TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 4 - TEXTBOOK LOANS TO CHILDREN ENROLLED IN PRIVATE SCHOOLS IN NEBRASKA

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CHAPTER 4

001 General Provisions

001.01 Statutory authority. This chapter is adopted pursuant to Neb. Rev. Stat. 79-734.

001.02 Scope and application. This chapter covers the loan of textbooks to private school children. Boards of education have the power and duty to purchase and loan textbooks to private school children; provided, however, that boards of education are only obligated to purchase and loan textbooks to the extent that the Legislature of the State of Nebraska appropriates funds to be distributed by the State Department of Education for the purpose of purchasing and loaning textbooks to private school children as provided in Neb. Rev. Stat. 79-734(2).

002 Definition of Terms

As used in this chapter:

002.01 Private school student shall mean a child who is enrolled in any of grades kindergarten through grade 12 of a private school that is approved for continued legal operation under Title 92, Nebraska Administrative Code (NAC), Chapter 14, or accredited under Title 92, NAC, Chapter 10.

002.02 Board of education shall mean the governing bodies, including school boards, of any class of school district in the state of Nebraska which are required to purchase, pursuant to Neb. Rev. Stat. 79-734(1), all textbooks, equipment and supplies necessary for schools of such school district.

002.03 Textbook shall mean any instructional material that is designated for use by individual students in classroom instruction as the principal source of study material, in any of grades kindergarten through grade 12 in the public school(s) of each school district. The following, if designated for use by individual students as

the principal source of study material, are likewise to be considered textbooks for purposes of this chapter: multiple texts; electronic and digital subscriptions; and hard-copy, write-in work texts if accessible by students pursuant to a multi-year subscription entered into by the school district. Instructional material that is in a non-tangible, electronic or digital format, e.g. web-based (on-line) material, accessible by students through a subscription or license agreement entered into by the school district, is a textbook if the individual student's access ceases within the timeframe described in Section 003.01 of this chapter. The following are not to be considered textbooks: library books, teacher's editions, hard-copy supplemental workbooks and any book or material designated for classroom, and not individual use (e.g. "Big Books" and the like).

002.04 Prorata reduction shall mean a reduction in the total amount requested by each board of education based on the total funds appropriated by the Legislature divided by the total amount of funds requested by all boards of education.

002.05 School district shall mean the territory under the jurisdiction of a single board of education.

002.06 Authorized Parent Representative shall mean a person or persons authorized by the parents or legal guardians of private-school students to represent them in the proceedings applicable to this chapter. An official or employee of a private school may not be a parent representative.

002.07 Loan shall mean the provision of instructional material in such a manner that title (i.e. ownership) to the instructional material remains with the school district providing such instructional material.

003 Procedures for Applications

Applications by a parent, legal guardian, or authorized parent representative for the loan of textbooks shall be made to the school district in which the child resides or the school district in which the private school the child attends is located no later than January 15, for the following school year, and shall be made on behalf of each individual child on designated Form NDE #22-001, a copy of which is attached to this chapter as Appendix A. Parents authorizing a parent representative to apply for pickup and return of textbooks, must fill out and give to the parent representative an Authorized Parent Representative Form *(Appendix D, NDE Form #22-004)* for

presentation to local school officials. Textbooks designated, by title, for use in the public schools of the school district in which the child resides or of the school district in which the private school attended by the child is located may be requested for loan. The copyright edition of such textbook titles to be loaned, including the most recent copyright edition offered by the publisher, shall be at the discretion of the parent(s) or legal guardians(s), if multiple versions are available.

003.01 Return of textbooks. A parent, legal guardian, or authorized parent representative of a private school student shall return textbooks that can be returned to an inventory site and loaned anew to another private-school student to the designated inventory site as provided in Section 004.07 within 15 days after the close of the public school year classes.

003.02 Lost or damaged textbooks. If a parent, legal guardian, or authorized parent representative fails to return a textbook as required in Section 003.01 or returns a textbook damaged beyond ordinary wear and tear, he/she shall be responsible for reimbursing the school district for the loss of the non-returned textbooks or the damage. School districts may refuse to loan textbooks to parents, legal guardians, or authorized parent representatives who have failed to reimburse the school district for lost or damaged textbooks. See Section 004.08 regarding use of reimbursed funds.

003.03 Limitations. The school district shall limit the loan each year to ten textbooks per student for students in grades K-6 and to eight textbooks per student for students in grades 7-12.

004 Requirements for Boards of Education

004.01 Local procedures. Each school district shall have local rules and regulations for the distribution of textbooks and the management of funds under this chapter, which shall include, but not be limited to:

004.01A Making available, no later than November 15, a list of textbooks designated for use in the public schools of the district during the current school year, a list of any new textbooks that the school district has determined by November 15 shall be used during the next school year, and a list showing, by title *(including edition and copyright)*, the numbers of all textbooks previously purchased for the textbook loan program and still available for loan. As applicable, the lists shall indicate if a textbook

is multiple texts, a non-tangible electronic or digital format, e.g. web-based (on-line) material, accessible by students through a subscription or license agreement; or a hard-copy, write-in work text accessible by students pursuant to a multi-year subscription (see Section 002.03).

