

S T A T E O F N E W Y O R K

7883--B

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. MAISEL, REILLY, JAFFEE, FIELDS, ABBATE, ROBINSON, MILLMAN, BENEDETTO, BARRON, KOON, McDONOUGH -- Multi-Sponsored by -- M. of A. AUBRY, BRENNAN, DeLMONTE, GUNTHER, HEASTIE, HOOPER, JOHN, LANCMAN, McENENY, MENG, J. MILLER, PHEFFER, SCHIMEL, TITUS, WEISENBERG -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 8 of part L of
3 chapter 405 of the laws of 1999, subdivision 3 as amended by chapter 391
4 of the laws of 1989, subdivision 4 as amended by chapter 82 of the laws
5 of 1995, subdivision 6 as amended by section 6 of part B of chapter 57
6 of the laws of 2007, subdivision 7 as amended by section 2 of part A of
7 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

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

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1 paperback books, work books, or manuals and (ii) for expenses incurred
2 after July first, nineteen hundred ninety-nine, any courseware or other
3 content-based instructional materials in an electronic format, as such
4 terms are defined in the regulations of the commissioner, which a pupil
5 is required to use as a text, or a text-substitute, in a particular
6 class or program in the school he or she legally attends.

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 section seven hundred eleven or seven hundred
14 fifty-one of this [chapter] TITLE. Courseware or other content-based
15 instructional materials in an electronic format included in the defi-
16 nition of textbook pursuant to this subdivision shall be subject to the
17 same limitations on content as apply to books or book substitutes aided
18 pursuant to this section.

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

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

1 OR CURRICULUM AND INSTRUCTIONAL RESOURCES owned or acquired by such
2 district shall be loaned to children residing in the district and so
3 enrolled in public and nonpublic schools on an equitable basis.

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

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

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

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

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

55 S 2. This act shall take effect immediately.