

NEW YORK STATE TEXTBOOK LOAN PROGRAM:

**RECOMMENDED PROCEDURES FOR
TEXTBOOK PURCHASES, LOANS
AND INVENTORY CONTROL**

**STATE AID
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INTRODUCTION

Section 701 of the Education Law and Section 21.2 of the Rules of the Board of Regents require all boards of education in public school districts to purchase and loan textbooks on an equitable basis to all children residing in the school district who attend grades kindergarten through twelve in any public or nonpublic school. This obligation of the board of education to provide textbooks for resident pupils is limited only by: 1) the existing inventory of textbooks available to the public school district for loan; and 2) the greater of the total amount appropriated by the board of education for the purchase of additional textbooks or an amount equal to the State Textbook Aid per pupil multiplied by the number of resident pupils attending public and nonpublic schools. For aids payable in 2002-03 and thereafter the State Textbook Aid per pupil is \$57.30 including Lottery Aid. Aid is payable for expenditures incurred in providing textbooks in the school year preceding the year in which aid is paid.

This publication is intended to assist boards of education and local public school district administrators in satisfying this obligation.

TABLE OF CONTENTS

<u>SECTION TITLE</u>	<u>PAGE</u>
I. DEFINITION OF TEXTBOOKS UNDER THE TEXTBOOK LOAN PROGRAM.....	1
II. PROCEDURES FOR COLLECTING TEXTBOOK LOAN REQUESTS.....	2
III. LOANS FROM INVENTORY AND PROCEDURES FOR INVENTORY CONTROL	4
IV. LOANS FROM CURRENT PURCHASES	6
V. DISTRIBUTION AND RECOVERY OF LOANED TEXTBOOKS.....	7
VI. ACCOUNTING FOR TEXTBOOK REVENUES..... AND EXPENDITURES	10
VII. COOPERATIVE ARRANGEMENTS	12
APPENDIX: QUESTIONS AND ANSWERS REGARDING THE TEXTBOOK LOAN PROGRAM.....	16

I. DEFINITION OF TEXTBOOKS UNDER THE TEXTBOOK LOAN PROGRAM

A. For the purposes of the textbook loan program and for claiming Textbook Aid, a textbook is any book or book substitute which a pupil is required to use as a text or a text substitute in a particular class or program as a primary source of study material intended to implement a major part of a State or local curriculum. Any such textbook which has been approved by any school board in New York State may be requested for loan. Specific types of textbooks under this definition are:

- hard-covered books;
- paperback books;
- courseware or other content-based instructional materials in electronic format
- workbooks designed to be written in and used up;
- manuals; and
- newspapers or news magazines which have a general circulation, are printed and distributed at least biweekly, have a paid circulation within the school district, are entered with the U.S. Postal Service as second-class matter, are available to schools on the date of publication at a discount of not less than 33 1/3 percent from the regular price, and are accompanied by study guides on a regular basis from the publisher at no extra charge to the school district.

B. Examples of materials that do not satisfy the definition of textbooks under the textbook loan program and may not be claimed for Textbook Aid are:

- reference materials such as encyclopedias, almanacs, atlases and general or special dictionaries, except that dictionaries individually assigned to all pupils in a particular class or program as a textbook substitute are considered as textbooks;

- supplementary textbooks, novels, fiction, magazines, newspapers, except as provided above, and audiovisual materials normally housed in the school library or instructional materials center for short-term use by pupils;
- tests and testing materials;
- teachers' editions of textbooks;
- review books;
- materials in kit form; and
- books or materials advocating or supporting a religious belief.
- internet on-line services

II. PROCEDURES FOR COLLECTING TEXTBOOK LOAN REQUESTS

A. Public School Pupils: As part of a school district's budget preparation process, estimates of textbook needs for public schools within the school district should be collected from classroom teachers and building principals. This process should be based on the use of current textbook supply lists. Standard supply lists are composed of a grouping of similar items for which a standard of quality has been established. Such lists can be an effective tool in an efficient textbook, supplies and materials management procedure. To be most effective, the lists should:

- be aggregated by textbook groupings;
- be developed cooperatively between the purchasing agent and representatives of the staff who will use the items contained on the list;
- differentiate among categories of supplies, materials or textbooks and provide a definition of each category;

- make provision for addition of new items to the list and deletion of outdated items from the list;
- be updated annually to retain their value;
- reflect current price estimates; and
- indicate current inventories of items on hand.

