Smart Schools Bond Act
Implementation Guidance

The SMART SCHOOLS BOND ACT OF 2014 was passed in the 2014-15 Enacted Budget and approved by the voters in a statewide referendum held during the 2014 General Election on Tuesday, November 4, 2014. The Smart Schools Bond Act authorized the issuance of $2 billion of general obligation bonds to finance improved educational technology and infrastructure to improve learning and opportunity for students throughout the State.

The purpose of the Smart Schools Bond Act is to improve learning and opportunity for public and nonpublic school students by funding capital projects to:

1. Install high-speed broadband or wireless internet connectivity for schools and communities;
2. Acquire learning technology equipment or facilities, including but not limited to interactive whiteboards, computer servers, and desktop, laptop, and tablet computers;
3. Construct, enhance, and modernize educational facilities to accommodate pre-kindergarten programs and to provide instructional space to replace classroom trailers; and/or
4. Install high-tech security features in school buildings and on school campuses, including but not limited to video surveillance, emergency notification systems, and physical access controls.

All districts will be required to submit a Smart Schools Improvement Plan to demonstrate how Smart Schools Bond Act funds will be used to provide the educational tools and opportunities students throughout New York State will need to succeed in the 21st century economy. Effective plans should:

- Include linkages between the district's long-term educational planning and technology investments;
- Provide learning opportunities beyond the classroom through the use of technology; and
- Address the educational needs of all students, including students with disabilities, English language learners and those who have not succeeded in traditional classroom settings.

The Smart Schools Review Board will review each district plan for alignment with the goals in this guidance document and ensure the plan contains all critical elements necessary for the long-term success of this program. Critical elements of a successful plan include:

Demonstration of Need: Smart Schools Investment Plans must demonstrate that the district has taken a strategic approach to understanding and meeting the needs of its students. For projects that create additional space for prekindergarten instruction or replace transportable

classroom units with permanent space, districts will demonstrate that the proposed projects are consistent with enrollment projections and will be used to create high-quality instructional space for the students who will be served there. Security projects will require a description of the work to be done and the need it will meet. For technology projects, districts will confirm that the proposed technology purchases will be aligned with the district's instructional technology plans.

Adequate Technological Infrastructure: In order for students and faculty to receive the maximum benefit from the technology made available under the Smart Schools Bond Act, their school buildings must possess sufficient connectivity infrastructure to ensure that devices can be used during the school day. Smart Schools Investment Plans must demonstrate that sufficient infrastructure that meets the Federal Communications Commission's 100 Mbps per 1,000 students standard currently exists in the buildings where new devices will be deployed, or is a planned use of a portion of Smart Schools Bond Act funds, or is under development through another funding source. **Achieving this speed standard is a precondition for the purchase of devices as described further in the school connectivity section.**

Professional Development: The district must describe a plan to provide professional development to ensure administrators, teachers and staff can employ the technology purchased with funds from the Smart Schools Bond Act to enhance instruction successfully. Districts will demonstrate that they have contacted the SUNY teacher preparation program that supplies the largest number of their new teachers to request advice on this issue. Please note that Smart Schools Bond funds **may not** be used for professional development.

Technical Support: The district should provide sufficient on-going tech support to ensure that the technology (hardware and/or educational technology-related infrastructure) purchased with funds from the Smart Schools Bond Act will be distributed, prepared for use, maintained and supported appropriately. Please note that Smart Schools Bond funds **may not** be used for technical support. Districts are encouraged to work through BOCES for technical support.

Sustainability: As part of their Smart Schools Investment Plans, districts are required to demonstrate a long-term plan to physically maintain the investments made under the Smart Schools Bond Act in a useful condition. This sustainability plan will demonstrate a district's capacity to support the recurring costs of use, for which Smart Schools Bond Act funds may not be used. These recurring costs include, but are not limited to, issues such as device maintenance and timing of replacement, as well as other technical support, internet and wireless fees, maintenance of hotspots etc., ongoing professional development, building maintenance, replacement of incidental items etc., as appropriate.

This document describes the process through which school districts will receive their allocations, which will be distributed on a reimbursement basis, the components of the Smart Schools Investment Plan required by the Smart Schools Bond Act, eligible expenditures under the law, the requirements for stakeholder involvement and inclusion of nonpublic schools, and will address accounting for Smart Schools Bond Act funds.

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Section 1. Overview of the State Review Process for Smart Schools Investment Plans

Smart Schools Investment Plans: The Smart Schools Bond Act requires that school districts develop and receive approval of a Smart Schools Investment Plan from the Smart Schools Review Board, which is comprised of the Chancellor of the State University of New York, the Director of the Budget and the Commissioner of the State Education Department. Districts will submit their Smart Schools Investment Plans, which will describe the intended expenditures and projects with Smart Schools Bond Act funds, through an application on the New York State Education Department's Business Portal. The New York State Education Department will review the Smart Schools Investment Plan for completeness and adherence to the guidance. If accepted, the application will be submitted for consideration by the Smart Schools Review Board.

Portal Open for Plan Submission: The Portal Application was made available on August 14, 2015.

Plan Submission: There are no specific deadlines for submission of Smart Schools Investment Plans, as these funds do not expire. However, no requests for reimbursement will be accepted until the submission of the relevant category section (devices, new Prekindergarten space, connectivity, and security) receives approval.

Timing of Grant Funds: The Smart Schools Review Board will meet quarterly to review and approve Smart Schools Investment Plans. A Smart Schools Investment Plans should be submitted well in advance of the expected first use of a facility or purchased item(s) under the

Smart Schools Bond Act. However, districts that plan to use their Smart Schools Bond Act funds for school capital projects or facilities will first need to undergo a preliminary review for their projects through the Office of Facilities Planning before submitting their Smart Schools Investment Plan for approval.

