

NEBRASKA DEPARTMENT  
OF EDUCATION

# RULE 4

REGULATIONS FOR TEXTBOOK LOANS TO CHILDREN ENROLLED IN  
PRIVATE SCHOOLS IN NEBRASKA

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 4

EFFECTIVE DATE  
NOVEMBER 10, 2024  
(REVISED)

State of Nebraska  
Department of Education  
P.O. Box 94987  
Lincoln, Nebraska 68509



## STATE BOARD OF EDUCATION

Patsy Koch  
Johns (District 1)  
Lincoln

Lisa Fricke  
(District 2)  
Omaha

Patti Gubbels  
(District 3)  
Oakland

VACANT  
(District 4)  
Omaha

Kirk Penner  
(District 5)  
Aurora

Sherry Jones  
(District 6)  
Grand Island

Elizabeth Tegtmeier  
(District 7)  
North Platte

Deborah Neary  
(District 8)  
Omaha

For information regarding these regulations, contact:

Nebraska Department of Education  
500 S. 84<sup>th</sup> Street, 2<sup>nd</sup> floor  
P.O. Box 94987  
Lincoln, Nebraska 68509-4987  
Phone: (402) 471-2295

TITLE 92 -  
CHAPTER 4 -

NEBRASKA DEPARTMENT OF EDUCATION  
TEXTBOOK LOANS TO CHILDREN ENROLLED  
IN PRIVATE SCHOOLS IN NEBRASKA

NUMERICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
General Provisions	79-734	001
Definition of Terms	79-734	002
Application Procedures for Textbook Loans For School Years through the 2024-25 School Year	79-734	003
Requirements for Boards of Education Through The 2024-25 School Year	79-734	004
Procedures for the 2025-26 School Year and Each School Year Thereafter	79-734	005

TITLE 92 -  
CHAPTER 4 -

NEBRASKA DEPARTMENT OF EDUCATION  
TEXTBOOK LOANS TO CHILDREN ENROLLED  
IN PRIVATE SCHOOLS IN NEBRASKA

ALPHABETICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Application Procedures for Textbook Loans For School Years through the 2024-25 School Year	79-734	003
Definition of Terms	79-734	002
General Provisions	79-734	001
Procedures for the 2025-26 School Year and Each School Year Thereafter	79-734	005
Requirements for Boards of Education Through The 2024-25 School Year	79-734	004

## **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. For school years through the 2024-25 school year, 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)(a) and sections 003 and 004 of this chapter. For the 2025-26 school year and each school year thereafter, the department has responsibility for the purchase and loan of textbooks to private school children to the extent that the Legislature appropriates funds for such purpose as provided in Neb. Rev. Stat. § 79-734(2)(b) and sections 005 and 006 of this chapter.

## **002 Definition of Terms**

As used in this chapter:

002.01 Authorized parent representative means a person or persons authorized by the parents or legal guardians of private school children to represent them in the proceedings applicable to this chapter through the 2024-25 school year.

002.02 Board of education means the governing body of any class of school district in the state of Nebraska which is required to purchase, pursuant to Neb. Rev. Stat. § 79-734(1), all textbooks, equipment and supplies necessary for the schools of such school district.

002.03 Commissioner means the individual appointed by the State Board of Education under section 79-318(1). To the extent the Commissioner contracts with a third-party vendor under the provision of this chapter, the third-party vendor assumes the authority to carry out the responsibilities of the Commissioner under this chapter.

002.04 Designated agent means an administrator employed by a private school, who has notified the Commissioner that such administrator will act on behalf of children enrolled in such school with regard to the provisions of this chapter based on

authorizations received from parents and guardians pursuant to section 005.01 of this chapter and compliance with section 005.03 of this chapter.

002.05 Loan means the provision of a textbook for use by a private school child pursuant to this chapter. The ownership of such textbook remains with the department regardless of where the textbook is located.

002.06 Private school means a private, denominational, or parochial school accredited or approved under the provisions of Title 92, Nebraska Administrative Code, Chapters 10 or 14 (92 NAC 10 or 14).

002.07 Private school child means a child enrolled in a private school.

002.08 Pro rata reduction means 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 under section 003 of this chapter prior to July 1, 2024.

002.09 School district means the territory under the jurisdiction of a board of education.

002.10 Textbook has the same meaning as in Neb. Rev. Stat. § 79-734(3).

002.11 Third-party vendor means an entity that carries out the provisions of this chapter pursuant to a contract with the Commissioner.

### **003 Application Procedures for Textbook Loans for School Years through the 2024-25 School Year**

Applications by a parent, legal guardian, or authorized parent representative for the loan of textbooks must 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 must be made on behalf of each individual child on designated Form NDE #22-001. 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 (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, will be at the discretion of the parent(s) or legal guardians(s), if multiple versions are available.