After the staff members indicate their needs for the various items on the lists and these are reviewed and totaled by the building principals, the lists should be combined with estimates of nonpublic school pupils' needs by the business office, to develop the district budget. Such lists should include all textbook groupings and be used as an aid in constructing the budget, as well as facilitating the bidding process where appropriate. The computer programs available in most business offices should be used to establish the lists, update for current prices, provide for inventories, and collate the lists by category.

B. Nonpublic School Pupils: Individual written requests for the loan of textbooks to pupils attending nonpublic schools should be required by the board of education of the pupil's district of residence. The board of education may require such requests to be submitted directly to the board of education or it may accept a combined request from the nonpublic school attended. In either case, the public school district should require and record the name and address of each nonpublic school pupil for whom a request is made.

The law allows a board of education to set a date by which the requests for textbook loans to nonpublic school pupils must be received.

The date, however, cannot be earlier than June 1 of the year preceding the school year for which the textbooks are requested. It is recommended that the public school administrator responsible for the textbook loan program seek board approval of textbook loan procedures and a cut-off date for loan requests. Once approved by the board of education, these approved procedures and timelines should be shared via direct notice to all parents of resident pupils and to administrators of those nonpublic schools attended by resident pupils. The public school administrator may also hold conferences with nonpublic school administrators in the spring to fully explain the procedures and timelines and to ask for their cooperation.

The approved procedures should define the format of the loan request which should include: 1) information necessary to identify the book, such as title, author, publisher and copyright date; 2) information to identify the name and address of the child or parent requesting the loan and the nonpublic school attended; and 3) other information that may be necessary if insufficient funds require the limiting of textbook purchases by book type, subject area, or grade level.

III. LOANS FROM INVENTORY AND PROCEDURES FOR INVENTORY CONTROL

- A. Loans from Inventory:** Once all textbook requests have been assembled, the public school administrator should compare the requests with the supply of textbooks available in the school district's inventory. All textbooks purchased by the public school district remain the property of the public

school district and should be included in the school district's inventory. A school district may enter into an agreement with a nonpublic school or schools to store textbooks used by the nonpublic school pupils at the facilities of the nonpublic school. Such arrangements, however, do not represent a transfer of ownership to the nonpublic school nor removal of the textbooks from the public school district's inventory or responsibility.

B. Procedures for Inventory Control: In order to accurately determine which textbook requests can be filled from existing inventory, the public school district should establish procedures to maintain a district-wide annual inventory including those textbooks on loan to nonpublic school pupils or stored at nonpublic school facilities. The physical inventory system should be designed to be consistent throughout the district. Teachers and other public school district staff, as well as nonpublic school administrators who store textbooks on behalf of the public school district, should annually inventory their areas of responsibility and be held accountable for the textbooks within their area. Contractual arrangements or agreements with nonpublic schools for the storage of textbooks should include specific agreements and understandings regarding the nonpublic school's participation and input to the annual inventory. The results of the annual inventory should be reconciled with the district's master equipment sheets and should be available for use in reviewing and filling textbook loan requests and budget requests in the early spring.

IV. LOANS FROM CURRENT PURCHASES

- A. Appropriations for Textbook Purchases:** Based on the textbook needs of public schools within the district, the anticipated loan requests from nonpublic school pupils and existing inventories of textbooks, the board of education includes an appropriation for textbook purchases within the annual school district budget. This appropriation must be at least equal to the anticipated State Textbook Aid but it may be greater. Whatever appropriation is finally adopted, the entire appropriation must be used to purchase and loan textbooks on an equitable basis to both public and resident nonpublic school pupils.
- B. Textbook Purchases, Loans and Equity:** Once it has been determined what textbook requests cannot be satisfied within the available inventory of the school district, the total purchase price of all such remaining requests should be compared to the appropriation for textbook purchases. If sufficient appropriation is available to purchase textbooks for these remaining requests, the school district should proceed with the purchases as quickly as possible to ensure that all requests are fulfilled as close to the opening of school in September as possible. Any remaining appropriation should be used, if necessary, to provide textbooks for new entrants to the district during the school year. Boards of education are encouraged to make every effort to respond to the needs of such pupils in both public and nonpublic schools and are allowed to transfer money from other accounts into the textbook account for this purpose.