Once an approved purchase is made and the request for reimbursement is received and approved, the New York State Education Department will authorize payment and the funds will be paid to districts within 90 days in most cases.

A school district should allow appropriate time after the Smart School Investment Plan approval for submission of the claim, and the review and reimbursement process to take place. Any Smart Schools Bond Act receivable resulting from the claim should be recorded in a manner consistent with the school district's revenue recognition policy.

This section below will briefly describe the steps school administrators will take to gain approval of their Smart Schools Investment Plans and receive the funds allocated under the Smart Schools Bond Act. More details about each step will be provided in subsequent sections.

Section 2. School District Application Process

1. Review allocation amount and New York State Education Department guidance: School administrators should review this guidance and their district's allocations.

2. Identify district needs: Districts should conduct a well-thought-out process to determine how to most effectively use these funds to address local educational needs, within the allowable spending categories. School leaders are encouraged to engage in strategic planning for use of these funds to build long-term capacity in their districts. Districts may find it useful to identify leaders in education technology to identify best practices. Although these funds cannot be used to generate additional state aid, they can be combined with other State and federal funds in support of a broader plan. Districts should carefully consider how other existing funding sources can be combined with these funds to maximize opportunities.

3. Stakeholder Engagement: Pursuant to the requirements of the Smart Schools Bond Act, the planning process must include consultation with parents, teachers, students, community members, the nonpublic schools located in the district and other stakeholders. Superintendents will certify in their submissions of Smart Schools Investment Plans that the required stakeholder engagement has occurred. Once community input has been received and considered, the district will complete its proposed Smart Schools Investment Plan and the school board will adopt it.

4. Capital Planning: Smart Schools Bond Act funds may be used on long-term capital expenses, such as connectivity infrastructure investments in the school building, pre-kindergarten expansion space, replacement of portable classrooms, and high-tech security measures. As part of planning for the use of Smart Schools Bond Act funds, districts should engage in the same planning and budget development process used for other capital projects. As part of this process, they should review their capital plans and building condition surveys to identify any existing priority projects that can be supported with Smart Schools Bond Act funds. They should also

update their capital plans to reflect any additional work that may be planned now that Smart Schools Bond Act funds are available. Capital projects funded through the Smart Schools Bond Act will require the same open public procurement process required for other school capital projects, including voter approval. The portion of capital project costs funded by the Smart Schools Bond Act will be deducted from the cost allowance for State Building Aid.

Note on Capital Project Approvals: Planned Smart Schools Bond Act projects in school buildings will go through the New York State Education Department's Office of Facilities Planning, just as other school construction projects do. For projects where Smart Schools Bond Act funds are proposed to be used, school districts will contact the Office of Facilities Planning for a Preliminary Review *prior* to submitting their Smart Schools Investment Plan via the business portal. The format and instructions for requesting this preliminary review will be provided to districts on or before June 15, 2015. Facilities Planning staff will review the proposed capital project for compliance with the allowable Smart Schools Bond Act categories and assign a project number identifying the project as a Smart Schools Bond Act project, if appropriate. Preliminary funding estimates, including Smart Schools Bond Act funds and any other portions of a larger project, will be required for Facilities Planning to conduct the preliminary review. Districts will be required to enter this project number in their Smart Schools Investment Plan submission. Once the Smart Schools Investment Plan is approved, districts may proceed to the final project design phase and submit projects to the Office of Facilities Planning for review, approval and issuance of a building permit. No Smart Schools Bond Act funds can be paid until project expenditures supported by Smart Schools Bond Act have been made. Additional guidance will be provided at a later date regarding claiming reimbursement for project expenditures supported by Smart Schools Bond Act funds. Projects must have a building permit issued by the Office of Facilities Planning prior to any payments being made. Work conducted as part of community connectivity plans must be authorized by the appropriate local authorities before the Smart Schools Investment Plan can be accepted. Projects that would not typically require a building permit will not require a formal capital project review and approval through the Office of Facilities Planning.

Voter approval: Stand-alone investments in projects funded solely by Smart Schools Bond Act funds do not require local voter approval because they do not involve the school district issuing capital debt. However, if the district must use debt financing for any part of the project or if the Smart Schools Bond Act funds are used to fund a portion of a larger project, local voters in districts outside the Big 5 School Districts must approve the use of debt financing for the non-Smart Schools portion of the costs, consistent with practices for other local capital projects. Local voter approval must be obtained in advance of receiving any Smart Schools Bond Act funds. In addition, Smart Schools Bond Act funds may not be used for project costs that have already been funded by local bonds.

Capital Project Approval and Building Permits: The Office of Facilities Planning, on behalf of the Commissioner, is the code enforcement authority for public schools and BOCES. In accordance with Department of State regulation Title 19, 1201.2(e), the State Education Department shall be accountable for administration and enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by school districts and Boards of Cooperative Educational Services. Accordingly, all

plans and specifications for the erection, repair, enlargement or remodeling of school buildings in any public school district in the State must be reviewed and approved by the Commissioner.

