§ 4101. Duties of commissioner regarding Indian children. 1. The commissioner of education shall establish schools in such places and maintain such courses of instruction therein for the education of the Indian children of the state as he or she shall deem necessary. He or she shall have general supervision of such education and shall cause to be erected where necessary convenient and suitable school buildings for the accommodation of all the Indian children of the state.

2. Notwithstanding any other provision of law, rule or regulation to the contrary, the commissioner in his or her discretion may, instead of establishing schools and maintaining courses of instruction therein for the education of the Indian children of the state, contract, for a period of up to ten years, with any school district for the education of such Indian children. The consideration for any such contract shall not exceed the total cost to the school district of the education of Indian children pursuant to such contract, less any public moneys received by the school district by reason of the attendance of such Indian children in regular day school, except any public moneys received by the district as a building quota pursuant to the provisions of subdivision six-a of section thirty-six hundred two of this chapter. The commissioner of taxation and finance shall pay on the warrant of the comptroller bills, for the costs and expenses attending such contract, approved by the commissioner of education from the appropriation for the support and education of Indian children. In carrying out the provisions of this article the commissioner, notwithstanding any other provision of law, may lease any school ground, site or building established for a reservation and owned by the state of New York to any school district upon such terms and conditions as he or she shall deem necessary, convenient and proper. Nothing herein contained shall alter the title of the Indians to their lands.

3. The commissioner of education shall also enforce this article and pay from the funds set apart for Indian education any necessary expense incurred thereby.

4. Notwithstanding any other provision of law to the contrary, an Indian child who is resident of any portion of reservation located

wholly or partly within the borders of the state shall be deemed an Indian child for the purposes of this article.