If the available appropriation is insufficient, the board of education must decide how it will distribute equitably the books which it owns and the books which can be purchased. This will mean that some pupils may not receive all needed books. Any decision the board makes must apply equitably to pupils in both public and nonpublic schools and should involve nonpublic school officials in the decision-making process. Equitable treatment cannot be based on a fixed dollar amount per pupil for purchases. An example of equitable treatment is a decision not to provide consumable workbooks in certain subject areas or to pupils in certain grade levels. For example, reading workbooks might not be provided to pupils enrolled in grades three and four in both public and nonpublic schools. Any such decision should be discussed with nonpublic school administrators, who are urged to be sensitive to the budgetary constraints in the school district.

Once the decision has been made by the board of education on an equitable process to limit purchases and loans to available resources, the school district should proceed with the purchases as quickly as possible, to ensure that all requests are fulfilled to the extent possible as close to the opening of school in September as possible.

V. DISTRIBUTION AND RECOVERY OF LOANED TEXTBOOKS

A. Distribution of Textbooks: Since designated textbooks are normally retained for a period of five years, and since annual appropriations for textbook purchases can be held to a minimum through effective use of existing inventory, it is essential that accurate records of the textbooks

distributed to public school pupils or loaned to nonpublic school pupils be maintained. Public school districts should not specify delivery of textbooks to nonpublic schools on purchase orders unless specific contractual arrangements or other agreements have been made with the nonpublic school for the maintenance of accurate and complete records of the textbooks loaned to nonpublic school pupils. Such records should include: 1) information necessary to identify the books such as title, author, publisher and copyright date; and 2) information to identify the name and address of the child or parent requesting the loan. Similar records should be maintained by the public school district for textbooks distributed to public school pupils and to nonpublic school pupils where no agreement regarding inventory records has been concluded with the nonpublic school attended.

- B. Recovery of Textbooks:** At the end of each school year, the public school administrator for the textbook loan program should require the return of all textbooks to a specified inventory storage location. Both textbooks loaned to nonpublic school pupils and those distributed to public school classrooms and pupils should be subject to this requirement. The point of return may be several locations (the public school classroom, the public school textbook loan administrator's office, or the nonpublic school administrator's office pursuant to a formal agreement with the public school) or a single, central location. In each case, however, the public school administrator of the program should assure that accurate reports of both textbooks returned to storage and textbooks not returned are maintained.

If textbooks are not returned by either public or nonpublic school pupils, the board of education as part of their adopted textbook loan rules may require the assessment of a monetary fine on the pupil or the pupil's parents as compensation for the lost textbook. Such fines may also be assessed for returned textbooks that have been damaged by the pupil. Such rules for the assessment of fines, however, must be applied equally to all pupils, both public and nonpublic. Such fines should also be no greater than the actual value of the lost or damaged textbook.

Generally, a board of education may not withhold textbooks from a student who fails to return loaned textbooks from a prior school year; in most cases the student is entitled to textbooks as part of a free, public education guaranteed pursuant to Education Law §3202. To the extent that withholding textbooks does not violate the student's rights under §3202, a board of education may also include in the adopted textbook loan rules provisions that requested textbooks will be withheld from those pupils who have failed to return loaned textbooks from a prior school year. For example, a student may be required to work from a classroom copy of the textbook, but would not be provided with any individual copy. Such procedures, if adopted, must be clearly communicated to all parents and students in advance and should be applied equitably to both public and nonpublic school pupils.

VI. ACCOUNTING FOR TEXTBOOK REVENUES AND EXPENDITURES

A. Revenues from State Sources: Each public school district may claim Textbook Aid in an amount equal to the district's actual expenditures for textbook purchases in the prior school year (base year) up to a maximum equal to the product of the State Textbook Aid per pupil multiplied by the number of pupils residing in the district and enrolled in grades K-12 in a public or nonpublic school during the base year. These revenues are received by the school district according to the following schedule:

September 1: An amount equal to \$15 multiplied by the number of resident public and nonpublic pupils is paid as part of the school district's Lottery Aid payment.