Districts that plan capital projects using their Smart Schools Funds will undergo a Preliminary Review Process, which will consist of the following steps:

1) The district will contact the Office of Facilities Planning (format and instructions for requesting the preliminary review will be provided to districts in the near future);
2) Project management staff will review the proposed capital project for compliance with the allowable Smart Schools Bond Act categories;
3) The project will be identified as a Smart Schools Project, if appropriate;
4) Certain high-tech security and connectivity infrastructure projects may be eligible for an expedited review process as determined by the Office of Facilities Planning.
5) A Project Number will be issued for each building or district-wide project, as appropriate, and the district will be required to enter this project number in its Smart Schools Investment Plan submission;
6) The district will receive preliminary approval from the Office of Facilities Planning, indicating that all or part of the project is eligible for Smart Schools Bond Act funding;
7) A cost estimate for the total project, including Smart Schools and other funds, will be developed. This will be used as the budget estimate in the Smart Schools Investment Plan.

Once the Smart Schools Investment Plan is approved, the district will submit the remaining necessary materials to receive a building permit and begin the work. For more information, see the State Education Department's Manual of Planning Standards. Please also see the Instruction Guide for Public School Districts and BOCES Obtaining Building Permits for Capital Construction Projects.

In addition, districts can contact their project manager in the Office of Facilities Planning at (518) 474-3906.

5. **Instructional Technology Plans:** All New York State public school districts are required to complete and submit an Instructional Technology Plan survey to the New York State Education Department in compliance with Section 753 of the Education Law and per Part 100.12 of the Commissioner's Regulations. The Instructional Technology Plan survey questions and other supporting resources are available online at: http://www.p12.nysed.gov/technology/TechPlans/DistTechPlans/home.html. The survey data covers a three-year period, and annual updates to the survey are required.

Districts that include educational technology purchases as part of their Smart Schools Investment Plan must have a submitted and approved Instructional Technology Plan survey on file with the New York State Education Department, and their Smart Schools Investment Plan must be consistent with their instructional technology plan.

6. Plan Submission: Once these local steps are complete, districts will submit Smart Schools Investment Plans through the Smart Schools Bond Act application on the New York State

Education Department Business Portal. Superintendents will be required to certify the accuracy of the plan and that the required public engagement process has occurred. The application will provide space for both narrative explanations of the district plan and budgets for specific portions of the planned investment within the eligible categories (devices, connectivity improvements, prekindergarten expansion space, replacement of modular classrooms with permanent instructional space, or high-tech security devices.). The district will be notified that the plan has been received.

7. Review: The New York State Education Department will review the plans for completeness and follow up with school districts on any portions that require further explanation. The Smart Schools Review Board will then review all complete plans.

8. Approval: The Smart Schools Review Board shall review each plan to determine whether it meets the requirements of the Smart Schools Bond Act and demonstrates a sound plan to use the funds in a manner that advances the educational well-being of the district's students. Once the Smart Schools Review Board approves a plan, the district will be authorized to spend the funds. If the Board rejects a plan, the district shall have the opportunity to modify and resubmit the plan.

9. Expenditure and Reimbursement of Funds: All funds will be distributed on a reimbursement basis. Districts will expend funds in a manner consistent with their approved Smart Schools Investment Plans. Once a request for reimbursement has been reviewed and approved, the New York State Education Department will release the funds. Reimbursement forms will be made available on the New York State Education Department website. A school district should allow appropriate time for submission of the claim, and the review and reimbursement process to take place. Any Smart Schools Bond Act receivable resulting from the claim should be recorded in a manner consistent with the school district's revenue recognition policy.

Note: Districts can be reimbursed on an ongoing basis as they expend the funds. It will not be necessary to expend the entire allocation before receiving reimbursement.

Section 3. Smart Schools Bond Act Allocation

The 2014-15 Enacted State Budget included a methodology to calculate the Smart Schools Bond Act allocation amount for each eligible school district. Eligible school districts are those that receive Foundation Aid. The amount is proportionate to the district's share of total formula-based school aid in the 2013-14 school year, excluding Building Aid, Universal Prekindergarten Aid, and the Gap Elimination Adjustment. For example, if a district receives 2 percent of this total State school aid, the school district's Smart Schools Bond Act allocation would be $40 million (0.02 × $2,000,000,000). School district allocations are available at: http://programs.governor.ny.gov/smart-schools-ny.

The funding available under the Smart Schools Bond Act is a one-time allocation, not an annual amount. These funds will not expire, but once they are expended, no additional funds will be

made available. Districts are advised to plan carefully for their use as part of a strategy to build long-term capacity in their districts and communities.

Section 4. Allowable Expenditures by Category

Categories of Eligible Capital Projects are defined as:

- Installing high-speed broadband or wireless internet connectivity for schools and communities;
- Acquiring learning technology equipment or facilities, including but not limited to interactive whiteboards, computer servers, and desktop, laptop, and tablet computers;
- Constructing, enhancing, and modernizing educational facilities to accommodate pre-kindergarten programs and provide instructional space to replace classroom trailers; and
- Installing high-tech security features in school buildings and on school campuses, including but not limited to video surveillance, emergency notification systems, and physical access controls.

School districts should identify local needs and develop their Smart Schools Investment Plans with those needs in mind. There are no minimum percentages of the Smart Schools Bond Act allocations that must be dedicated to each of these categories. However, to ensure full utilization of learning technology equipment, adequate broadband capacity must be in place in order to make equipment purchases, so school districts must specifically address and account for these capacity issues in their Plans.

Install High-Speed Broadband or Wireless Connectivity for Schools

The Smart Schools Bond Act supports school districts' efforts to connect their school buildings to high-speed broadband that enables technology-enabled and digital instruction and learning. Districts can and should use their allocations to equip their classrooms and school buildings with robust broadband infrastructure and bandwidth to sustain their current and projected operational needs and support growing educational demands.

