DISTRIBUTION CENTER

1 CCR 301-28

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

24-90-201, et seq., C.R.S., establishes a State Publications Depository and Distribution Center as a section of the State Library. The Rules address state agencies' deposit of publications, and depository libraries' designation and responsibilities. 24-90-203(3) C.R.S. requires the State Board to adopt rules to accomplish the provisions of 24-90-203(2) C.R.S.

The amendments to 1 CCR 301-28 conform the rules to current statutory authority found at 24-90-201 C.R.S. et seq.

2490-R-200.00 State Agencies' Deposit of Publications

200.01 Who Shall Deposit

200.01 (1) State agencies supported wholly or in part by state funds are required by Section 24-90-204, C.R.S. 1973, to deposit immediately upon publication the digital copy or, if printed, at least four copies and preferably twenty (20) copies of their state publications with the State Publications Depository and Distribution Center, Colorado State Library (Depository Center), within two (10) days of publication.

200.01 (2) "State Publication" means any information for public distribution, regardless of format, method of reproduction, source, or copyright that is produced, purchased for distribution, or authorized, with the imprint of, or at the total or partial expense of the agency, with the exception of correspondence, interoffice memoranda, or those items detailed by section 24-72-204. "State Publication" includes, without limitation, information available electronically by means of computer diskettes, compact discs, computer tapes, other electronic storage media, or a public telecommunications network.

200.02 Publications Required to be Deposited

200.02 (1) Publications required to be deposited are those informational materials defined in Section 24-90-202(4), C.R.S. 1973, published by the authority of a state agency and released for distribution to the public which are not compiled and produced solely to meet the internal operating needs of the agency, or its divisions. Materials may be in any physical format, reproduced by any method, and may deal with any subject matter.

200.02 (2) Informational materials specifically required by Federal or State law to be disseminated to the public fall under this definition and are required to be deposited with the Center. Materials offered to the public for sale or by paid subscription are published for public distribution and are required to be deposited.

200.02 (3) Most items published by state agencies are obvious candidates for deposit with the Center. Such items as annual reports, budgets, maps, magazines, directories, special reports, studies, handbooks, manuals and guides are important items for deposit.

200.02 (4) An agency may produce some items which are not appropriate for deposit. Agencies should consult with the Depository Center staff for assistance in interpretation. An appeal

procedure is available to resolve differences. Agencies wishing to have a comprehensive, documented agreement for excluding certain items have the option of requesting a memorandum of understanding with the Depository Center.

200.03 Materials Not Required to be Deposited

200.03 (1) The following materials are not required to be deposited:

200.03 (1) (a) Materials which are not "state publications" as defined above.

200.03 (1) (b) Correspondence and inter-office memoranda compiled and reproduced solely to meet the internal operating needs of the agency and its divisions.

200.03 (1) (c) Materials which are not released for public distribution.

200.03 (1) (d) Materials specifically excluded by negotiation between the Depository Center and the agency. These decisions may be formalized in a memorandum of understanding.

200.04 Guidelines for Determination of Deposit Titles

200.04 (1) To assist agencies in complying with the requirements to deposit state publications, the Depository Center will offer guidance with general problems and requirements for depositing specific items.

200.05 Number of Copies to be Deposited

200.05 (1) Every state agency shall, within ten (10) days of publication, deposit at least four, and preferably twenty (20), copies of each of its state publications (with the exception of audiovisual materials) with the Center. One copy of each such audiovisual material shall be deposited with the Center. The State Librarian or designee may require additional copies of certain state publications to be deposited when deemed more than four or twenty (20) copies are required to fulfill the purposes of this part 2, (Section 24-90-204, C.R.S. 1973).

200.05 (2) Whenever any report is required or allowed to be made to the General Assembly, the filing of such report in each House of the General Assembly plus copies to those legislators requesting such, shall be deemed to be sufficient compliance with the direction or authority to make such report.

200.06 Publications Liaison Officer

200.06 (1) Every state agency shall designate one of its staff members or employees as the publications liaison officer for the agency, shall notify the Depository Center of the identity of such officer, and shall immediately notify the Center should a change occur.

200.06 (2) The publications liaison officer of each state agency shall have the duty to provide the Depository Center with copies of all state publications of the agency, to compile and forward to the Center required lists of the agency's publications, and to provide other related information as may be requested by the Center.

200.07 Determination Whether Rules Apply

200.07 (1) If a state agency is in doubt whether a specific publication is required to be deposited as set forth in the above rules, or if the number of copies to be deposited is questioned, the publications liaison officer of the agency shall consult with the division head of the Depository Center for assistance in interpreting the rules. If the state agency is not satisfied with the

determination of the head of the Center, a written request should be submitted to the State Librarian or designee who will make the final ruling.

200.08 Agency List of Publications

200.08 (1) Upon written request from the State Librarian or designee, every state agency, including all institutions of higher education, shall provide to the Depository Center a complete list of its state publications, regardless of format.

200.09 Standard Format for State Publications

200.09 (1) To assure that the identity of a publication can be ascertained in terms of the issuing authority, author, and subject matter, the following information should be included on the title page or other suitable place near the beginning of each state publication which is required to be deposited with the Depository Center:

200.09 (1) (a) Full name of the issuing agency, including the division or subdivision responsible for publication, and the parent body.