Subsequent Payments: Additional payments of Textbook Aid up to the maximum State Textbook Aid per pupil (including the \$15 Lottery Aid) are made upon receipt of acceptable claim forms listing the actual expenditures by the school district for textbook purchases.

All of these revenues, including the Textbook Lottery Aid of \$15 per pupil, should be recorded as General Fund revenue at account code A3260, "Textbook Aid (including Textbook Lottery Aid)."

B. Revenues from Fines Imposed on Pupils/Parents for Lost or Damaged Textbooks: Receipts for the collection of fines or reimbursements made for lost or damaged textbooks should be issued by the treasurer and/or other staff member receiving district money for these items. The actual revenues

realized from the collection of such fines or reimbursement should be recorded as General Fund revenue at account code A1330, "Textbook Charges (From Individuals)."

Since the treasurer is bonded, the majority of district monies should be received and deposited by this person. Upon receipt of monies for lost or damaged textbooks, one of the duties of the treasurer is to issue prenumbered receipts printed in duplicate, as required under Section 170.2(h) of the Commissioner's Regulations. The distribution is as follows: original to payer and a copy retained by the treasurer.

The board may authorize other people to receive money for lost or damaged textbooks. If so, receipts should be prenumbered and in triplicate; with the original going to the payer, a copy to the treasurer along with the money or bank deposit receipt, and a copy retained by the person authorized to receive money. (Commissioner's Regulations, Section 170.2(i))

Receipt books (receipts in triplicate) issued by the treasurer to authorized persons should be in numerical sequence stored in a controlled area and a distribution log kept showing receipt book numbers and the person responsible for each book sent out. Any receipt books so issued should be called in annually and audited by the treasurer. Any gap in the numerical sequence should be traced to the person or persons issuing the receipts and reconciled by the treasurer.

When collection of student money is necessary, the money should be receipted and accounted for in accordance with the Uniform System of

Accounts. Written procedures for the collection of student money should be developed and included in board of education policy.

- C. **Expenditures for Purchase of Textbooks:** Appropriations and expenditures for textbook purchases should be recorded by object of expenditure code .48, "Textbooks." Such appropriations/expenditures should at least equal the anticipated State Textbook Aid receivable based on the State Textbook Aid per resident public and nonpublic school pupil. Since this amount is fully State supported, the board of education may appropriate such amount as an ordinary contingent expenditure in the absence of a budget approved by the qualified voters of the district.

VII. COOPERATIVE ARRANGEMENTS

- A. **Cooperative Purchasing:** The Office of the State Comptroller has recommended that school districts coordinate textbook purchases with other nearby districts to obtain lower unit costs for textbooks. Such cooperative purchasing agreements may be made by two or more school districts and require the approval of the board of education, or trustees, of each participating district. The agreement should specify that costs of operation are to be prorated in accordance with the volume of purchases of textbooks under the cooperative agreement by each participating district. Such a joint operation may also be effected through a Board of Cooperative Educational Services.

Agreements must be clear as to procedural details and specifications between the participating school districts, before such joint action can be

undertaken. The participating districts may appoint one official or one body to recommend award of contracts after advertising and bidding. Specifications may also be written requiring vendors to deliver items to and bill each district separately for its portion of the contract.

B. Cooperative Administration: Districts may also elect to share administration of the Textbook Loan Program. Such shared administration may now be more readily accomplished through employment of a shared administrator as authorized by Article 40-A of the Education Law. Under this statute, the shared administrator is considered to be employed by all participating school districts, and decisions regarding the appointment, termination, compensation, discipline or tenure of the shared administrator are made with the consent of a majority of each of the boards of education of the participating school districts.

