

DRAFT LBDC

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 Assem-  
bly, do enact as follows:

1

## PART A-1

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

5 2. A text-book, for the purposes of this section shall mean: (i) any  
6 book, or a book substitute, which shall include hard covered or paper-  
7 back books, work books, or manuals and (ii) for expenses incurred after  
8 July first, nineteen hundred ninety-nine, any courseware or other  
9 content-based instructional materials in an electronic format, as such  
10 terms are defined in the regulations of the commissioner, which a pupil  
11 is required to use as a text, or a text-substitute, in a particular  
12 class or program in the school he or she legally attends. For expenses  
13 incurred on or after July first, two thousand eleven, a text-book shall  
14 also mean items of expenditure that are eligible for an apportionment  
15 pursuant to sections seven hundred eleven, seven hundred fifty-one  
16 and/or seven hundred fifty-three of this title, where such items are  
17 designated by the school district as eligible for aid pursuant to this  
18 section, provided, however, that if aided pursuant to this section, such

1 expenses shall not be aidable pursuant to any other section of law.  
2 Expenditures aided pursuant to this section shall not be eligible for  
3 aid pursuant to any other section [seven hundred eleven or seven hundred  
4 fifty-one] of [this chapter] law. Courseware or other content-based  
5 instructional materials in an electronic format included in the defi-  
6 nition of textbook pursuant to this subdivision shall be subject to the  
7 same limitations on content as apply to books or book substitutes aided  
8 pursuant to this section.

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

11 2. School library materials, for the purposes of this article shall  
12 mean both audio/visual materials and printed materials that may or may  
13 not require magnification which meet all of the following criteria: (1)  
14 materials which are catalogued and processed as part of the school  
15 library or media center for use by elementary and/or secondary school  
16 children and teachers; (2) materials which with reasonable care and use  
17 may be expected to last more than one year; and (3) materials which  
18 would not be eligible for aid pursuant to sections seven hundred one and  
19 seven hundred fifty-one of this [chapter] title. School library materi-  
20 als meeting these criteria may include (i) hard cover and paperback  
21 books, periodicals, that is, publications which appear at regular inter-  
22 vals of less than one year on a continuing basis for an indefinite peri-  
23 od, documents other than books, pamphlets, musical scores, other printed  
24 and published materials, and (ii) for school year nineteen hundred  
25 eighty-six--eighty-seven and thereafter, audio/visual materials includ-  
26 ing films, film strips, micro-film, sound recordings, processed slides,  
27 transparencies, [kinescopies] kinescopes, video tapes, maps, charts,  
28 globes, pictorial works, including pictures and picture sets, reprod-

1 actions, photographs, graphic works, and any other audio/visual materi-  
2 als of a similar nature made. For expenses incurred on or after July  
3 first, two thousand eleven, school library materials shall also mean  
4 items of expenditure that are eligible for an apportionment pursuant to  
5 sections seven hundred one, seven hundred fifty-one and/or seven hundred  
6 fifty-three of this title, where such items are designated by the school  
7 district as eligible for aid pursuant to this section, provided, howev-  
8 er, that if aided pursuant to this section, such expenses shall not be  
9 aidable pursuant to any other section of law.

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

13 2. A software program, for the purposes of this article shall mean (a)  
14 a computer program which a pupil is required to use as a learning aid in  
15 a particular class in the school the pupil legally attends, or (b) for  
16 expenses incurred after July first, two thousand nine, any content-based  
17 instructional materials in an electronic format that are aligned with  
18 state standards which are accessed or delivered through the internet  
19 based on a subscription model. Such electronic format materials may  
20 include a variety of media assets and learning tools, including video,  
21 audio, images, teacher guides, and student access capabilities as such  
22 terms are defined in the regulations of the commissioner. For expenses  
23 incurred on or after July first, two thousand eleven, a software program  
24 shall also mean items of expenditure that are eligible for an apportion-  
25 ment pursuant to sections seven hundred one, seven hundred eleven and/or  
26 seven hundred fifty-three of this title, where such items are designated  
27 by the school district as eligible for aid pursuant to this section,

1 provided, however, that if aided pursuant to this section, such expenses  
2 shall not be aidable pursuant to any other section of law.

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

6 1. In addition to any other apportionment under this chapter, a school  
7 district shall be eligible for an apportionment under the provisions of  
8 this section for approved expenses for (i) the purchase or lease of  
9 micro and/or mini computer equipment or terminals for instructional  
10 purposes or (ii) technology equipment, as defined in paragraph c of  
11 subdivision two of this section, used for instructional purposes, or  
12 (iii) for the repair of such equipment and training and staff develop-  
13 ment for instructional purposes as provided hereinafter, or (iv) for  
14 expenses incurred on or after July first, two thousand eleven, any items  
15 of expenditure that are eligible for an apportionment pursuant to  
16 sections seven hundred one, seven hundred eleven and/or seven hundred  
17 fifty-one of this title, where such items are designated by the school  
18 district as eligible for aid pursuant to this section, provided, howev-  
19 er, that if aided pursuant to this section, such expenses shall not be  
20 aidable pursuant to any other section of law. Such aid shall be  
21 provided pursuant to a plan developed by the district which demonstrates  
22 to the satisfaction of the commissioner that the instructional computer  
23 hardware needs of the district's public school students have been  
24 adequately met and that the school district has provided for the loan of  
25 instructional computer hardware to students legally attending nonpublic  
26 schools pursuant to section seven hundred fifty-four of this article.  
27 The apportionment shall equal the lesser of such approved expense in the  
28 base year or, the product of (i) the technology factor, (ii) the sum of

1 the public school district enrollment and the nonpublic school enroll-  
2 ment in the base year as defined in subparagraphs two and three of para-  
3 graph n of subdivision one of section thirty-six hundred two of this  
4 chapter, and (iii) the building aid ratio, as defined in subdivision  
5 four of section thirty-six hundred two of this chapter. For aid payable  
6 in the two thousand seven--two thousand eight school year and thereaft-  
7 er, the technology factor shall be twenty-four dollars and twenty cents.  
8 A school district may use up to twenty percent of the product of (i) the  
9 technology factor, (ii) the sum of the public school district enrollment  
10 and the nonpublic school enrollment in the base year as defined in  
11 subparagraphs two and three of paragraph n of subdivision one of section  
12 thirty-six hundred two of this chapter, and (iii) the building aid ratio  
13 for the repair of instructional computer hardware and technology equip-  
14 ment and training and staff development for instructional purposes  
15 pursuant to a plan submitted to the commissioner.

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