003.01 Return of textbooks. Except as provided in section 004.10 of this chapter, the parent, legal guardian, or authorized parent representative of a private school child must 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 will 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 must limit the loan each year to ten textbooks per child for children in grades K-6 and to eight textbooks per child for children in grades 7-12.

#### **004 Requirements for Boards of Education Through the 2024-25 School Year**

004.01 Local procedures. Each school district must have local rules and regulations for the distribution of textbooks and the management of funds under this chapter, which must 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 must 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 must indicate if a textbook is multiple texts, a non-tangible electronic or digital format, e.g. web-based (on-line) material, accessible by private school children through a subscription or license agreement; or a hard-copy, write-in work text accessible by private school children 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 child 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 must be retained in a separate account, treated in the same manner as carryover funds and used to offset the amount otherwise to be requested in one or more future years for distribution under this chapter.

004.02 Notification. Boards of education must, 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 child at the address specified in the application, where and when textbooks will be made available.

004.03 Receipt. Boards of education must require a parent, legal guardian, or authorized parent representative of each private school child to sign a receipt at the time the textbooks that can be returned to an inventory site and loaned anew to another private school child are picked up on designated Form NDE #22-002.

004.04 Distribution of funds. Boards of education must make application for funds from the Department of Education by filing an application with the Department of Education on designated Form NDE #22-003, 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 must specify in the application:



004.04A The total number of applications 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 must 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 pro rata funding reduction by the Department of Education, then boards of education may seek input from the authorized parent representatives, and thereupon must use their best judgment in selecting the textbooks which will 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 must 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 must be maintained in a separate inventory and must 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, de-

stroyed, 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) will be deemed to have custody of such textbooks, be personally liable for the safekeeping of such textbooks, and must 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 must be maintained separately in the form of documentation.

004.08 Recovery of damages. Amounts reimbursed by children, parents, guardians or authorized parent representative(s) for damaged textbooks or textbooks not returned pursuant to Section 003.01 must 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.

004.09 Textbook list. Each school district must provide a detailed list, as prescribed by the Commissioner, of the textbooks maintained in the inventory required pursuant to section 004.07 of this chapter for the 2024-25 school year, including textbooks loaned to private school children for such school year.

004.10 Retention of textbooks. Any designated agent who meets the requirements of section 005.03 of this chapter for the 2025-26 school year on or before October 15, 2024, may retain any textbooks loaned to children in the designated agent's school under the provisions of section 003 of this chapter that are in the possession of such agent or school at the end of the 2024-25 school year.

004.11 Textbooks not retained. The Commissioner must notify school districts of the procedures to be followed for any textbooks which are not retained by a designated agent at the end of the 2024-25 school year.

## **005 Procedures for the 2025-26 School Year and Each School Year Thereafter**

005.01 Authorization. A parent or legal guardian of a private school child may authorize such child to borrow textbooks pursuant to this chapter through a designated agent by signing a document at the time of enrollment that states:

“By enrolling my child in [name of private school], I hereby authorize the administrator of the school to act as my designated agent for purposes of requesting and borrowing textbooks, pooling per child allocations when requesting textbooks, and representing me in all other matters under 92 NAC 4 (Rule 4).”

005.02 Annual notice to private schools. On or before September 1 of each year, the Commissioner must send a written notice to the administrator of each private school indicating that the deadline for participation in the provisions of this chapter for the following school year is October 15.

005.03 Annual participation. By October 15 of each year, each designated agent must notify the Commissioner, in a manner prescribed by the Commissioner, that such designated agent, or the designated agent’s predecessor, has complied with all requirements of this chapter and that the designated agent will participate in the provisions of this chapter on behalf of the parents and children of such school for the following school year.

005.04 Estimated child allotment of funds.

005.04A The Commissioner will divide (a) the total amount of funds appropriated by the Legislature, less up to five (5) percent for administrative costs, by (b) the total membership reported on October 1 for all private schools with a designated agent for such school year to establish the per child allotment.

005.04B The Commissioner will multiply the per child allotment by the membership as of October 1 for each private school with a designated agent for such school year to determine the estimated allotment of funds.

005.04C On or before November 30 of each year, the Commissioner will provide the estimated allotment of funds for the following school year to each designated agent.

005.05 Textbook request procedures. The designated agent must, by a date and with such information as prescribed by the Commissioner, submit a request for textbooks to the Commissioner. Confirmation of the textbook order with projected cost, along with projected delivery date if known, must be communicated to the designated agent by the Commissioner. Requested textbooks may be delivered directly to the school of the designated agent.

005.06 Identification as property of state. All physical textbooks loaned under this chapter must be marked or otherwise identified as property of the State of Nebraska by the designated agent when delivered.

005.07 Electronic and digital textbooks. Any license or subscription to use electronic or digital textbooks must be held by the Commissioner but may be managed by the designated agent.