Districts electing to share administrative functions under the textbook loan program should be sure to include the following procedures and understandings in their joint memorandum of understanding, or in their contractual agreements with a Board of Cooperative Educational Services:

- Since each participating school district will own and be responsible for the inventory of textbooks purchased and loaned to nonpublic school pupils residing in the school district, purchase and inventory records must indicate the name of the school district for which the original purchase was made. The name of the district should be stamped on the inside of the textbook cover.

- The need for district ownership to be clearly specified should not prevent the subsequent interdistrict sharing of the textbook inventory, but loan requests should first be met to the extent possible from textbooks owned by the school district of residence. Only those textbooks remaining in the joint inventory after this initial distribution should then be shared to satisfy remaining loan requests.
- Once all loan requests possible have been satisfied from the joint inventory, any remaining requests should be reviewed for possible purchase on a district by district basis as described on pages 5 and 6 of this manual.
- If fines are to be imposed for lost or damaged textbooks under the cooperative program, such fines should be based on a consistent policy adopted by all participating boards of education. Similarly, other policy and procedures regarding the textbook loan program should be as consistent as possible among the participating school districts in order to assure both the efficiency and equity of the shared program.

C. Benefits of Shared Programs: Whether the shared program only involves purchasing or the entire textbook loan program, or whether it is shared between or among districts or through a Board of Cooperative Educational Services, cooperative purchasing generally results in lower prices because of the larger quantities involved, and cooperative administration can reduce

administrative costs. Districts realize savings by participating in such shared programs not only in terms of expense but also in time and effort.

APPENDIX

Questions and Answers

1. **What is the definition of textbook?**

A textbook is any book or a book substitute, including hard-covered or paperback books, workbooks designed to be written in and used up, certain newspapers and news magazines and manuals which a pupil is required to use as a text or a text-substitute in a particular class or program as a primary source of study material intended to implement a major part of a State or local curriculum. Books used in support of a Whole Language program are eligible under this program. Sheet music is eligible provided it is used to implement part of a state or local curriculum in music.

Pursuant to Sections 207 and 701(2) of the Education Law as amended by Chapter 405 of the Laws of 1999, textbooks include courseware or other content-based instructional materials in electronic format, which means any instructional medium that provides specific nonsectarian educational content to students via a computer or other electronic system and is required as a primary source of study material intended to implement a major part of a state or local curriculum.

2. **What materials are excluded under the textbook loan law?**

Reference materials - encyclopedias, almanacs, atlases, and general and special dictionaries, except that dictionaries individually assigned to all pupils in a particular class or program as a textbook substitute are considered as textbooks.

Supplementary materials - supplementary textbooks, novels, and other fiction, magazines, newspapers, and audiovisual materials normally housed in the school library or instructional materials center for short-term use by pupils.

Other materials - texts and testing materials, teachers' editions of textbooks, review books, and materials in kit form.

3. **Can the purchase of novels and fictions be eligible for aid?**

Generally, novels and fictions are not aidable, however, it may be aidable if a pupil is required to use such as a text or text-substitute in a particular class or program as a primary source of study material intended to implement a major part of a State curriculum or State-approved local curriculum. For example, all 10th graders are required to read Hamlet this year as part of their English class. For the purpose of claiming textbook aid, the cost of purchasing Hamlet for all 10th graders is eligible for aid. However, it will not be eligible for textbook aid if Hamlet is not a required reading and the school is ordering it for the library or just to have some available in the classroom to lend to students.

4. Which newspapers and news magazines can be part of the textbook loan program?

Those newspapers and magazines which meet all the following criteria can be purchased and loaned as part of the textbook loan program:

- It must have a general circulation and be printed and distributed biweekly.
- It must have a paid circulation within the school district.
- It must be entered with the U.S. Postal Service as second-class matter.
- It must be made available to schools on the date of publication at a discount of not less than 33 1/3 % from the regular price.
- The publisher must regularly supply study guides without charge.

5. May books be ordered which are authored by clergy or religious organizations?

Yes. Authorship by a member of the clergy alone does not exclude the book. The determining factor is that the content is secular in nature. Textbooks containing an imprimatur may not be ordered.

6. Must a nonpublic school use the same textbooks as a public school?

No. The choice of textbooks to be used in any school is made by that school's personnel. However, the school district may purchase and loan to its resident students only those books which have been approved by any school board in the State. If a question is raised about this, the nonpublic school administrator is advised to ask the publisher of the textbook about its use in other districts.