The Federal Communications Commission adopted the Second E-rate Modernization Order in December 2014, which established the minimum speed standard of 100 Mbps per 1,000 students for schools in the United States. To ensure that districts maximize the return on their investment in education technology and devices, Smart Schools Bond Act funds used for technology infrastructure investments must increase the number of school buildings that meet or exceed this standard. **As a precondition to any purchase of devices using a Smart Schools allocation, a district must first demonstrate that it has, or will achieve, such speed and access at all of its instructional school buildings within 12 months of plan submission, unless an exception to such requirement is otherwise granted by the New York State Education Department in advance of plan submission.** Assistive technology devices for students with disabilities represent one example of grounds for such an exception.

When districts seek to expand connectivity, it is important to understand where the nearest fiber assets are, where the closest middle-mile projects are (where the main trunk line or core network

of a telecom or cable operator's fiber backbone meets the local network for distribution), and who the local broadband providers are. Districts should explore all available options to increase connectivity and work with internet/telecom service providers and fiber construction companies to identify the most cost-efficient and effective mechanism to deliver the required speeds and access.

Smart Schools Bond Act funds may be used for capital construction and equipment costs related to wired and wireless connectivity projects in school buildings.

For wired connectivity projects, eligible capital equipment or construction expenses must be for the primary purpose of delivering enhanced connectivity to a school building to benefit students, teachers and staff. To be eligible for reimbursement, construction-related expenses must relate to school building connectivity. If a project also benefits (or may benefit) a non-school entity, this portion of the related costs will not be eligible for reimbursement under this category. Such projects may be suitable for Community Connectivity funding. Smart Schools Bond Act funds may be used to purchase lit or dark fiber and may also be used to self-provision fiber, if this option is the most cost effective, in accordance with the Federal Communications Commission E-Rate Category 1 funding requirements.

In addition to supporting broadband connectivity to the building, districts considering the purchase of wireless-enabled devices must be sure to also plan and account for wireless internet access and connectivity within classrooms, offices and common areas adjacent to school buildings. If a district wishes to have students and staff access the internet from wireless devices within the building, or in close proximity to it, it must first ensure that it has a robust Wi-Fi network in place that has sufficient bandwidth to meet demand. (Note: When estimating demand, districts should consider the number of internet-enabled/mobile devices their students and school personnel are likely to bring to school on a daily basis, consistent with existing district "Bring Your Own Device" policies.) Should a district seek to extend its Wi-Fi capacity to enable students living in close proximity to the school to access the school Wi-Fi network, a district's capacity will have to be substantially more robust to serve this wider area network. To determine bandwidth, technology and equipment needs, districts should consult with technology experts, such as those available at BOCES Regional Information Centers, as well as other resources, including those listed below in this section.

While Smart Schools Bond Act funds may not be used for ongoing operating costs, districts should consider leveraging available E-Rate Category 1 funds to which they may be entitled to supplement Smart Schools Bond Act funds committed for this purpose. http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList-2014.pdf.

The New York State Broadband Strategy Development Toolkit, published by the State Broadband Office, can help guide districts in developing their comprehensive broadband strategy. The Toolkit is a step-by-step guide that will help districts to identify partners and existing assets like fiber, and formulate goals for developing and using the school district network. http://www.nysbroadband.ny.gov/sites/default/files/documents/ToolkitFINAL_6-4-14.pdf.

All plans and specifications for the erection, repair, enlargement or remodeling of school buildings in any public school district in the State must be reviewed and approved by the Commissioner. Districts that plan capital projects using their Smart Schools Bond Act funds will undergo a Preliminary Review Process by the Office of Facilities Planning. Please see pages 4-5 for the note on capital project approvals.

There are two types of review processes under this category: standard and streamlined, as described below. Both types must undergo the Preliminary Review Process with the Office of Facilities Planning. The Office of Facilities Planning will determine whether a project is appropriate for streamlined review.

Standard Review Process: Capital-intensive infrastructure projects (such as those that require the installation of new wiring or other construction projects to support the investments) will require approval by the Office of Facilities Planning.

Streamlined Review Process: Districts that choose to spend Smart Schools Bond Act funds on certain limited costs of installing connectivity devices that do not require construction or the installation of new wiring will not require formal capital project review and approval through the Office of Facilities Planning. (See the New York State Education Department's Manual of Planning Standards) However, districts that choose this method will be required to certify that they have reviewed all installations with their licensed architect or engineer of record, and provide that person's name and license number. The licensed professional must review the products and proposed method of installation prior to implementation and review the work during and after completion in order to affirm that the work was code-compliant, if requested. Once the Smart Schools Investment Plan is approved, the district can submit the remaining necessary materials to receive a building permit and begin the work.

The Smart Schools Bond Act funds may be used:

- For capital construction costs to install new, or upgrade existing, broadband or wireless equipment on a one-time, capital improvement basis in order to expand broadband access and increase capacity in and around school buildings.
- To fund the purchase of all equipment required to provide broadband service and necessary wireless connectivity.

Examples of allowable expenditures include:

- Capital Construction Costs: Projects that expand connectivity at a school building, including those related to professional services directly related to the construction project such as site engineering, project management, and consultant services costs directly related to designing and constructing the proposed capital construction project.
- External Plant Costs: Includes cable (aerial, buried, underground and submarine), fiber, conduit systems, poles, and network interface devices.
- Internal Network and Access Equipment Costs: Includes, but is not limited to, switches, video head-ends, optical equipment, digital line concentrators, digital subscriber line

access multiplexers, middleware, video-on-demand equipment, radio equipment and data routing equipment.

