A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the education law, in relation to expenses for
textbooks, school library materials, software programs and
computer equipment (Part A-1)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

PART A-1

Section 1. Subdivision 2 of section 701 of the education law, as amended by section 8 of part L of chapter 405 of the laws of 1999, is amended to read as follows:

2. A text-book, for the purposes of this section shall mean: (i) any book, or a book substitute, which shall include hard covered or paperback books, work books, or manuals and (ii) for expenses incurred after July first, nineteen hundred ninety-nine, any courseware or other content-based instructional materials in an electronic format, as such terms are defined in the regulations of the commissioner, which a pupil is required to use as a text, or a text-substitute, in a particular class or program in the school he or she legally attends. For expenses incurred on or after July first, two thousand eleven, a text-book shall also mean items of expenditure that are eligible for an apportionment pursuant to sections seven hundred eleven, seven hundred fifty-one and/or seven hundred fifty-three of this title, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that if aided pursuant to this section, such
expenses shall not be aidable pursuant to any other section of law.

Expenditures aided pursuant to this section shall not be eligible for aid pursuant to any other section [seven hundred eleven or seven hundred fifty-one] of [this chapter] law. Courseware or other content-based instructional materials in an electronic format included in the definition of textbook pursuant to this subdivision shall be subject to the same limitations on content as apply to books or book substitutes aided pursuant to this section.

§ 2. Subdivision 2 of section 711 of the education law, as added by chapter 53 of the laws of 1985, is amended to read as follows:

2. School library materials, for the purposes of this article shall mean both audio/visual materials and printed materials that may or may not require magnification which meet all of the following criteria: (1) materials which are catalogued and processed as part of the school library or media center for use by elementary and/or secondary school children and teachers; (2) materials which may be expected to last more than one year; and (3) materials which would not be eligible for aid pursuant to sections seven hundred one and seven hundred fifty-one of this [chapter] title. School library materials meeting these criteria may include (i) hard cover and paperback books, periodicals, that is, publications which appear at regular intervals of less than one year on a continuing basis for an indefinite period, documents other than books, pamphlets, musical scores, other printed and published materials, and (ii) for school year nineteen hundred eighty-six--eighty-seven and thereafter, audio/visual materials including films, film strips, micro-film, sound recordings, processed slides, transparencies, [kinescopes] kinescopes, video tapes, maps, charts, globes, pictorial works, including pictures and picture sets, reprod-
uctions, photographs, graphic works, and any other audio/visual materi-
als of a similar nature made. For expenses incurred on or after July
first, two thousand eleven, school library materials shall also mean
items of expenditure that are eligible for an apportionment pursuant to
sections seven hundred one, seven hundred fifty-one and/or seven hundred
fifty-three of this title, where such items are designated by the school
district as eligible for aid pursuant to this section, provided, howev-
er, that if aided pursuant to this section, such expenses shall not be
aidable pursuant to any other section of law.

§ 3. Subdivision 2 of section 751 of the education law, as amended by
section 6 of part A of chapter 57 of the laws of 2009, is amended to
read as follows:

2. A software program, for the purposes of this article shall mean (a)
a computer program which a pupil is required to use as a learning aid in
a particular class in the school the pupil legally attends, or (b) for
expenses incurred after July first, two thousand nine, any content-based
instructional materials in an electronic format that are aligned with
state standards which are accessed or delivered through the internet
based on a subscription model. Such electronic format materials may
include a variety of media assets and learning tools, including video,
audio, images, teacher guides, and student access capabilities as such
terms are defined in the regulations of the commissioner. For expenses
incurred on or after July first, two thousand eleven, a software program
shall also mean items of expenditure that are eligible for an apportion-
ment pursuant to sections seven hundred one, seven hundred eleven and/or
seven hundred fifty-three of this title, where such items are designated
by the school district as eligible for aid pursuant to this section,
provided, however, that if aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law.

§ 4. Subdivision 1 of section 753 of the education law, as added by section 7-a of Part B of chapter 57 of the laws of 2007, is amended to read as follows:

1. In addition to any other apportionment under this chapter, a school district shall be eligible for an apportionment under the provisions of this section for approved expenses for (i) the purchase or lease of micro and/or mini computer equipment or terminals for instructional purposes or (ii) technology equipment, as defined in paragraph c of subdivision two of this section, used for instructional purposes, or (iii) for the repair of such equipment and training and staff development for instructional purposes as provided hereinafter, or (iv) for expenses incurred on or after July first, two thousand eleven, any items of expenditure that are eligible for an apportionment pursuant to sections seven hundred one, seven hundred eleven and/or seven hundred fifty-one of this title, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that if aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law. Such aid shall be provided pursuant to a plan developed by the district which demonstrates to the satisfaction of the commissioner that the instructional computer hardware needs of the district's public school students have been adequately met and that the school district has provided for the loan of instructional computer hardware to students legally attending nonpublic schools pursuant to section seven hundred fifty-four of this article. The apportionment shall equal the lesser of such approved expense in the base year or, the product of (i) the technology factor, (ii) the sum of
the public school district enrollment and the nonpublic school enrollment in the base year as defined in subparagraphs two and three of paragraph n of subdivision one of section thirty-six hundred two of this chapter, and (iii) the building aid ratio, as defined in subdivision four of section thirty-six hundred two of this chapter. For aid payable in the two thousand seven--two thousand eight school year and thereafter, the technology factor shall be twenty-four dollars and twenty cents.

A school district may use up to twenty percent of the product of (i) the technology factor, (ii) the sum of the public school district enrollment and the nonpublic school enrollment in the base year as defined in subparagraphs two and three of paragraph n of subdivision one of section thirty-six hundred two of this chapter, and (iii) the building aid ratio for the repair of instructional computer hardware and technology equipment and training and staff development for instructional purposes pursuant to a plan submitted to the commissioner.

§ 5. This act shall take effect April 1, 2011.