7. Are all resident pupils in kindergarten through grade 12 eligible for the loan of textbooks?

Yes. All resident pupils are eligible for the loan of textbooks.

8. Before it receives and reviews textbook requests from nonpublic schools, may a board of education decide which textbooks will not be purchased?

No. Such a decision can only be made after all requests are received and the board has assessed all the needs and resources.

9. Once a textbook has been selected for a specific course, must it be retained for a specified period of time?

The law specifies a five-year period for public schools but gives a school board the authority to override this requirement by a three-fourths vote. This provides flexibility when a new edition or change in instructional approach makes the former selection substantially inferior or ineffective.

The law does not specify a time period for textbooks used by pupils attending nonpublic schools. However, nonpublic schools are strongly urged to retain textbooks for a five-year period.

10. Must textbook requests be submitted to the board of education by a certain date?

The law allows a board of education to set a date by which the district must receive requests for textbook loans, but this date cannot be earlier than June 1 of the year preceding that for which textbooks are requested. It is recommended that nonpublic and public school administrators agree on a reasonable date and assemble textbook requests during the spring. This will ensure that textbooks are ordered in a timely fashion.

11. What is the obligation of the parents of pupils attending nonpublic schools?

Parents of pupils attending nonpublic schools must submit to the board of education of their district of residence a written request for the textbooks needed by their children during the coming year. This request should include the information necessary to provide the books such as title, author, publisher, and copyright date. The request may be submitted through the nonpublic school.

12. What is the obligation of a nonpublic school administrator with regard to the loan of textbooks?

A nonpublic school administrator should provide parents with the information necessary to request textbooks of their boards of education. Such information should include title, author, publisher, copyright date, and any other information necessary for processing the request.

13. Is the nonpublic school administrator required to submit collectively the parents' requests for textbooks?

No. However, such an arrangement is allowed and can expedite the textbook loan process. Many school districts have made such arrangements with nonpublic school administrators and they have proven to be effective.

- 14. May a board of education appropriate an amount less than the State apportionment to the district for the purchase of textbooks?**

No. The law mandates that a board of education appropriate no less than its apportionment from the State.

- 15. May a district reserve part of the State apportionment to cover transportation, shipping, handling or administrative costs for the textbook loan program?**

No. Orders for textbooks may not be limited by the district in order to reserve funds to cover these costs. Freight or postage should be included in operating expenses of the district.

- 16. May a board appropriate more than the State apportionment for textbooks in the annual budget?**

Yes. There is no limit to the amount a board of education may budget for textbook purposes.

- 17. May a district limit the textbook requests from a nonpublic school pupil to a specific amount based on the State apportionment?**

No. Textbooks must be loaned on the basis of individual pupil needs. The State formula for apportioning textbook funds cannot be applied to the distribution of textbooks within a district.

- 18. What must a board of education do if it does not have the resources needed to fulfill the textbook needs of all resident pupils?**

The board of education must decide how it will distribute equitably the books which it owns and the books which can be purchased from textbook funds. This will mean that some pupils may not receive all needed books. The board must decide which books it will not purchase. Any decision the board makes must apply equitably to pupils in both public and nonpublic schools and should involve nonpublic school officials in the decision-making. The board cannot require only pupils attending nonpublic schools to purchase textbooks.

- 19. Is it equitable treatment for all pupils to receive the same number of books?**

Probably not. Pupils' needs vary greatly depending upon grade level, school attended, or course of study. Books should be loaned on the basis of individual need.

- 20. Is it equitable treatment for all pupils to be allowed the same amount of money for textbooks?**

No. Equitable treatment is not related to equal dollars. Books are to be loaned on the basis of individual pupil need.

21. What is an example of equitable treatment when the board does not have the necessary resources to fulfill all requests?

An example of equitable treatment is that a board might decide not to provide consumable workbooks in certain subject areas or to pupils in certain grade levels. For example, it might not provide reading workbooks to pupils enrolled in grades three and four in both public and nonpublic schools. Any such decision should be discussed with nonpublic school administrators, who are urged to be sensitive to the budgetary constraints in the school district.

