

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

2996--B

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. MAISEL, P. RIVERA, ROBERTS, STEVENSON, JACOBS, JAFFEE, WEPRIN -- Multi-Sponsored by -- M. of A. CAHILL, CALHOUN, COLTON, CROUCH, JORDAN, MARKEY, TITONE -- 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 -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to allowing the purchase of manipulatives 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 MANIPULATIVES to be used in the schools under their charge.
14 2. (A) A text-book, for the purposes of this section shall mean: (i)
15 any book, or a book substitute, which shall include hard covered or
16 paperback books, work books, or manuals and (ii) for expenses incurred
17 after July first, nineteen hundred ninety-nine, any courseware or other
18 content-based instructional materials in an electronic format, as such

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

LBD05311-05-2

1 terms are defined in the regulations of the commissioner, which a pupil
2 is required to use as a text, or a text-substitute, in a particular
3 class or program in the school he or she legally attends.

4 (B) MANIPULATIVES FOR THE PURPOSES OF THIS SECTION, SHALL MEAN
5 SUPPLIES AND MATERIALS USED TO SUPPORT TEACHING AND LEARNING AS PART OF
6 AN INQUIRY CENTERED CURRICULUM AS DEFINED BY THE COMMISSIONER.

7 (C) For expenses incurred on or after July first, two thousand eleven,
8 a text-book shall also mean items of expenditure that are eligible for
9 an apportionment pursuant to sections seven hundred eleven, seven
10 hundred fifty-one and/or seven hundred fifty-three of this title, where
11 such items are designated by the school district as eligible for aid
12 pursuant to this section, provided, however, that if aided pursuant to
13 this section, such expenses shall not be aidable pursuant to any other
14 section of law.

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

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

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

1 PULATIVES owned or acquired by such district shall be loaned to children
2 residing in the district and so enrolled in public and nonpublic schools
3 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 MANIPULATIVES purchased and loaned by the district pursuant to this
14 section in the base year, but in no case shall the aid apportioned to
15 the district exceed the product of the textbook factor plus a minimum
16 lottery grant, determined pursuant to subdivision four of section nine-
17 ty-two-c of the state finance law, and the sum of the enrollments in
18 grades kindergarten through twelve in the base year calculated pursuant
19 to subparagraphs four, five, and six of paragraph n of subdivision one
20 of section thirty-six hundred two of this chapter. Aid payable pursuant
21 to this section shall be deemed final and not subject to change after
22 April thirtieth of the school year for which 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 MANIPULATIVES must be received by the district. Notice of such date
43 shall be given to all non-public schools. Such date shall not be earlier
44 than the first day of June of the school year prior to that for which
45 such textbooks AND MANIPULATIVES are being requested, provided, however,
46 that a parent or guardian of a child not attending a particular non-
47 public school prior to June first of the school year may submit a writ-
48 ten request for textbooks AND/OR MANIPULATIVES within thirty days after
49 such child is enrolled in such non-public school. In no event however
50 shall a request made later than the times otherwise provided pursuant to
51 this subdivision be denied where a reasonable explanation is given for
52 the delay in making the request.

53 S 2. This act shall take effect immediately.