- School Internal Connections and Components: Includes, but is not limited to, server and network configuration, data and electrical connections. Components at the applicant site are eligible only if they are an essential element in the transmission of information within the school. The components must be necessary to transport information to the individual classrooms.
- Testing: Includes items such as testing network and information technology systems, user devices, servers, lab furnishing and test generators.

Examples of non-allowable expenditures include:

- Recurring costs associated with the use and maintenance of technology purchased. These costs will be the responsibility of the school district that owns the technology purchased. No operating expenses of the school district can be supported by these funds. Examples include Internet, email, phone, voice mail service, web hosting or webcasting.
- Expenses incurred prior to the date of the approval of the Smart Schools Investment Plan.
- Expenditures that are not consistent with Smart School Investment Plans, Instructional Technology Plans or approved capital plans for Smart Schools Bond Act projects.
- Capital improvements to facilities that are not district-owned or if the term of the lease for the leased property is shorter than probable useful life of the capital improvement as determined by the New York State Education Department's Office of Facilities Planning.
- Leased Equipment.

School administrators can find technical assistance for planning both wired broadband and WiFi networks from the following Education Superhighway links:

- **Education Superhighway's District Tools and Services:** http://www.educationsuperhighway.org/districts/
- **Education Superhighway School WiFi Buyer's Guide:** http://buyersguide.educationsuperhighway.org/
- **Education Superhighway Network Essentials for Superintendents:** http://www.educationsuperhighway.org/wp-content/uploads/2014/12/Network-Essentials-For-Superintendents-Version-2.14-2.19.15.pdf

Install High-Speed Broadband or Wireless Connectivity for Communities

With forethought and planning, education technology and internet access can help expand students' learning opportunities outside of the school day and school building. In recognition of the need to expand connectivity beyond the walls of school buildings, the Smart Schools Bond Act allows districts to use funds for community connectivity projects.

Such projects must enhance learning and/or instruction outside of the school day and/or building and help students with activities such as: completing homework, performing research projects, and gaining access to online instructional resources.

If a project is a capital construction project, it must seek to expand connectivity at another municipally-owned facility, such as a library or recreation center that serves school-age children. In limited circumstances, subject to the State Education Department's Office of Facilities Planning review and approval, connectivity may be expanded to not-for-profit owned facilities that serve students.

If a project promotes connectivity outside the school building through the purchase of devices or equipment to extend such connectivity, it must demonstrate a clear link to student achievement, e.g., the purchase of personal mobile wireless hotspots for students to use for educational purposes when they are outside of school.

The New York State broadband mapping initiative (http://www.broadbandmap.ny.gov/) clearly identifies unserved and underserved areas of the State, existing assets, and broadband provider locations. Districts should use this information when determining the level of connectivity in students' homes and other municipally-owned facilities that serve students. Districts are also strongly encouraged to engage the Broadband Program Office (nysbroadband@esd.ny.gov) on broadband expansion; districts may be able to leverage assets that are readily available and easily obtainable.

Community connectivity projects must:

- Comply with all the necessary local building codes and regulations (building and related permits are not required prior to plan submission); and
- Promote student and/or staff access to the internet and enhance student learning and/or instruction outside of the school day and/or school building.

Examples of allowable expenditures include:

- Capital Construction Costs: For projects that expand connectivity at a municipally-owned facility, such as a library or recreation center, including those related to professional services directly related to the construction project, including site engineering, project management, and consultant services costs directly related to designing and constructing the proposed capital construction project.
- Outside Plant Costs: Includes cable (aerial, buried, underground, and submarine), fiber, conduit systems, poles, and network interface devices. Includes the construction of new towers (when existing infrastructure does not exist) and costs involved with structural changes to existing towers.
- Network and Access Equipment Costs: Includes, but is not limited to, switches, video head-ends, optical equipment, digital line concentrators, digital subscriber line access multiplexers, middleware, video-on-demand equipment, radio equipment or data routing equipment.
- Other Equipment: Includes wireless subscriber units, modems, set-top boxes and routers.
- Testing: Includes items such as testing network and IT systems, user devices, servers or lab furnishing and test generators.

Examples of non-allowable expenditures include:

- Recurring costs associated with the use and maintenance of technology purchased, including internet, email, phone, voice mail service, web hosting or webcasting.
- Expenses incurred prior to the date of the approval of the Smart Schools Investment Plan.
- Expenditures which are not consistent with Smart Schools Investment Plans, Instructional Technology Plans or approved capital plans for Smart Schools Bond Act projects.
- Capital improvements to facilities that are not municipally-owned or if the term of the lease for the leased property is shorter than probable useful life of the capital improvement, as determined by the New York State Education Department's Office of Facilities Planning.
- Leased Equipment.

Acquire Learning Technology Equipment or Facilities (Devices)

The Smart Schools Bond Act language provides examples of devices that would be eligible for expenditures. It notes that the eligible items include, but are not limited to, interactive whiteboards, computer servers, and desktop, laptop, and tablet computers. Some projects will require additional wiring and/or other capital expenses in order to successfully operate the new devices. These expenses are also eligible under the Smart Schools Bond Act, but those expenses must be listed under the School Connectivity category. Review will examine evidence provided in the Smart Schools Investment Plan that the devices/platforms chosen will be linked to a coherent instructional plan and will enhance teaching and learning on a sustainable basis. Smart School Investment Plans must describe any device purchase in detail. Review will be device- and platform-neutral. Districts should plan their device purchases carefully to ensure that devices are compatible with the district's instructional and learning applications.

