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

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I N S E N A T E

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Introduced by Sens. OPPENHEIMER, C. JOHNSON, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Section 701 of the education law, as amended by chapter 587 of the laws of 1973, subdivision 2 as amended by section 8 of part L of chapter 405 of the laws of 1999, subdivision 3 as amended by chapter 391 of the laws of 1989, subdivision 4 as amended by chapter 82 of the laws of 1995, subdivision 6 as amended by section 6 of part B of chapter 57 of the laws of 2007, subdivision 7 as amended by section 2 of part A of chapter 436 of the laws of 1997 and subdivision 8 as added by chapter 635 of the laws of 1984, is amended to read as follows:

S 701. Power to designate text-books; purchase and loan of text-books; purchase of supplies. 1. In the several cities and school districts of the state, boards of education, trustees or such body or officer as perform the functions of such boards, shall designate text-books AND CURRICULUM AND INSTRUCTIONAL RESOURCES to be used in the schools under their charge.

2. (A) A text-book, for the purposes of this section shall mean: (i) any book, or a book substitute, which shall include hard covered or paperback books, work books, or manuals and (ii) for expenses incurred after July first, nineteen hundred ninety-nine, any courseware or other content-based instructional materials in an electronic format, as such terms are defined in the regulations of the commissioner, which a pupil

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

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is required to use as a text, or a text-substitute, in a particular class or program in the school he or she legally attends.

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

(C) Expenditures aided pursuant to this section shall not be eligible for aid pursuant to section seven hundred eleven or seven hundred fifty-one of this [chapter] TITLE. Courseware or other content-based instructional materials in an electronic format included in the definition of textbook pursuant to this subdivision shall be subject to the same limitations on content as apply to books or book substitutes aided pursuant to this section.

3. In the several cities and school districts of the state, boards of education, trustees or such body or officers as perform the function of such boards shall have the power and duty to: (A) purchase and to loan upon individual request, textbooks, to all children residing in such district who are enrolled in a public school including children attending the public schools of the district for whom the district is eligible to receive reimbursement pursuant to [paragraph a] of subdivision eight of section thirty-two hundred two of this chapter, provided, however, that such children shall not be counted by any other school district, and to all children residing in such district who are enrolled in a nonpublic school; AND (B) PURCHASE AND TO LOAN UPON INDIVIDUAL REQUEST, CURRICULUM AND INSTRUCTIONAL MATERIALS, TO ALL CHILDREN RESIDING IN SUCH DISTRICT WHO ARE ENROLLED IN A PUBLIC SCHOOL INCLUDING CHILDREN ATTENDING THE PUBLIC SCHOOLS OF THE DISTRICT FOR WHOM THE DISTRICT IS ELIGIBLE TO RECEIVE REIMBURSEMENT PURSUANT TO SUBDIVISION EIGHT OF SECTION THIRTY-TWO HUNDRED TWO OF THIS CHAPTER, PROVIDED, HOWEVER, THAT SUCH CHILDREN SHALL NOT BE COUNTED BY ANY OTHER SCHOOL DISTRICT, AND TO ALL CHILDREN RESIDING IN SUCH DISTRICT WHO ARE ENROLLED IN A NONPUBLIC SCHOOL. Textbooks AND CURRICULUM AND INSTRUCTIONAL RESOURCES loaned to children enrolled in said nonpublic schools shall be textbooks AND CURRICULUM AND INSTRUCTIONAL RESOURCES which are designated for use in any public schools of the state or are approved by any boards of education, trustees or other school authorities. Such textbooks AND CURRICULUM AND INSTRUCTIONAL RESOURCES are to be loaned free to such children subject to such rules and regulations as are or may be prescribed by the board of regents and such boards of education, trustees or other school authorities. Enrollment shall be as defined in subdivision one of section thirty-six hundred two of this chapter.

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

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

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

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

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

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

S 2. This act shall take effect immediately.