004.01B The availability of a copy of the list for inspection at the central administrative offices of the district, as well as reproduction at a reasonable cost upon request.

004.01C Procedures and dates for distribution of textbooks, for return of textbooks that can be returned to an inventory site and loaned anew to another private-school student and for the provision and cessation of access to instructional material provided through a license or subscription agreement if applicable (see Section 002.03).

004.01D Procedures for the receipt and disbursement of funds pursuant to this chapter.

004.01E Procedures for establishing and maintaining a separate inventory of textbooks for loan to private school children.

004.01F Procedures for disposing of unused textbooks. Only textbooks which have not been requested for three consecutive years may be classified as unused and, therefore, disposed of by sale or otherwise. All funds received from any sale of unused textbooks that were originally purchased pursuant to this chapter shall be retained in a separate account, treated in the same manner as carryover funds and used to offset the amount otherwise to be requested (Appendix C) in one or more future years for distribution under this chapter.

004.02 Notification. Boards of Education shall, at least ten days prior to the beginning of public school classes, notify in writing the parent, legal guardian, or authorized parent representative of each private school student at the address specified in the application, where and when textbooks will be made available.

004.03 Receipt. Boards of education shall require a parent, legal guardian, or authorized parent representative of each private school student to sign a receipt at the time the textbooks that can be returned to an inventory site and loaned anew

to another private-school student are picked up on designated Form NDE #22-002, a copy of which is attached as Appendix B.

004.04 Distribution of funds. Boards of education shall make application for funds from the Department of Education by filing an application with the Department of Education on designated Form NDE #22-003, a copy of which is attached as Appendix C, no later than February 15 preceding the start of classes for the school year for which the application has been made. The board of education shall specify in the application:

004.04A The total number of applications (Appendix A) received;

004.04B The total number of textbooks requested and the total number of textbooks needed to be purchased to fulfill the requests;

004.04C The dollar amount to purchase the number of textbooks needed to be purchased in order to fulfill the requests. A district may claim up to 5% of that cost in order to defray administrative expense;

004.04D The titles of all textbooks, the number requested of each textbook, the price per textbook, and, if applicable, the amount of shipping and handling charges added to the invoice or billing by the seller/vendor; and

004.04E If applicable, the amount of carryover funds remaining from the previous year if the total amount received was not expended (and an explanation of the reasons for the carryover), the amount of funds on hand from any sale of unused textbooks (per Section 004.01F), and the amount of funds on hand from reimbursements received for damaged textbooks (per Section 004.08).

004.05 Time of distribution. The Department of Education shall distribute available funds no later than March 15.

004.06 Purchase of textbooks. If, after the distribution of funds, boards of education are unable to provide all of the textbooks for which applications have been made due to a prorata funding reduction by the Department of Education, then boards of education may seek input from the authorized parent representatives, and thereupon shall use their best judgment in selecting the

textbooks which shall be purchased. If, after exercising such judgment, there are not enough textbooks of a particular subject and grade level to fulfill all of the individual requests, then such textbooks shall be distributed on the basis of a random drawing.

004.07 Availability of textbook inventory.

004.07A Tangible textbooks purchased with funds appropriated for purposes of this chapter shall be maintained in a separate inventory and shall be made available to private school children so long as the textbook titles remain on the list required in Section 004.01A, and the textbooks are not lost, stolen, destroyed, or damaged beyond repair. Such inventory may be maintained at a facility of the school district which purchased the textbooks or at an alternative site or sites agreed upon by the school district and the authorized parent representative(s) responsible for such textbooks. If an alternative inventory site is designated, the authorized parent representative(s) shall be deemed to have custody of such textbooks, be personally liable for the safekeeping of such textbooks, and shall maintain a documented inventory-control system as agreed upon with the school district.

004.07B Any unexpired subscriptions and license agreements that constitute textbooks purchased with funds appropriated for purposes of this chapter shall be maintained separately in the form of documentation.

004.08 Recovery of damages. Amounts reimbursed by students, parents, guardians or authorized parent representative(s) for damaged textbooks or textbooks not returned pursuant to Section 003.01 shall be retained in a separate account and used to offset the amount otherwise needed to be requested in future years for distribution under this chapter.

APPENDIX A

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NDE # 22-001
REVISED 1/2008
DATE DUE: 1/15

APPLICATION FOR LOAN OF TEXTBOOKS

(one application form per student)

TO: _____

(Board of education or school board of the school district in which the student requesting the loan resides or in which the private school the child attends is located.)

