DIRECTIONS

APPLICATION FOR APPROVAL OF LEASE-PURCHASE AGREEMENTS FOR INSTRUCTIONAL EQUIPMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1725-a OF NEW YORK STATE 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 Regulations of the Commissioner of Education concerning required Commissioner Approval of Lease-Purchase Agreements. Please follow the directions below to complete and file 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 can be submitted electronically. Please download, print, complete, sign, scan, and finally email the complete set of documents to EMSCMGTS@nysed.gov for review and approval. Please note that approvals will be sent via email.

Required Documents:
- Cover letter
- Completed and signed Application
- Board resolution that includes approval of full LPA dollar amount, signed/certified by District Clerk
- Financing agreement showing all terms and payment schedule

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. Guidance and/or assistance is available by calling the Office of Educational Management Services at (518) 474-6541.

Attachments

7/21
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: ________________________________

D. Length of the Agreement: ________________________________________________

E. Annual Payments to Vendor:

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<th>School Fiscal Year</th>
<th>Amount of Payment</th>
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TOTAL LPA COST: $_____________________________

F. Was the contract awarded following competitive bids taken in accordance with the provisions of Section 103 of General Municipal Law?

YES  NO

G. If answer to F above is NO, please provide an explanation in the space provided below:

_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

I hereby certify that the information contained in this application is true and correct to the best of my knowledge:

_________________________________________  ____________
Superintendent of Schools                  Date
FOR SED USE ONLY

Approved: ___________

Disapproved: ___________

Reason for Disapproval:

________________________________________
________________________________________
________________________________________
________________________________________

_________________________  ___________
SED Official                Date
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.