Examples of allowable expenditures include:

- Interactive whiteboards;
- Computer servers;
- Desktop, laptop, and tablet computers
- Other technology items that enhance teaching and learning; and
- Expenses related to the installation of new devices (these expenses must be claimed under the School Connectivity category).

Examples of non-allowable expenditures include:

- Software; and
- Subscription services.

The proposed technology purchases should address the following goals:

- Enhance differentiated instruction and expand student learning beyond the classroom.
- Ensure equal access to these improved educational services and learning opportunities for students with disabilities and English language learners, if applicable, and should also contribute to the reduction of other learning gaps experienced within the district.

- Enhance ongoing communication with parents and other stakeholders.
- Leverage technology to facilitate regional partnerships, including distance learning, to provide additional technology-related learning opportunities for students.
- Expand wireless internet connectivity/Wi-Fi.
- Be consistent with the districts' short and long-term educational goals.

Device Purchasing and Pricing: Smart Schools Bond Act purchases must conform to all current laws and regulations regarding school district procurement practices.

All devices obtained as part of a Smart Schools Investment Plan must be purchased at or below prices available on federal and State contracts authorized in the General Municipal Law. Districts are also encouraged to take advantage of consortium purchasing efforts and other means to maximize the benefit of these funds. Purchases made through a BOCES however will not be eligible for BOCES Aid.

Inventory Management: Districts must ensure that devices purchased will be distributed, prepared for use, maintained, and supported appropriately. Districts must maintain detailed device inventories in accordance with generally accepted accounting standards. The school district's Smart Schools Investment Plan and records of any payments made to districts in support of particular purchases may be shared with appropriate agencies in support of future local audits.

Inclusion of Nonpublic Schools: Any Smart Schools Investment Plan that proposes the purchase of technology hardware must demonstrate that nonpublic schools in the district will have the opportunity to participate in technology loans, consistent with the Smart Schools Bond Act implementation language and the detailed description in the section on Nonpublic School Inclusion below.

Construct, Enhance or Modernize Educational Facilities to Accommodate Pre-Kindergarten Programs

Funds may only be used to construct, enhance or modernize education facilities to accommodate pre-kindergarten programs. Districts will explain and substantiate their expected pre-kindergarten expansion as part of their Smart Schools Investment Plans. Reviewers will consult with the New York State Education Department's Office of Early Learning to confirm that expansion plans are reasonable and consistent with district enrollment expectations. Districts must also justify additional space with enrollment projections with the State Education Department's Office of Facilities Planning, just as is currently required for capital projects that generate State Aid.

Ownership Status of Expansion Space: In general, Smart Schools Bond Act funds can only be spent to accommodate pre-kindergarten programs on school property. However, in very limited circumstances, Smart Schools Bond Act funds for capital improvement may be spent on leased facilities if the district can demonstrate that the leased property is a critical and necessary long-term solution to its space needs and, further, that the term of the lease will exceed the useful life of the capital improvements made with Smart Schools Bond Act funds. This review and analysis

must be presented to the Office of Facilities Planning for review and approval in the Smart Schools Investment Plan.

Funds shall not be used for the purpose of housing students in other grades. For large projects that blend Smart Schools Bond Act dollars with other funds, Smart Schools Bond Act funds can be allocated on a pro rata basis depending on the proportion of square footage dedicated to pre-kindergarten space.

All plans and specifications for the erection, repair, enlargement or remodeling of school buildings in any public school district in the State must be reviewed and approved by the Commissioner. Districts that plan capital projects using their Smart Schools Funds will undergo a Preliminary Review Process by the Office of Facilities Planning. Please see pages 4-5 for the note on capital project approvals.

In your Smart Schools Investment Plan, please:

- Provide information regarding where the district is currently serving pre-kindergarten students.
- Describe the district's plan to construct, enhance or modernize education facilities to accommodate pre-kindergarten programs. Such plans must include:
    - Specific descriptions of what the district intends to do to the space;
    - A demonstration that pre-kindergarten classrooms will contain a minimum of 900 square feet;
    - The number of classrooms involved;
    - The approximate cost per classroom; and
    - Confirmation that the space is district owned or has a long-term lease that exceeds the probable useful life of the improvements.

Examples of allowable expenses pursuant to Commissioner's Regulations Part 125 include:

Required items per building codes:

- Well-ventilated classroom; and
- Handicapped accessible.

Allowed, but not required:

- Appropriately sized bathroom fixtures and facilities, ideally located in or adjacent to the classroom;
- Individualized storage space for coats and backpacks (cubbies);
- Sink area in the classroom;
- Adequate classroom space to accommodate learning centers;
- Wired for technology use in multiple learning centers;
- Welcoming space for parents;
- Space for gross motor activity, with appropriate flooring;
- Windows at children's eye level; and

- Improved emergency egress.

Examples of non-allowable expenditures include:

- Lease or purchase of buses, vans or cars;
- Program costs related to staffing (salary and fringe);
- Supplies and materials, such as curriculum materials, books and/or consumable supplies;
- Capital improvements operated by community-based organizations;
- Expenditures that are not consistent with Smart School Investment Plans and approved capital plans for Smart Schools Bond Act projects; and
- Expenditures made prior to approval of a Smart Schools Investment Plan.

