

TITLE 92 - DEPARTMENT OF EDUCATION

CHAPTER 4 - TEXTBOOK LOANS TO CHILDREN ENROLLED IN PRIVATE SCHOOLS IN NEBRASKA

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 ~~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.

~~002.01 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 ~~means shall mean~~ the governing ~~body~~ bodies, including school boards, of any class of school district in the state of Nebraska which ~~is~~ are 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 ~~002.03~~ **Textbook** has the same meaning as in Neb. Rev. Stat. § 79-734(3). 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).

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

~~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 Application Procedures for Textbook Loans for School Years through the 2024-25 School Year Applications

Applications by a parent, legal guardian, or authorized parent representative for the loan of textbooks **must 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 **must 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, **will shall** 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** A parent, legal guardian, or authorized parent representative of a private school **child must 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 **will 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 **must shall** limit the loan each year to ten textbooks per **child student** for

children students in grades K-6 and to eight textbooks per child student for children students in grades 7-12.

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

004.01 Local procedures. Each school district must shall have local rules and regulations for the distribution of textbooks and the management of funds under this chapter, which must 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 must 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 must shall 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 students through a subscription or license agreement; or a hard-copy, write-in work text accessible by private school children 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 child 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 must 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 must 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 child student at the address specified in the application, where and when textbooks will be made available.

004.03 Receipt. Boards of education must shall require a parent, legal guardian, or authorized parent representative of each private school child 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 child 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 must 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 must 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 **must 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 **pro rata prorata** funding reduction by the Department of Education, then boards of education may seek input from the authorized parent representatives, and thereupon **must shall** use their best judgment in selecting the textbooks which **will 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 **must 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 **must shall** be maintained in a separate inventory and **must 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) **will shall** be deemed to have custody of such textbooks, be personally liable for the safekeeping of such textbooks, and **must 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 **must shall** be maintained separately in the form of documentation.

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

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 nonsectarian textbooks to the Commissioner. Confirmation of the nonsectarian textbook order with projected cost, along with projected delivery date if known, must be communicated to the designated agent by the Commissioner. Requested nonsectarian 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.

APPLICATION FOR LOAN OF TEXTBOOKS
 (your application form per student)

TO: _____
 (Board of education or school board of the school district in which the student requesting the loan resides or to 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 be the school or schools the following textbooks which are designated for use in your school district?

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

DATE _____
 PRINT NAME OF PARENT OR GUARDIAN
 (SEPARATE SIGNATURE)
 SIGNATURE OF PARENT OR GUARDIAN
 ADDRESS OF PARENT OR GUARDIAN
 PHONE NUMBER OF PARENT OR GUARDIAN

NOTE: For forms 99-03, the school district will loan the text each year to its students per student for whom it applies. If you do not wish to receive the application under 13.
 (This application must be received by the public school district no later than February 15.)

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 parent or guardian agrees to 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

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 14, for distribution of funds approved by the legislature for the purchase and loan of textbooks to private school districts.

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/Packaging - (except Amount to State/Vendor of Application)	5. \$ _____
6. Total Cost of Textbooks (Lines 4 plus Line 5)	6. \$ _____
7. Administrative Expense (not to exceed 2% of amount listed on Line 6)	7. \$ _____
8. Total Amount of Request (Line 6 plus Line 7)	8. \$ _____
9. Amount of Funds on Hand from Borrowments Received by Unaccredited Textbooks per Section 92-1401, Revised, if Applicable (Attach Documentation)	9. \$ _____
10. Amount of Funds on Hand from any other Unaccredited Textbooks per Section 92-1401, Revised, if Applicable	10. \$ _____
11. Amount of Funds on Hand from Borrowments Received by Unaccredited Textbooks per Section 92-1401, Revised, 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.)

AUTHORIZED PARENT REPRESENTATIVE FORM

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

I, _____, being a parent of a child _____
 residing 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 _____
 my Authorized Parent Representative to represent me in all the proceedings applicable to the Textbook Loan Program under Title 92, NAC, Chapter 14.

DATE _____
 PRINT NAME
 SIGNATURE
 PARENT GUARDIAN

I understand that as an Authorized Parent Representative, I will represent the parent in all the proceedings applicable to Chapter 14, Textbook Loan Program. I am not an official or employee of a private school.

DATE _____
 PRINT NAME
 SIGNATURE
 AUTHORIZED PARENT REPRESENTATIVE