NONPUBLIC SCHOOL TEXTBOOK PROGRAM GUIDELINES

UPDATED FOR 2015-16
STATE BOARD OF EDUCATION

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## DISCLAIMER

*The information contained in this document is informational only, and is not intended to be construed as, or relied upon, as legal advice.*
PURPOSE
This guidelines document provides the statutory and administrative code citations for the New Jersey Nonpublic School Textbook Program for nonpublic school students. It also provides statute and code clarifications, as well as related New Jersey Department of Education (NJDOE) policies under sections entitled, Guidelines.

NOTES ABOUT SEARCHING ADMINISTRATIVE CODE AND STATUTES
New Jersey administrative code (designated by the prefix N.J.A.C.) citations can be found on the NJDOE website: http://www.state.nj.us/education/code/. Statutory citations (designated by the prefix N.J.S.A.) can be found on the New Jersey Legislature’s website, and are linked throughout this document. After clicking on a link, you will be brought to a page with a search bar indicating the citation number and the statute text. Please note that it may be necessary to click on the search button in order to locate the correct corresponding statute text.

THE NEW JERSEY NONPUBLIC SCHOOL TEXTBOOK LAW OVERVIEW
N.J.S.A. 18A:58-37.1 et seq. requires the district board of education (from this point forward referred to as the board) of each school district in which a nonpublic school is located to purchase and to loan textbooks upon individual request, and without charge, to all kindergarten through twelfth grade students who are enrolled in and attend public or nonpublic school in the district.

DEFINITIONS
  a. “Commissioner” means the State Commissioner of Education.
  b. “Nonpublic school” means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352).
  c. “Textbook” means books, workbooks or manuals, whether bound or in looseleaf form, or electronic textbooks, including but not limited to, computer software, computer-assisted instruction, interactive videodisk, and other computer courseware and magnetic media, intended as a principal source of study material for a given class or group of students, a copy of which is available for the individual use of each pupil in such class or group. Computer software shall be prepared educational programs which are subject-oriented and for student instruction.
  d. “Student” means any child who is a resident of the State and who is enrolled as a full-time pupil in a public or nonpublic school in grades kindergarten through 12. A child who boards at a school, but whose parents do not maintain a residence in this State shall not be deemed to be a resident of the State within the meaning of this Act.

Guidelines
Note: Textbooks published in an electronic format are included under the Nonpublic Textbook Law as indicated in c. above.
The following materials are excluded from the definition of textbooks:

- **Reference materials** - encyclopedias, almanacs, atlases and general special purpose dictionaries, of which the student does not have individual use.
- **Supplementary materials** - supplementary books, magazines newspapers and audiovisual materials normally housed in the school library.
- **Other materials** - tests and testing materials, teachers’ editions of textbooks and review books, computers (hardware), computer software materials such as blank disks, computer chips, consoles (hardware), computer correction devices.

**ELIGIBILITY**


(a) For the purposes of this subchapter, a district board of education does not include an educational services commission or jointure commission.

(b) N.J.S.A. 18A:58-37.1 et seq. requires each district board of education in which a nonpublic school is located, to purchase and to loan, without charge, upon individual requests, textbooks to students in the nonpublic school or schools located within the school district when such students are residents of the State.

(c) Children who are enrolled in a nonpublic school whose parents or legal guardians do not maintain a residence in this State are not eligible to receive such textbooks. Children who are enrolled in a nonpublic school whose tuition is paid by a district board of education are not eligible to receive such textbooks.

**STATE AID AND THE PURCHASE OF TEXTBOOKS BY THE DISTRICT BOARD OF EDUCATION**


a. The board of education in each school district in the State in which a nonpublic school is located shall have the power and duty to purchase and to loan textbooks upon individual request, to all students attending school in such district, who are enrolled in grades kindergarten through 12 of a public or nonpublic school.

b. No board of education shall be required to expend funds for the purchase and loan of textbooks in excess of the amounts provided in State aid pursuant to this act. L.1974, c. 79, s. 3. Amended by L.1984, c. 121, s. 1, eff. Aug. 8, 1984.


a. Textbooks which are loaned to students enrolled in grades kindergarten through 12 of any nonpublic school shall be textbooks which are used in any public elementary or secondary school of the State or are approved by any board of education. Such textbooks are to be loaned without charge to such children subject to such rules and regulations as are, or may be adopted by the commissioner and such board of education.

b. When a textbook has been designated for use in a school district such textbook shall not be superseded by any other book, prior to the expiration of 5 years following such
designation, except upon the authorization of the board of education. 
L.1974, c. 79, s. 4.