Application is hereby made, pursuant to Neb. Rev. Stat. 79-734(2) and the rules and regulations promulgated thereunder, that you loan my child or ward the following textbook(s) which are designated for use in your school district*:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

My child or ward is a student at _____ which is a private school approved for continued legal operation under Title 92, Nebraska Administrative Code (NAC), Chapter 14, or accredited under Title 92, NAC, Chapter 10.

My child's or ward's name is _____.
He or she will be in the _____ grade beginning in the fall of the next school year, and resides at _____.

_____
DATE

_____
PRINT NAME OF PARENT OR GUARDIAN
(DESIGNATE WHICH)

_____
SIGNATURE OF PARENT OR GUARDIAN

_____
ADDRESS OF PARENT OR GUARDIAN

_____

_____
PHONE NUMBER OF PARENT OR GUARDIAN

*NOTE: Per Section 003.03, the school district shall limit the loan each year to ten textbooks per student for students in grades K-6 and to eight textbooks per student for students in grades 7-12.

(This application must be received by the public school district no later than January 15.)

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NDE # 22-002
REVISED 01/2008
DATE DUE: Upon receipt of textbooks

RECEIPT

The undersigned parent or guardian hereby acknowledges the receipt of textbooks specified on the list attached hereto, and agrees that they are in good condition and will be returned in the same condition, normal wear excepted, within 15 days after the last day of public school classes. The undersigned agrees that if the textbooks specified in the list are damaged, lost, stolen or not returned, that he or she will pay the school district the reasonable cost of repair or replacement.

_____
DATE

_____
SIGNATURE OF PARENT OR GUARDIAN

_____
ADDRESS OF PARENT OR GUARDIAN

_____

_____
PHONE NUMBER OF PARENT OR GUARDIAN

TITLE 92
CHAPTER 4

NDE # 22-003
REVISED 1/2008
DATE DUE: 2/15

APPLICATION FOR DISTRIBUTION OF FUNDS

TO: Nebraska Department of Education

The undersigned hereby makes application, pursuant to Neb. Rev. Stat. 79-734(2) and Title 92, Nebraska Administrative Code (NAC), Chapter 4, for distribution of funds appropriated by the Legislature for the purchase and loan of textbooks to private school children.

1.	Total Number of Applications for Loan of Textbooks (Appendix A) Received	1. _____
2.	Total Number of Textbooks Requested	2. _____
3.	Total Number of Textbooks to be Purchased	3. _____
4.	Cost of Textbooks to be Purchased	4. $ _____
5.	Shipping/Handling Charges Added by Seller/Vendor, if Applicable	5. $ _____
6.	Total Cost of Textbooks (Line 4 plus Line 5)	6. $ _____
7.	Administration Expense (not to exceed 5% of amount listed on Line 6)	7. $ _____
8.	Total Amount of Request (Line 6 plus Line 7)	8. $ _____
9.	Amount of Carryover Funds Remaining From the Previous Year if the Total Amount Was Not Expended, if Applicable (Attach Explanation)	9. $ _____
10.	Amount of Funds on Hand from any Sale of Unused Textbooks per Section 004.01F, if Applicable	10. $ _____
11.	Amount of Funds on Hand from Reimbursements Received for Damaged Textbooks per Section 004.08, if Applicable	11. $ _____
12.	Total Amount of Funds on Hand (Total of Line 9, Line 10, and Line 11)	12. $ _____
13.	Adjusted Total Request (Line 8 minus Line 12)	13. $ _____

Attached to this application is a listing of the titles of each textbook requested (including the publisher and the International Standard Book Number (ISBN), if applicable), the number of copies of each textbook requested, the price per textbook, and if applicable, the amount of shipping and handling.

_____
DATE

_____
SCHOOL DISTRICT NAME

_____
PRINT NAME OF SUPERINTENDENT OR DESIGNEE

_____
SIGNATURE OF SUPERINTENDENT OR DESIGNEE

(This application must be received by the Department of Education no later than February 15.)

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CHAPTER 4

NDE # 22-004
REVISED 1/2008
DATE DUE: 1/15

AUTHORIZED PARENT REPRESENTATIVE FORM

TO: _____

(Board of education or school board of the school district in which the student requesting the loan resides or in which the private school the child attends is located.)

I, _____, being a parent of a child
(please print)
enrolled in a private school which is approved for continued legal operation under Title 92, Nebraska Administrative Code (NAC), Chapter 14, or accredited under Title 92, NAC, Chapter 10, designate:

_____ to be
(please print)
my Authorized Parent Representative to represent me in all the proceedings applicable to the Textbook Loan Program under Title 92, NAC, Chapter 4.

_____ _____
DATE PRINT NAME

_____
SIGN NAME

☐ PARENT ☐ GUARDIAN

I understand that as an Authorized Parent Representative, I will represent the parent in all the proceedings applicable to Chapter 4, Textbook Loan Program. I am not an official or employee of a private school.

_____ _____
DATE PRINT NAME

_____
SIGN NAME
AUTHORIZED PARENT REPRESENTATIVE