Additional Guidance: Plans for construction of prekindergarten expansion space to be supported through Smart Schools Bond Act funds must be consistent with Commissioner's Regulations (Section 151-2.7. Physical facilities) for Experimental Prekindergarten.

a) Each prekindergarten classroom shall have at least a minimum of 30 square feet of usable activity space per child, excluding cloakrooms, bathrooms and storage facilities.
b) There shall be a minimum of 75 square feet of outdoor play area per child. Less than 75 square feet per child may be permitted upon submission of evidence of careful spacing of equipment and limitation of use to small groups at a time.
c) There shall be no construction, addition, substantial modification or change in occupancy of buildings or parts of buildings used or to be used in the operation of the prekindergarten program unless plans and designs of changes have been approved by the Department.
d) Each prekindergarten program shall provide adequate indoor and outdoor space to accommodate a variety of gross motor activities that encourage physical and social development of children.
e) The prekindergarten program shall be located on or close to the first floor of the building and be accessible for children with handicapping conditions who may participate in the program.
f) A bathroom shall be part of, or immediately accessible to, the prekindergarten classroom. Such bathrooms must be barrier free.
g) Appropriate space shall be designated for the use of parent activities.

Construct, Enhance and Modernize Educational Facilities to Provide Instructional Space to Replace Classroom Trailers

The Smart Schools Bond Act provides funds for the expansion or construction of adequate, appropriate and permanent instructional space to replace transportable classroom units. As with the other capital projects that may be planned with Smart Schools Bond Act funds, projects to replace classroom trailers must receive approval through the New York State Education Department's Office of Facilities Planning which, on behalf of the Commissioner, is the code enforcement authority for public schools and BOCES.

Allowable expenditures shall be consistent with the New York State Education Department's Manual of Planning Standards and may include:

- Replacing transportable classrooms with permanent construction – supported by enrollment growth; and
- Removal of existing transportable classrooms from school property and restoration of the site after completion of permanent construction.

Non-allowable expenses include:

- Renovation or upgrade of existing transportable classroom space. Districts should concentrate on removal/replacement of existing space; and
- Replacement of existing transportable instructional space with new transportable instructional space.

For large projects that blend Smart Schools Bond Act dollars with other funds, Smart Schools Bond Act funds can be allocated on a pro rata basis depending on the number of new classrooms built that directly replace transportable classroom units.

In accordance with Department of State regulation Title 19, 1201.2(e), the State Education Department shall be accountable for administration and enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by, school districts and Boards of Cooperative Educational Services. Accordingly, all plans and specifications for the erection, repair, enlargement or remodeling of school buildings in any public school district in the State must be reviewed and approved by the Commissioner.

Districts that plan capital projects using their Smart Schools Bond Act funds will undergo a Preliminary Review Process, which is outlined earlier in this document.

Install High-Tech Security Features in School Buildings and on School Campuses

There are two types of review processes under this category: standard and streamlined. Both types must undergo the Preliminary Review Process with the New York State Education Department's Office of Facilities Planning. The Office of Facilities Planning will determine whether a project is appropriate for streamlined review.

Standard Review Process: Capital-intensive security projects (such as those that require the installation of new wiring or other construction projects to support the security investments) will require approval by the Office of Facilities Planning.

Streamlined Review Process: Districts that choose to spend Smart Schools Bond Act funds on certain limited door hardening, or building entrance security features, similar to the types of improvements approved through the Safe Schools Act, will not require a formal capital project review and approval through the Office of Facilities Planning. (See the State Education Department's Manual of Planning Standards.)

However, districts that choose this method will be required to certify that they have reviewed all installations with their licensed architect or engineer of record, and provide that person's name and license number. The licensed professional must review the products and proposed method of installation prior to implementation and review the work during and after completion in order to affirm that the work was code compliant, if requested. Once the Smart Schools Investment Plan is approved, the district can submit the remaining necessary materials to receive a building permit and begin the work.

Acceptable items for the streamlined review and approval process include:

- Acceptable electronic security systems limited to main entrances.
- Access control systems limited to main entrances. These may include:
    - An intercom to speak with visitors;
    - Remote electronic door unlatching systems;
    - Cameras;
    - Interface with the building management system; and
    - Central lockdown buttons.

- Acceptable door hardening items:
    - Door replacement;
    - Door hardware replacement;
    - Door frame replacement;
    - Sidelight removal;
    - Sidelight frame replacement;
    - Change size of door or window vision panels to limit opening size;
    - Change door or sidelight glass materials;
    - Bars, grills or other protective measures over existing glass to prevent access; and
    - Glass films, including security films or tinted films.

A list of projects that can be completed without a building permit will be made available on or before June 15, 2015.

Section 5. <u>Requirements for Stakeholder Involvement</u>

Before the Smart Schools Investment Plan can be approved, the district must demonstrate that it has met the requirements for public input concerning the school district's proposed use of Smart School Bond Act funds. This input must include consulting with parents, teachers, students, community members, and other stakeholders.

Timelines for Stakeholder Involvement: School districts must consult with parents, teachers, students, community members, the leaders of the nonpublic schools in their communities and other stakeholders. There is no specific deadline for the submission of plans. However, the district must certify in its Smart Schools Investment Plan submission that the following required steps have taken place:

- District developed and the Board approved a Preliminary Smart Schools Investment Plan.
- A Preliminary Plan has been posted on the district website for at least 30 days. The district must include an address to which any written comments on the Plan should be sent.
- Board has conducted a hearing that will enable stakeholders to respond to the Preliminary Plan. This hearing may occur as part of a normal Board meeting, but adequate notice of the event must be provided through local media and the district website for at least two weeks prior to the meeting.
- District has prepared a final plan for Board approval.
- Final plan has been posted on district website.
- District will submit Smart Schools Investment Plans through the Business Portal for review.
- Plans may be amended after the initial approval has been approved. Any amendment of an approved Plan that would result in a change of more than 25 percent of approved budget expenditures will require the district superintendent to post the proposed amendments on the district website for two weeks and receive comments from the public in writing or at a normally convened meeting of the Board.

