

DIRECTIONS

APPLICATION FOR APPROVAL OF LEASE-PURCHASE AGREEMENTS FOR INSTRUCTIONAL EQUIPMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1725-a OF THE EDUCATION LAW AND SECTION 170.7 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Attached is an application form for approval of lease-purchase agreements. Also attached is a copy of Section 170.7 of the regulation of the Commissioner of Education requiring approval of the agreement by the Commissioner. Please follow the directions which appear below in completing and filing the application form.

1. Complete each item which appears on the form. If the answer to Item "F." in Section II is "yes", no response is needed to Item "G." in that Section.
2. The application forms may be photocopied locally. Forward two copies of the completed application form and one copy of the proposed lease-purchase agreement to:

Management Services Unit
New York State Education Department
Education Building Annex
Room 876
Albany, New York 12234

One copy of the application form and the copy of the agreement will be retained by the State Education Department, and one copy of the application form will be returned to the school district with an indication of approval or disapproval.

3. The application form should be submitted no more than 90 days and no less than 30 days before the proposed execution date of the agreement (see Section 170.7 of the attached Regulations of the Commissioner of Education).
4. Questions with regard to the form may be directed to the Management Services Unit at (518) 474-6541.

Attachment

12/96

APPLICATION FOR APPROVAL OF
LEASE-PURCHASE AGREEMENT FOR INSTRUCTIONAL EQUIPMENT

Section I. General Information

A. Name of School District

B. County of Location

C. Name & Address of Vendor

Section II. Contents of the Agreement

A. Description of equipment to be acquired:

B. Description of how equipment will be used in the instruction of students:

C. Proposed Date of Execution of the Agreement:

Month / Day / Year

D. Length of the Agreement:

From

School Fiscal Year

Through

School Fiscal

FOR SED USE ONLY

Approved: _____

Disapproved: _____

Reason for Disapproval:

SED Official

Date

CHAPTER II COMMISSIONER'S REGULATIONS 170.7

170.7 Lease-purchase of instructional equipment.

(a) The board of education of any school district may enter into agreements for the lease-purchase of instructional equipment, in accordance with section 1725-a of the Education Law and this section, with the payments to be applied against the purchase price of the equipment.

(b) All such lease-purchase agreements shall be subject to written approval of the commissioner before execution. Applications for approval of lease-purchase agreements shall be in the form prescribed by the commissioner and shall be submitted no more than 90 days and no less than 30 days prior to the date of execution of the agreement. A variance may be granted from the time limitations for submission of such applications upon a showing of good cause satisfactory to the commissioner.

(c) As used in Education Law, section 1725-a, and this section, *instructional equipment* means instruments, machines, apparatus or other types of equipment, which are used directly in the instruction of students and which:

- (1) are not consumed in use and retain their original shape and appearance with use;
- (2) are not expendable items such as textbooks or supplies;
- (3) are not capital improvements, as such term is defined to subdivision 9 of section 2 of the Local Finance Law; and
- (4) do not lose their identity through incorporation into a different or more complex unit.