

## AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law §§ 207 and 273-a, as amended by Chapter 241 of the Laws of 2024.

1. Section 90.12 of the Regulations of the Commissioner of Education is amended to read as follows:

### Section 90.12

#### (a) Definitions.

As used in this section and in Education Law § 273-a:

(1) ....

(2) ....

(3) ....

(4) ...

(5) ...

(6) *Renovation* means the overall improvement or conversion of an existing building, exclusive of routine maintenance, resulting in increased operational efficiency and economy.

(7) ....

(8) *Broadband library services* means providing a high speed internet connection for library users, including but not limited to internal and external connections, at a minimum speed prescribed by the commissioner using such means as wireless, fiber, cable, white space and similar products.

(9) *Economically disadvantaged* means that the library building that will be the subject of a project application is located in a community that meets a set of criteria as

determined by the library system in accordance with Education Law § 273-a (2)(e) and that the project is therefore eligible for aid of up to [seventy-five percent (75%)] ninety percent (90%) of the total project costs.

[(10) *Economically distressed* means that the average poverty rate for the library service area meets or exceeds the New York State average poverty rate in accordance with the provisions of Education Law § 273-a (2)(f) and where the library also demonstrates the need for State aid of up to and including ninety percent (90%) of the total project costs.

(11)] (10) Coordinated application means an application submitted by a public library system on behalf of two or more libraries for one specific type of project, such as broadband, infrastructure, generators or energy efficient lighting. [The State aid allocation for such coordinated projects shall not exceed fifty percent (50%) of the total project costs] Coordinated projects where no library building locations serve an economically disadvantaged community shall be eligible for State aid of up to fifty percent (50%) of the total project costs. Coordinated projects where one or more library buildings serve a disadvantaged community shall be eligible for State aid of up to ninety percent (90%) of the total project costs.

(11) Single building project means a project for an individual physical location of a public or association library and excludes public library system buildings.

(b) Application procedures.

(1) ....

(2) ....

(3) ...

(4) The library system board shall rank the applications from its system area in order of its recommendations, giving particular attention to the service needs of any communities which are geographically isolated, economically disadvantaged, [economically distressed] or located beyond the reasonable service capabilities of other libraries which are members of such library system.

(5) ...

(6) The library system board shall determine the amount of State aid that will be allocated for each single building project application. [The library system may allocate up to and including fifty percent (50%) of the library system's total State aid appropriation under Education Law § 273-a for single building projects serving economically distressed communities as defined in paragraph (10) of subdivision (a) of this section. In accordance with the provisions of Education Law § 273-a(4), State aid funding for all economically distressed projects must be allocated entirely from the fifty percent (50%) portion of the library system's total appropriation.]

(7) Coordinated applications must be submitted by the library system in accordance with the provision of Education Law § 273-a (3). The public library system shall be responsible for managing all coordinated projects. Each coordinated project application shall be approved by the board of trustees of each participating library as well as the board of trustees of the library system. [Each library building included in a coordinated application is eligible for State funding up to and including fifty percent (50%) of total coordinated project costs for that building.] No one building may be the subject of more than one coordinated project application per year.

(c) ....

(d) Criteria for approval of an application. Approval of construction project applications will be based in part upon the degree to which each project will result in:

(1) ...

(2) ...

(3) ...

(4) the provision of library services in communities which are geographically isolated[, or economically disadvantaged [or economically distressed]; and

(5) ....

(e) ....

(f) ....

(g) ....