Section 6. <u>Inclusion of Nonpublic Schools</u>

School districts should consult with nonpublic schools within their district boundaries as part of their engagement with stakeholders prior to the finalization of their Smart Schools Investment Plans.

The Smart Schools Bond Act requires that school districts must loan, upon request, any classroom technology purchased by the district with Smart Schools Bond Act funding to students attending nonpublic schools within the same school district. Similar to the Computer Hardware Loan Program, the lending school district would retain ownership of the devices and responsibility for maintenance and repair.

Implementation of the Nonpublic School Loan Language of the Smart Schools Bond Act

- Upon request, school districts must loan, at no charge, technology obtained as part of the Smart Schools Bond Act, including, but not limited to interactive whiteboards, and desktop, laptop and tablet computers, servers and wireless routers to children attending nonpublic schools located within their district boundaries. These devices are not required to be the same as the ones purchased by the public school district.
- No school district may be required by the Smart Schools Bond Act to loan technology in amounts greater than that obtained under the Smart Schools Bond Act. (Pre-existing requirements to loan instructional materials, including hardware, remain in effect.)
- No school district may loan Smart Schools Bond Act classroom technology in an aggregate amount greater than two hundred and fifty dollars ($250) multiplied by the nonpublic school enrollment in the base year at the time of enactment (e.g., 2014-15 enrollment).

- School authorities shall adopt regulations specifying the date by which requests for the purchase and loan of Smart Schools Bond Act classroom technology must be received by the district.

    - Adequate notice of the required request date must be given to all non-public schools located in the school district.
    - For the 2015-16 school year and thereafter, such date shall not be earlier than the first day of June of the school year prior to that for which such Smart Schools Bond Act classroom technology is being requested.
    - A parent or guardian of a child not attending a particular nonpublic school prior to January first or June first of the school year, as applicable, may submit a written request for Smart Schools classroom technology within thirty days after such child is enrolled in such nonpublic school.
    - A request made later than the times otherwise provided shall not be denied where a reasonable explanation is given for the delay in making the request.

- Children whose tuition is paid for under Article 89 of the Education Law are deemed to be receiving equitable services by virtue of the tuition payment, so no additional loans are necessary under the Smart Schools Bond Act. As such, the pupil enrollment in Chapter 853 or 4201 Schools should not be included.

Chapter 853, 4201 or Special Act School Districts have been allocated separate amounts for such children under the Smart Schools Bond Act for learning technology equipment, high-tech security features, high-speed broadband or wireless internet connectivity, and replacement of transportable classroom units. Please see the Smart Schools Bond Act website for individual school allocations.

Section 7. <u>Treatment of Smart Schools Bond Act Plans and Funds</u>

Tax Levy Limit Law: Expenditures for approved Smart Schools Projects will not affect a school district's Tax Levy Limit pursuant to Education Law § 2023-a, often referred to as the "Property Tax Cap."

In calculating the Tax Levy Limit, school districts should not include in Capital Local Expenditures any approved Smart Schools Project expenditures that will be reimbursed with Smart Schools Bond Act funds.

If a school district decides to supplement its Smart Schools Bond Act allocation with local tax levy in order to undertake a larger project or projects, any associated expenditures should be included in Capital Local Expenditures and, therefore, be excluded from the district's Tax Levy Limit. However, such capital expenditures supported by local levy would be subject to the approval of the school district's qualified voters where required by law.

Amending the Smart Schools Investment Plan: School districts may amend the Smart Schools Investment Plan after it has been approved. If the amendment would cause more than 25 percent of the entire allocation to change, the district will be required to post the proposed amendments

to the district website for 30 days and discuss the item in a public board meeting where the public may comment prior to adoption of the amendment and resubmission of the Smart Schools Investment Plan online application. The amendments will not be eligible for reimbursement unless and until approval is granted.

State Aid: Expenditures from the Smart Schools Bond Act allocation may not be used to generate other types of School Aid. However, the funds may be combined with other funding sources to enable larger scale projects.

Expiration of Smart Schools Allocations: School districts' Smart Schools Bond Act allocations do not expire if not used within a certain period. They may be carried over to future years. This should permit school districts to use the funds to support investments in improved capacity on a long-term basis.

Auditing: Expenditures made under the Smart Schools Bond Act must be included in the district's annual independent audit and are subject to audit by any and all appropriate government agencies, including the New York State Education Department's Office of Audit Services. Audits will ensure that districts operate their programs in the manner described in the Smart Schools Investment Plan, expenditures claimed are allowable, best available prices were obtained for products and services and that adequate and effective controls were maintained to safeguard the use of funds and ensure reliability of reporting.

Account Codes: After consultation with the Office of the State Comptroller, supplemental guidance will be issued detailing the account codes to be used for Smart Schools Bond Act revenues and expenditures. This information will be provided to districts on both the New York State Education Department Educational Management Services website (http://www.p12.nysed.gov/mgtserv/smart_schools/) and on the State Aid website (https://stateaid.nysed.gov/st3/).

Section 8. Contact Information

Smart Schools Program Questions: Please contact the New York State Education Department Office of Educational Management Services.

Telephone: (518) 474-6541

Email: Smartschools@nysed.gov

Capital Project Questions: Please call the New York State Education Department Office of Facilities Planning at (518) 474-3906.

Visit http://www.p12.nysed.gov/mgtserv/smart_schools/ for additional information.