

950

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to allowing the purchase of curriculum and instructional resources with money set aside for textbooks

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 701 of the education law, as amended by chapter 587  
2     of the laws of 1973, subdivision 2 as amended by section 1 of part A-1  
3     of chapter 58 of the laws of 2011, subdivision 3 as amended by chapter  
4     391 of the laws of 1989, subdivision 4 as amended by chapter 82 of the  
5     laws of 1995, subdivision 6 as amended by section 6 of part B of chapter  
6     57 of the laws of 2007, subdivision 7 as amended by section 2 of part A  
7     of chapter 436 of the laws of 1997 and subdivision 8 as added by chapter  
8     635 of the laws of 1984, is amended to read as follows:  
9     S 701. Power to designate text-books; purchase and loan of text-books;  
10    purchase of supplies. 1. In the several cities and school districts of  
11    the state, boards of education, trustees or such body or officer as  
12    perform the functions of such boards, shall designate text-books AND  
13    CURRICULUM AND INSTRUCTIONAL RESOURCES to be used in the schools under  
14    their charge.  
15    2. (A) A text-book, for the purposes of this section shall mean: (i)  
16    any book, or a book substitute, which shall include hard covered or  
17    paperback books, work books, or manuals and (ii) for expenses incurred  
18    after July first, nineteen hundred ninety-nine, any courseware or other  
19    content-based instructional materials in an electronic format, as such  
20    terms are defined in the regulations of the commissioner, which a pupil  
21    is required to use as a text, or a text-substitute, in a particular  
22    class or program in the school he or she legally attends. For expenses  
23    incurred on or after July first, two thousand eleven, a text-book shall

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 also mean items of expenditure that are eligible for an apportionment  
2 pursuant to sections seven hundred eleven, seven hundred fifty-one  
3 and/or seven hundred fifty-three of this title, where such items are  
4 designated by the school district as eligible for aid pursuant to this  
5 section, provided, however, that if aided pursuant to this section, such  
6 expenses shall not be aidable pursuant to any other section of law.

7 (B) CURRICULUM AND INSTRUCTIONAL RESOURCES FOR THE PURPOSES OF THIS  
8 SECTION, SHALL MEAN INQUIRY-CENTERED CURRICULUM AND INSTRUCTIONAL MATE-  
9 RIALS, SUPPLIES, MANIPULATIVES, OR OTHER RESOURCES WHICH ARE ALIGNED  
10 WITH STATE STANDARDS USED BY STUDENTS AND TEACHERS TO SUPPORT AND  
11 ENHANCE TEACHING AND LEARNING.

12 (C) Expenditures aided pursuant to this section shall not be eligible  
13 for aid pursuant to any other section of law. Courseware or other  
14 content-based instructional materials in an electronic format included  
15 in the definition of textbook pursuant to this subdivision shall be  
16 subject to the same limitations on content as apply to books or book  
17 substitutes aided pursuant to this section.

18 3. In the several cities and school districts of the state, boards of  
19 education, trustees or such body or officers as perform the function of  
20 such boards shall have the power and duty to: (A) purchase and to loan  
21 upon individual request, textbooks, to all children residing in such  
22 district who are enrolled in a public school including children attend-  
23 ing the public schools of the district for whom the district is eligible  
24 to receive reimbursement pursuant to [paragraph a of] subdivision eight  
25 of section thirty-two hundred two of this chapter, provided, however,  
26 that such children shall not be counted by any other school district,  
27 and to all children residing in such district who are enrolled in a  
28 nonpublic school; AND (B) PURCHASE AND TO LOAN UPON INDIVIDUAL REQUEST,  
29 CURRICULUM AND INSTRUCTIONAL MATERIALS, TO ALL CHILDREN RESIDING IN SUCH  
30 DISTRICT WHO ARE ENROLLED IN A PUBLIC SCHOOL INCLUDING CHILDREN ATTEND-  
31 ING THE PUBLIC SCHOOLS OF THE DISTRICT FOR WHOM THE DISTRICT IS ELIGIBLE  
32 TO RECEIVE REIMBURSEMENT PURSUANT TO SUBDIVISION EIGHT OF SECTION THIR-  
33 TY-TWO HUNDRED TWO OF THIS CHAPTER, PROVIDED, HOWEVER, THAT SUCH CHIL-  
34 DREN SHALL NOT BE COUNTED BY ANY OTHER SCHOOL DISTRICT, AND TO ALL CHIL-  
35 DREN RESIDING IN SUCH DISTRICT WHO ARE ENROLLED IN A NONPUBLIC SCHOOL.  
36 Textbooks AND CURRICULUM AND INSTRUCTIONAL RESOURCES loaned to children  
37 enrolled in said nonpublic schools shall be textbooks AND CURRICULUM AND  
38 INSTRUCTIONAL RESOURCES which are designated for use in any public  
39 schools of the state or are approved by any boards of education, trus-  
40 tees or other school authorities. Such textbooks AND CURRICULUM AND  
41 INSTRUCTIONAL RESOURCES are to be loaned free to such children subject  
42 to such rules and regulations as are or may be prescribed by the board  
43 of regents and such boards of education, trustees or other school  
44 authorities. Enrollment shall be as defined in subdivision one of  
45 section thirty-six hundred two of this chapter.