200.09 (1) (b) Name of any personal author to whom credit is intended to be given.

200.09 (1) (c) Title of the publication.

200.09 (1) (d) Date, month and year and Place of publication.

200.09 (1) (e) Frequency and number of issue if a periodical, that is, weekly, monthly, etc.

200.09 (1) (f) Volume and number of issue, if appropriate.

2490-R-201.00 Depository Libraries' Designation and Responsibilities

201.00 (1) The Colorado State Library will designate depository libraries. Each designated depository library will enter into a formal agreement with the State Publications Depository and Distribution Center, Colorado State Library.

201.00 (2) Depository libraries shall be open to the general public for the free use of depository publications.

201.00 (3) Depository libraries shall have the interest, the resources (including staff, equipment and space), and the ability to provide public service and custody of state publications.

201.00 (4) Depository libraries shall keep the documents collection open for public service the same hours as other major parts of the library.

201.00 (5) Depository libraries must provide loan service of documents to any library in the State that is unable to obtain the material from another library.

201.00 (6) Each depository library, in conjunction with the publications liaison officer, shall notify the Depository Center of state publications not appearing in the distribution program and, upon the request of the Depository Center, shall provide the Center with copy(ies) of said publications.

201.01 Designation Procedures

201.01 (1) Each interested library shall notify the Depository Center of its interest in becoming a depository and submit an application to the Center.

201.01 (2) Depository designations shall be based on a combination of a geographical location, size of collection, designation as a federal depository library, population and demographic factors. Academic and public libraries will be given equal consideration.

201.01 (3) One depository designation will be reserved for each geographic area of the state. Additional depository designations shall be made as funding permits and shall be based on geographical locations, size of collection, designation as a federal depository library, population and demographic factors.

201.01 (4) Each designated depository library will agree to participate in a program of monitoring by the Depository Center staff designed to ensure compliance with rules and agreement provisions.

201.01 (5) The Depository Center will monitor the service programs of the depository libraries to determine compliance with agreement provisions. Depositories will be notified before monitoring visits occur. If a violation is found, the depository library will be granted six months to comply and a follow-up monitoring visit will be conducted to verify compliance.

201.01 (6) The total number of depositories will not exceed thirty (30).

201.02 General Provisions

201.02 (1) Depository libraries will abide by the retention of materials guidelines provided by the Depository Center.

201.02 (2) Depository libraries will file reports required by the Colorado State Library with the Depository Center on forms provided by the State Library.

201.02 (3) Each depository library will appoint a staff member who will be responsible for the state publications collection and service to serve as the contact person with the Depository Center and will immediately notify the Center should a change occur. Each depository library will be expected to send this representative or his designee to attend Depository Center meetings.

201.03 Termination of Depository Designations

201.03 (1) If a designated depository library wishes to terminate its depository agreement, a written notice must be given to the Colorado State Library thirty (30) days prior to the intended date of termination.

201.03 (2) Depository libraries found to be in violation of the depository agreement shall be subject to termination of their depository status by the Colorado State Library. The Depository Center staff will make a recommendation to terminate depository status to the State Librarian or designee and will give written notice of the intent to terminate depository status to the director of the library in question.

201.03 (3) A depository library that receives notice of intent to terminate depository status may appeal that action within sixty (60) days from the date of notice to the State Librarian. It is the

responsibility of the depository library to show cause why the termination should not occur and that it is in compliance with the depository agreement provisions. The final decision will be made by the State Librarian.

201.03 (4) A depository library that receives the final decision from the State Librarian may appeal that action within thirty (30) days of the final decision to the State Board of Education. It is the responsibility of the depository library to show cause why the termination should not occur and that it is in compliance with the depository agreement provisions. The final decision will be made by the State Board of Education.

201.03 (5) All materials deposited with the depository libraries remain the property of the Colorado State Library.

201.03 (6) Upon termination of a depository agreement, disposition of the materials deposited with the library will be determined by the Colorado State Library.

GUIDELINES FOR DEPOSITORY LIBRARIES

1. The Depository Center will notify depository libraries of forthcoming monitoring visits.
2. Depository libraries which notify the Depository Center of documents not distributed through the program will provide the Center a copy of the cover, the title page and other information needed to identify the issuing agency. A complete copy of the document will be provided upon request of the Depository Center.
3. The Depository Center recommends that depository libraries organize the state documents collection according to the classification numbers assigned to each publication by the Center in order to facilitate use of the index to state publications provided by the Center.
4. Depository libraries shall provide for the orderly processing and custody of state publications provided by the Depository Center.
5. Claims for missing items should be made to the Center within three weeks of receipt of each shipment.
6. Depository libraries will assume the responsibility for the replacement of lost or damaged depository documents except for those items missing from the original shipments made by the Depository Center.
7. Depository libraries will retain state documents provided by the Depository Center indefinitely, or until permission to discard or distribute to other libraries is received from the Center.
8. Superseded items will be identified by the Center and those items shall be discarded unless needed for the collection of the depository library for historic purposes. Such items shall be marked as superseded.
9. Depository libraries shall send status reports of activities on forms supplied by the Colorado State Library to the Depository Center at least once each year.

Entire Rule effective June 30, 2009