22. Does the board of education have the responsibility for notifying parents of nonpublic school pupils that it is unable to provide all the textbooks requested?

Yes. Nonpublic school parents and school administrators must know as early as possible which textbooks will and will not be available. It is unfair to pupils if notices are not received in a timely manner.

23. If a public school district increases the funds available for textbook purchases during the course of a school year, must the district inform nonpublic school administrators of this action?

Yes. The district must notify nonpublic school administrators of the availability of additional funds and give them the opportunity to request additional purchases if original requests for books were not filled.

24. How are a public school district's expenditures for textbooks reported to the State?

The district must report such expenditures using object code .48 on the annual financial report, form ST-3.

25. Is a board of education required to provide textbooks to pupils who become residents of the district after the school year has begun or after the deadline set for textbook loan requests has passed?

Yes. The board must provide textbooks to new residents if the books are available in the inventory or if there are sufficient funds in the textbook account. Boards are encouraged to make every effort to respond to the needs of such pupils in both public and nonpublic schools and are allowed to transfer money from other accounts into the textbook account.

26. In schools which use an individualized approach to learning, may texts on different levels be purchased for pupils in the same class?

Yes. The law does not require every pupil in the same class to use the same book.

27. Is a board of education required to purchase or loan textbooks for use at summer school?

No. There is no requirement that a board purchase textbooks specifically for use at summer schools. A board may, however, loan to summer school pupils the textbooks it already owns. These books must be loaned to both public and nonpublic school pupils on an equitable basis.

28. Does the law authorize the board of education to make reasonable rules covering the loan of textbooks?

Yes. Such rules apply equally to both public and nonpublic school pupils. It is good practice that such rules are shared with parents and pupils prior to the distribution of textbooks and periodically thereafter.

29. May a district charge a parent or a nonpublic school for transportation, shipping, or administrative costs connected with textbook loans?

No. It is not permissible for a district to make such charges.

30. May books be shipped from a vendor to a nonpublic school?

Yes. Such an arrangement is permissible. However, if the nonpublic school requests this service, the nonpublic school may be required to pay the total shipping costs.

31. May a board of education charge parents for the damage, loss or destruction of the loaned textbook?

Yes. This charge would apply equally to parents of public and nonpublic school pupils.

32. Are the nonpublic schools responsible for storing books no longer in use?

No. The books belong to the school district and are its responsibility. However, a school district may enter into an agreement with the nonpublic school to store books in the nonpublic school. The nonpublic school may not charge the school district for any administrative costs involved.

33. What should a board of education do with textbooks that are obsolete or no longer used?

A board of education may dispose of outdated textbooks as it sees fit. It is advisable to keep a record of the disposition of any textbooks.

34. Is there anything in Section 701 of the Education Law (New York State Textbook Law) or Part 21 of the Rules of the Board of Regents that prohibits a school district from receiving textbook aid for the purchase of used textbooks?

No. As long as the textbooks satisfy all other requirements for the definition of a textbook as contained in subdivision 2 of Section 701 of the Education Law and Section 21.1 of the Rules of the Board of Regents, used textbooks may be purchased.

35. Must a nonpublic school use the same textbooks as the public school?

No. Section 701 of the Education Law and Part 21 of the Rules of the Board of Regents do not prohibit a nonpublic school from using a textbook of its own choosing, provided that book meets the definition of a textbook as contained in subdivision 2 of Section 701 of the Education Law and Section 21.1 of the Rules of the Board of Regents.

36. May a public school district monetarily reimburse a nonpublic school pupil for textbooks that pupil purchased privately?

No. Education Law 701 statutorily mandates that districts purchase and loan textbooks to resident public and nonpublic school pupils. This means actual books; a district may not monetarily reimburse a nonpublic school pupil for privately purchased textbooks. To do so violates the New York State Constitution which prohibits a gift of public funds for private benefit.

37. Are students who are receiving home instruction eligible to borrow textbooks under the Textbook Loan program?

No. Students who are instructed at home are not eligible to receive textbooks, since they do not meet the provision in Education Law 701 of being enrolled in either a public or private school.