Guidelines
Textbooks that are purchased by the school district and loaned to the nonpublic school must be 
used for instructional and not religious purposes.

The commissioner shall, upon request of the local board and pursuant to the rules and 
regulations of the State Board of Education distribute to each school district an amount equal 
to the cost of textbooks purchased and loaned by the school district pursuant to this act, but in 
no event shall the aid appropriated to the district exceed the following amount:

a. The expenditures for the purchase of textbooks pursuant to this act made during the 
school year 1979-80 shall not exceed an average of $10.00 for each student residing in 
the district, who, on the last school day prior to October 16 of the preceding school year 
was enrolled in grades kindergarten through 12 of a public or nonpublic school; and,

b. The expenditures for the purchase of textbooks made during the school year 1980-81, 
and in any subsequent year shall not exceed the State average budgeted textbook 
expense per public school pupil for the prebudget year for each student residing in the 
district, who, on the last school day prior to October 16 of the preceding school year 
was enrolled in grades kindergarten through 12 of a public or nonpublic school.
L.1974, c.79, s.5; amended 1979, c.194, s.1; 1990, c.52, s.76.

State aid provided pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.) may be expended for the 
purchase and loan of textbooks for public school pupils in an amount which shall not exceed 
the State average budgeted textbook expense for the prebudget year per pupil in resident 
enrollment. Nothing contained herein shall prohibit a board of education in any district from 
purchasing textbooks in excess of the amounts provided pursuant to this act.
L.1974, c.79, s.6; amended 1979, c.194, s.2; 1990, c.52, s.77; 1996, c.138, s.83; 2007, c.260, 
s.76.

The sums payable as State aid to school districts pursuant to this act shall be paid in full no later 
than July 31. The State Treasurer shall make such payment to each board of education upon a 
certificate of the commissioner and warrant of the Director of the Division of Budget and 
Accounting.

A board shall refund any unexpended State aid after completion of the school year if the 
expenditures incurred by the board pursuant to P.L. 1974, c. 79 (C. 18A:58-37.1 et seq.) are less 
than the amount of State aid received therefor. The refund shall be paid no later than 
December 1.
L. 1974, c. 79, s. 7. Amended by L. 1986, c. 17, s. 1, eff. July 1, 1986.
**Guidelines**

**State Aid Payments**
The State aid payment will be calculated based on the State average budgeted textbook expense per public school student for the prebudget year, multiplied by the number of students enrolled in the nonpublic school as of the last school day prior to October 16 of the previous school year. This same number shall be recorded on the Nonpublic School Enrollment Report. State aid will be paid, in full, to boards not later than July 31 of the year for which it is requested.

Boards are not required to purchase textbooks at a total cost to the district in excess of the amounts provided by State aid.

**Project Completion Report**
Following the completion of fiscal operations, the board in which the nonpublic school is located shall report to the NJDOE, in a final fiscal report, the total final expenditures for each nonpublic program. Such report will include, but not be limited to, the following financial information:

- State Entitlement for Textbooks Paid to the District
- District Expenditures on Textbooks
- Refund Due to the State

In the event that the board has received State funds in excess of the district’s expenditures on textbooks, such excess funds shall be refunded at the end of the project period to the NJDOE.

**Determination of the Number of Textbooks to be Purchased**
In calculating the number of textbooks to order, the board need not be limited by the number used to determine the State allocation for each nonpublic school (which was based on the student count from the previous school year). Rather, it is the State funding allocation for each nonpublic school and the nonpublic school’s current need that will determine the number of textbooks to purchase. The district should consult with the nonpublic school to determine the students’ needs in the budgeted year and then purchase textbooks in an amount not to exceed the State’s entitlement for each nonpublic school. The NJDOE has created a form, available in the appendix and on the NJDOE website, for nonpublic schools to use to indicate the number of desired textbooks and their titles/vendors.

