

STATE OF NEW YORK

9977

IN ASSEMBLY

March 4, 2020

Introduced by M. of A. DAVILA, MOSLEY, BUCHWALD, COLTON, McDONOUGH, PICHARDO, GOTTFRIED, BARRON, GUNTHER, ORTIZ, SIMON, DICKENS, L. ROSENTHAL, WILLIAMS -- read once and referred to the Committee on Education

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

22 (b) Manipulatives for the purposes of this section, shall mean
23 supplies and materials used to support teaching and learning as part of
24 an inquiry centered curriculum as defined by the commissioner.

25 (c) For expenses incurred on or after July first, two thousand eleven,
26 a text-book shall also mean items of expenditure that are eligible for
27 an apportionment pursuant to sections seven hundred eleven, seven

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

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1 hundred fifty-one and/or seven hundred fifty-three of this title, where
2 such items are designated by the school district as eligible for aid
3 pursuant to this section, provided, however, that if aided pursuant to
4 this section, such expenses shall not be aidable pursuant to any other
5 section of law.

6 (d) Expenditures aided pursuant to this section shall not be eligible
7 for aid pursuant to any other section of law. Courseware or other
8 content-based instructional materials in an electronic format included
9 in the definition of textbook pursuant to this subdivision shall be
10 subject to the same limitations on content as apply to books or book
11 substitutes aided pursuant to this section.

12 3. In the several cities and school districts of the state, boards of
13 education, trustees or such body or officers as perform the function of
14 such boards shall have the power and duty to: (a) purchase and to loan
15 upon individual request, textbooks, to all children residing in such
16 district who are enrolled in a public school including children attend-
17 ing the public schools of the district for whom the district is eligible
18 to receive reimbursement pursuant to ~~[paragraph a of]~~ subdivision eight
19 of section thirty-two hundred two of this chapter, provided, however,
20 that such children shall not be counted by any other school district,
21 and to all children residing in such district who are enrolled in a
22 nonpublic school; and (b) purchase and to loan upon individual request,
23 manipulatives, to all children residing in such district who are
24 enrolled in a public school including children attending the public
25 schools of the district for whom the district is eligible to receive
26 reimbursement pursuant to subdivision eight of section thirty-two
27 hundred two of this chapter, provided, however, that such children shall
28 not be counted by any other school district, and to all children resid-
29 ing in such district who are enrolled in a nonpublic school. Textbooks
30 and manipulatives loaned to children enrolled in said nonpublic schools
31 shall be textbooks and manipulatives which are designated for use in any
32 public schools of the state or are approved by any boards of education,
33 trustees or other school authorities. Such textbooks and manipulatives
34 are to be loaned free to such children subject to such rules and regu-
35 lations as are or may be prescribed by the board of regents and such
36 boards of education, trustees or other school authorities. Enrollment
37 shall be as defined in subdivision one of section thirty-six hundred two
38 of this chapter.

39 4. No school district shall be required to purchase or otherwise
40 acquire textbooks or manipulatives, the cost of which shall exceed an
41 amount equal to the apportionment pursuant to subdivision six of this
42 section plus a minimum lottery grant determined pursuant to subdivision
43 four of section ninety-two-c of the state finance law multiplied by the
44 number of children residing in such district and so enrolled in the base
45 year; and no school district shall be required to loan textbooks or
46 manipulatives in excess of the textbooks or manipulatives owned or
47 acquired by such district; provided, however that all textbooks or mani-
48 pulatives owned or acquired by such district shall be loaned to children
49 residing in the district and so enrolled in public and nonpublic schools
50 on an equitable basis.

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

§ 2. This act shall take effect immediately.