§ 403-b. Leasing of school buildings and facilities. 1. The board of education of any union free or central school district is hereby authorized to enter into a lease with any other union free or central school district providing for the use and occupancy by any such school district of a school building, or a portion thereof, owned by such other school district, provided such lessee school district is within a reasonable distance, as determined by the commissioner, from the lessor school district, subject to the conditions set forth in this subdivision. The board of education of any union free or central school district is hereby authorized to enter into a lease with any person, partnership or corporation for use and occupancy of a building or facility, or a portion thereof, owned by such person, partnership, or corporation for use as a school facility provided that such building or facility is located within the school district and subject to the conditions set forth in this subdivision.

a. No such lease shall be for a period of more than five years, except that the term of such a lease may exceed five years if the approval of the voters of the school district which will become the lessee is obtained before the lease is executed. Notwithstanding any other provision of this section to the contrary, the initial term of such a lease, not including any renewals thereof, may not exceed the period of probable usefulness that would be prescribed for such building or facilities by the local finance law if the building or facility were owned by a school district.

b. The approval of the voters of the school district which will become the lessee shall be obtained for any capital project to be undertaken in a leased building or facility during the term of the lease, provided however that any such capital project shall be subject to the prior approval of the commissioner and shall only be approved where the commissioner finds that the need for such project has been established to the commissioner's satisfaction.

c. Such lease shall not become effective until the commissioner shall have approved the same. In approving such leases, the commissioner shall determine: (i) that the leased facility meets all applicable standards

for the health, safety and comfort of occupants; (ii) that the leased facility is educationally adequate as determined by the commissioner for new construction or rehabilitation, and (iii) that district has a current five-year facilities plan, or other long-range facilities plan as applicable, that is consistent with the regulations of the commissioner, and includes the proposed lease as well as all other planned acquisitions, disposals and leasing of buildings or facilities for school purposes during the period of the plan.

d. Any such lease may be renewed, provided however that the approval of the voters of the school district which will become the lessee shall be obtained before such renewal is executed.

e. To be eligible for aid pursuant to subdivision six of section thirty-six hundred two of this chapter, such leased school or facility shall meet requirements for access by individuals with disabilities to both facilities and programs, as defined in regulations of the commissioner, and the leased space shall be used to house programs for pupils in grades prekindergarten through twelve, other than programs funded pursuant to section forty-four hundred ten of this chapter, with minimal associated administrative and support services space as approved by the commissioner.

f. The term "lease", as used in this section, shall not include a lease with an option to purchase. Any lease entered pursuant to this section shall include a provision that the lease shall be void and unenforceable if entered into in violation of section eight hundred one of the general municipal law or section four hundred ten of this chapter.

2. Any union free or central school district which shall have leased a school building from another school district or from a person, partnership or corporation pursuant to the provisions of this section is hereby authorized to operate and conduct school in such building in all respects as though such school building were owned by and located within the boundaries of such school district. The average daily attendance of pupils attending such school shall be included in the average daily

attendance of such lessee district as certified to the commissioner in the report of the board of education.

3. A school district providing transportation between a school building leased from another district and the homes of the children attending such school shall be entitled to transportation aid as though such school were located within the lessee school district.