

950

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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.