§ 4206. Persons eligible for appointment as pupils to institutions for instruction of the blind. 1. All blind persons of suitable age and capacity and who shall have been residents in this state for one year immediately preceding the application or, if a minor, whose parent or parents, or, if an orphan, whose nearest friend, shall have been a resident in this state for one year immediately preceding the application, shall be eligible for appointment as state pupils to the New York Institute for Special Education in the city of New York or the Lavelle School for the Blind in the city of New York.

2. Blind babies and children of the age of fifteen years and under and possessing the other qualifications prescribed in this article and requiring kindergarten training or other special care and instruction, shall be eligible for appointment as state pupils by the commissioner of education at his discretion in any incorporated institution furnishing approved care, training and instruction for blind babies and children, and any such child may be transferred to the New York Institute for Special Education in the city of New York or the Lavelle School for the Blind in the city of New York, to which he or she would otherwise be eligible for appointment, upon arriving at suitable age, in the discretion of the commissioner of education.

3. All such appointments shall be made by the commissioner of education. The requirement of this section as to length of residence in this state may be waived in the discretion of the commissioner of education.