

EDUCATION LAW - Article VII

Changes July 2011

Now the law reads that these categorical aids can be used to purchase Library Materials 711

711 Library Materials Aid can be used for only 711 Library Materials

701 Textbook Aid can be used for 711 Library Materials, 751 Software, and 753 Computer Hardware

751 Software Aid can be used for 701 Textbook, 711 Library Materials, and 753 Computer Hardware

753 Computer Hardware Aid can be used for 701 Textbook, 711 Library Materials, and 751 Software

Article VII language follows on next page

1 7. section seventy of this act shall take effect immediately and shall
2 be deemed to have been in full force and effect on and after January 1,
3 2011;

4 8. section eighty-six of this act shall take effect immediately, and
5 shall be deemed to have been in full force and effect on and after April
6 1, 2010 and shall be deemed repealed on March 31, 2012;

7 9. the amendments to subdivision 1 of section 2856 of the education
8 law made by section twenty-one of this act shall be subject to the expi-
9 ration and reversion of such subdivision pursuant to subdivision d of
10 section 27 of chapter 378 of the laws of 2007, as amended, when upon
11 such date the provisions of section twenty-two of this act shall take
12 effect;

13 10. the amendments to subdivision 6 of section 4402 of the education
14 law, made by section fifty-eight of this act shall not affect the repeal
15 of such subdivision and shall be deemed repealed therewith; and

16 11. the amendments to subdivision b of section 2 and section 4 of
17 chapter 756 of the laws of 1992 relating to funding a program for work
18 force education conducted by the consortium for worker education in New
19 York city, made by sections sixty-five and sixty-six of this act shall
20 not affect the repeal of such sections and shall be deemed repealed
21 therewith.

22

PART A-1

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

26 2. A text-book, for the purposes of this section shall mean: (i) any
27 book, or a book substitute, which shall include hard covered or paper-
28 back books, work books, or manuals and (ii) for expenses incurred after
29 July first, nineteen hundred ninety-nine, any courseware or other
30 content-based instructional materials in an electronic format, as such
31 terms are defined in the regulations of the commissioner, which a pupil
32 is required to use as a text, or a text-substitute, in a particular
33 class or program in the school he or she legally attends. For expenses
34 incurred on or after July first, two thousand eleven, a text-book shall
35 also mean items of expenditure that are eligible for an apportionment
36 pursuant to sections seven hundred eleven, seven hundred fifty-one
37 and/or seven hundred fifty-three of this title, where such items are
38 designated by the school district as eligible for aid pursuant to this
39 section, provided, however, that if aided pursuant to this section, such
40 expenses shall not be aidable pursuant to any other section of law.
41 Expenditures aided pursuant to this section shall not be eligible for
42 aid pursuant to any other section [~~seven hundred eleven or seven hundred~~
43 ~~fifty one~~] of [~~this chapter~~] law. Courseware or other content-based
44 instructional materials in an electronic format included in the defi-
45 nition of textbook pursuant to this subdivision shall be subject to the
46 same limitations on content as apply to books or book substitutes aided
47 pursuant to this section.

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

50 2. School library materials, for the purposes of this article shall
51 mean both audio/visual materials and printed materials that may or may
52 not require magnification which meet all of the following criteria: (1)
53 materials which are catalogued and processed as part of the school
54 library or media center for use by elementary and/or secondary school

1 children and teachers; (2) materials which with reasonable care and use
2 may be expected to last more than one year; and (3) materials which
3 would not be eligible for aid pursuant to sections seven hundred one and
4 seven hundred fifty-one of this ~~chapter~~ title. School library materi-
5 als meeting these criteria may include (i) hard cover and paperback
6 books, periodicals, that is, publications which appear at regular inter-
7 vals of less than one year on a continuing basis for an indefinite peri-
8 od, documents other than books, pamphlets, musical scores, other printed
9 and published materials, and (ii) for school year nineteen hundred
10 eighty-six--eighty-seven and thereafter, audio/visual materials includ-
11 ing films, film strips, micro-film, sound recordings, processed slides,
12 transparencies, ~~kinescopies~~ kinescopes, video tapes, maps, charts,
13 globes, pictorial works, including pictures and picture sets, repro-
14 ductions, photographs, graphic works, and any other audio/visual materi-
15 als of a similar nature made.

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

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

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

39 1. In addition to any other apportionment under this chapter, a school
40 district shall be eligible for an apportionment under the provisions of
41 this section for approved expenses for (i) the purchase or lease of
42 micro and/or mini computer equipment or terminals for instructional
43 purposes or (ii) technology equipment, as defined in paragraph c of
44 subdivision two of this section, used for instructional purposes, or
45 (iii) for the repair of such equipment and training and staff develop-
46 ment for instructional purposes as provided hereinafter, or (iv) for
47 expenses incurred on or after July first, two thousand eleven, any items
48 of expenditure that are eligible for an apportionment pursuant to
49 sections seven hundred one, seven hundred eleven and/or seven hundred
50 fifty-one of this title, where such items are designated by the school
51 district as eligible for aid pursuant to this section, provided, howev-
52 er, that if aided pursuant to this section, such expenses shall not be
53 aidable pursuant to any other section of law. Such aid shall be
54 provided pursuant to a plan developed by the district which demonstrates
55 to the satisfaction of the commissioner that the instructional computer
56 hardware needs of the district's public school students have been