005.08 Textbook list. Each designated agent must maintain a detailed list, as prescribed by the Commissioner, of textbooks received under this chapter and must provide such list to the Commissioner upon request.

005.09 Return of textbooks. On or before June 30 following each school year, the designated agent must provide to the Commissioner a detailed list, as prescribed by the Commissioner, of all textbooks in the school or agent's possession which are no longer in use. Within thirty days of receipt of such detailed list, the Commissioner must notify the designated agent which textbooks must be returned and the location where such textbooks must be returned. Any textbooks that are not required to be returned must be disposed of according to procedures prescribed by the Commissioner. Textbooks received under the provision of this chapter may not be sold by the school.



**NEBRASKA DEPARTMENT OF EDUCATION ADMINISTRATIVE RULES  
(TITLES 92 AND 93 NEBRASKA ADMINISTRATIVE CODE)  
AS OF NOVEMBER 10, 2024**

**REVISION  
PENDING**

<b><u>CHAPTER NUMBER</u></b>	<b><u>SUBJECT</u></b>	<b><u>EFFECTIVE DATE</u></b>
<b><u>TITLE 92</u></b>		
<b><u>SCHOOL OPERATION AND FINANCE</u></b>		
1	School Audit Procedures	11-01-2021
2	Uniform System of Accounting	11-01-2021
3	Identification of High Ability Learners	12-15-1998
4	Private Student Book Loans	11-10-2024
6	Sharing Student Data	11-04-2014
8	School Finance & Budgeting/State Funding of ESUs and Learning Communities	12-26-2016
<b><u>SCHOOL SYSTEM APPROVAL AND CURRICULUM</u></b>		
10	Accreditation of Schools	06-02-2024
11	Early Childhood Education Programs	03-23-2020
13	Exempt Schools	05-21-2016
14	Approved Nonpublic Schools	06-02-2024
15	Education of Students with Limited English Proficiency	05-08-2018
17	Alternative Schools, Classes & Programs for Expelled Students	12-09-1997
18	Interim-Program Schools	12-29-2003
19	School Enrollment	06-06-2017
<b><u>SCHOOL PERSONNEL</u></b>		
20	Teachers College Approval	06-02-2024
21	Educator Certification	02-18-2024
22	Master Teacher Program	01-02-2016
24	Endorsements	06-02-2024
25	Attracting Excellence to Teaching Program	08-15-2016
26	Mentor Teacher Program	08-04-1999
27	Professional Practices Criteria	11-12-2003
28	Professional Practices Investigations, Hearings, and Determinations by the State Board	9-28-2024
<b><u>VOCATIONAL EDUCATION</u></b>		
41	Private Postsecondary Career Schools	11-08-2016
42	Private Postsecondary Career Schools Agent	11-08-2016
43	Private Postsecondary Schools Complaint & Investigation Procedures	04-15-1991
44	Private Postsecondary Schools Tuition Recovery Cash Fund	11-08-2016
47	Career Academies	11-19-2013
<b><u>SPECIAL EDUCATION</u></b>		
51	Special Education Programs Standards	05-17-2022
52	Early Intervention Program Standards	07-15-2014
55	Special Education Appeals	09-09-2012
59	Regulations for School Health and Safety	06-02-2024
<b><u>PRACTICE AND PROCEDURE</u></b>		
61	Contested Cases	10-01-1997
62	Declaratory Orders	08-22-1995
63	Rulemaking Petitions	08-22-1995
64	Negotiated Rulemaking	08-22-1995
<b><u>REHABILITATION SERVICES</u></b>		
71	Formal Review of Vocational Rehabilitation Determinations	07-15-2018
72	Vocational Rehabilitation Cost Containment	07-15-2018
<b><u>MISCELLANEOUS</u></b>		
81	High School Equivalency	04-27-2016
82	High School Equivalency Assistance Act	03-20-2016
83	State Committee for the Reorganization of School Districts	05-31-2016
84	Educational Service Units Accreditation	06-23-2012
85	Educational Service Unit Boundary Changes	12-15-1998
86	Public School Breakfast Program Reimbursement	02-09-2008
87	Qualified Zone Academy and Qualified School Construction Bonds	04-04-2010
89	Education Innovation Fund Program-Distance Education Equipment Reimbursement and Incentives	07-08-2007
<b><u>TRANSPORTATION</u></b>		
91	Driver Qualifications & Operational Procedures for Pupil Transportation Vehicles	02-05-2020
92	Minimum Equipment Standards & Safety Inspection Criteria for Pupil Transportation Vehicles	07-01-2019
<b><u>TITLE 93</u></b>		
1 - 16	Nebraska Department of Education Personnel Rules	06-02-2024

\*\* To view/print a copy of any rule listed above, visit the NDE Homepage at:  
<https://www.education.ne.gov/legal/current-nde-rules-regulations/>