

1082

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. CLARK -- read once and referred to the Committee  
on Education

AN ACT to amend the education law, in relation to prohibiting certain  
telecommunications contracts

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

1     Section 1. The education law is amended by adding a new section 2040-b  
2     to read as follows:  
3     S 2040-B. PROHIBITED CONTRACTS. 1. FOR PURPOSES OF THIS SECTION,  
4     "TELECOMMUNICATIONS" MEANS THE ELECTRONIC MOVEMENT OF INFORMATION IN ANY  
5     FORM INCLUDING THE ELECTRONIC MOVEMENT OF INFORMATION BY CABLE, FIBER  
6     OPTICS, INSTRUCTIONAL TELEVISION FIXED SERVICE, MICROWAVE, RADIO, SATEL-  
7     LITE, COMPUTER, TELEPHONE OR TELEVISION.  
8     2. NO SCHOOL BOARD SHALL DO ANY OF THE FOLLOWING:  
9     (A) ENTER INTO A CONTRACT THAT GRANTS EXCLUSIVE ADVERTISING RIGHTS TO  
10    A PERSON;  
11    (B) ENTER INTO A CONTRACT THAT PROHIBITS THE SCHOOL BOARD, A SCHOOL  
12    BOARD MEMBER, A SCHOOL DISTRICT EMPLOYEE OR A PUPIL FROM DISPARAGING THE  
13    GOODS OR SERVICES OF THE PERSON CONTRACTING WITH THE SCHOOL BOARD; OR  
14    (C) ENTER INTO A CONTRACT FOR TELECOMMUNICATIONS GOODS OR SERVICES IF  
15    THE CONTRACT REQUIRES THE DISSEMINATION OF ADVERTISING TO PUPILS OR IF  
16    THE GOODS OR SERVICES ARE PROVIDED TO THE SCHOOL DISTRICT AT A PRICE  
17    BELOW MARKET VALUE WITH THE EXPECTATION THAT THE GOODS OR SERVICES WILL  
18    BE USED TO DISSEMINATE ADVERTISING TO PUPILS.  
19    S 2. This act shall take effect immediately and shall apply to  
20    contracts entered into, modified, extended or renewed on and after such  
21    date.

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

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