46 4. No school district shall be required to purchase or otherwise  
47 acquire textbooks OR CURRICULUM AND INSTRUCTIONAL RESOURCES, the cost of  
48 which shall exceed an amount equal to the apportionment pursuant to  
49 subdivision six of this section plus a minimum lottery grant determined  
50 pursuant to subdivision four of section ninety-two-c of the state  
51 finance law multiplied by the number of children residing in such  
52 district and so enrolled in the base year; and no school district shall  
53 be required to loan textbooks OR CURRICULUM AND INSTRUCTIONAL RESOURCES  
54 in excess of the textbooks OR CURRICULUM AND INSTRUCTIONAL RESOURCES  
55 owned or acquired by such district; provided, however that all textbooks  
56 OR CURRICULUM AND INSTRUCTIONAL RESOURCES owned or acquired by such

1 district shall be loaned to children residing in the district and so  
2 enrolled in public and nonpublic schools on an equitable basis.

3 5. In the several cities and school districts of the state, boards of  
4 education, trustees or other school authorities may purchase supplies  
5 and either rent, sell or loan the same to the pupils attending the  
6 public schools in such cities and school districts upon such terms and  
7 under such rules and regulations as may be prescribed by such boards of  
8 education, trustees or other school authorities.

9 6. The commissioner, in addition to the annual apportionment of public  
10 monies pursuant to other articles of this chapter, shall apportion to  
11 each school district an amount equal to the cost of the textbooks AND  
12 CURRICULUM AND INSTRUCTIONAL RESOURCES purchased and loaned by the  
13 district pursuant to this section in the base year, but in no case shall  
14 the aid apportioned to the district exceed the product of the textbook  
15 factor plus a minimum lottery grant, determined pursuant to subdivision  
16 four of section ninety-two-c of the state finance law, and the sum of  
17 the enrollments in grades kindergarten through twelve in the base year  
18 calculated pursuant to subparagraphs four, five, and six of paragraph n  
19 of subdivision one of section thirty-six hundred two of this chapter.  
20 Aid payable pursuant to this section shall be deemed final and not  
21 subject to change after April thirtieth of the school year for which  
22 payment was due.

23 For aid payable in the two thousand seven--two thousand eight school  
24 year and thereafter, the textbook factor shall equal forty-three dollars  
25 and twenty-five cents.

26 7. The apportionment provided for in this section shall be paid, at  
27 such times as may be determined by the commissioner and approved by the  
28 director of the budget, during the school year in which the expenditures  
29 are reported to the department prior to such apportionment. Expenditures  
30 by a school district in excess of the product of the textbook factor  
31 plus a minimum lottery grant determined pursuant to subdivision four of  
32 section ninety-two-c of the state finance law and the sum of the enroll-  
33 ments in grades kindergarten through twelve in the base year calculated  
34 pursuant to subparagraphs four, five, and six of paragraph n of subdivi-  
35 sion one of section thirty-six hundred two of this chapter in any school  
36 year shall be deemed approved operating expense of the district for the  
37 purpose of computation of state aid pursuant to section thirty-six  
38 hundred two of this chapter, but expenditures up to such product shall  
39 not be deemed approved operating expenses for such purpose.

40 8. In its discretion, a board of education may adopt regulations spec-  
41 ifying the date by which requests for the purchase and loan of textbooks  
42 AND CURRICULUM AND INSTRUCTIONAL RESOURCES must be received by the  
43 district. Notice of such date shall be given to all non-public schools.  
44 Such date shall not be earlier than the first day of June of the school  
45 year prior to that for which such textbooks AND CURRICULUM AND INSTRUC-  
46 TIONAL RESOURCES are being requested, provided, however, that a parent  
47 or guardian of a child not attending a particular non-public school  
48 prior to June first of the school year may submit a written request for  
49 textbooks AND/OR CURRICULUM AND INSTRUCTIONAL RESOURCES within thirty  
50 days after such child is enrolled in such non-public school. In no event  
51 however shall a request made later than the times otherwise provided  
52 pursuant to this subdivision be denied where a reasonable explanation is  
53 given for the delay in making the request.

54 S 2. This act shall take effect immediately.