**District Purchasing Timeline**
Although a board does not receive nonpublic school textbook funds until the third week of July, it is recommended that the district prepare all purchase orders to textbook publishers by June.
30, and that it use an estimated per textbook amount\(^1\) and the number of students recorded on the Nonpublic School Enrollment Report. Preparation of all purchase orders, notwithstanding outstanding funding, will allow the procurement process to be expedited upon receipt of the funds. Once the funds are received, the board should inform the nonpublic school of the actual amount of funding, and adjust the purchase order accordingly. Upon submission of the order, the district should send a copy of the purchase order to the nonpublic school principal, and notify the nonpublic school of the purchase and delivery date. Please see the Best Practices for the Timely Provision of Textbooks to Nonpublic Schools for recommendations to increase the efficiency of the ordering and purchasing process of textbooks for nonpublic schools.

**DISTRIBUTION OF TEXTBOOKS ON AN EQUITABLE BASIS**

**N.J.A.C. 6A:23A-20.2, Responsibility of the district board of education.**

A district board of education shall distribute to all students on an equitable basis existing book stocks and newly purchased textbooks purchased pursuant to N.J.S.A. 18A:58-37.1 et seq. A district board of education shall not discriminate against students in either public or nonpublic schools.

**Guidelines**

Textbooks must be distributed to nonpublic school students on an equitable basis and based on the students’ instructional needs. For example, although some students require textbooks totaling more than the per student amount, other students require textbooks that cost less than or are equal to the per-student amount, or do not require new textbooks because appropriate books are already in the district’s inventory. In this way, the board may purchase textbooks in excess of the individual per student amount for a segment of the population, as long as every student receives *equitable benefit* from the textbook loan program.

**INDIVIDUAL STUDENT REQUESTS**

**N.J.A.C. 6A:23A-20.3, Individual requests.**

(a) Individual written requests signed by the parent(s) or legal guardian(s) of nonpublic school students for the loan of textbooks are addressed to the district board of education in which the nonpublic school is located.

(b) Individual requests are submitted directly to the district board of education in which the nonpublic school is located or to the nonpublic school. In the latter case, the nonpublic school official shall forward such requests collectively to the district board of education.

(c) Individual requests are due on or before March 1 preceding the school year.

(d) A district board of education shall purchase textbooks in accordance with district board of education policy and purchasing practices.

(e) Students attending public schools are not required to submit such requests.

**Guidelines**

The purpose of the individual written requests for textbooks is to ensure that nonpublic school students meet the eligibility requirements. All nonpublic school students will be required to

\(^1\) An amount of $50.00 could be used as an estimate because it is lower than the average per pupil dollar amount anticipated in the entitlement.
submit individual written requests to the board in which the nonpublic school is located. Individual student request forms must be available at the nonpublic school or at the district board of education. The parent of a nonpublic school student may submit the individual written request directly to the board in which the nonpublic school is located, or to the nonpublic school. If the written request is submitted to the nonpublic school, the nonpublic school will send the request to the board. In either case, the individual written requests must be submitted to the board by no later than March 1 of the preceding school year. No more than one form per student is required.

For purchasing purposes, it is recommended that the nonpublic school send the district a form that indicates the current number of desired textbooks by title/vendor. Forms are available in the appendices of this document and on the NJDOE website.

**RECEIPT, LABELING AND STORAGE OF TEXTBOOKS**

**N.J.A.C. 6A:23A-20.4, Ownership and storage of textbooks**

(a) All textbooks purchased under the provisions of N.J.S.A. 18A:58-37.1 et seq. remain the property of the district board of education, which shall indicate such ownership in each book by a label.

(b) The district board of education shall be responsible for the receipt of the textbooks from the vendor and inventory of such textbooks.

(c) The district board of education may require that the textbooks be returned to the district board of education at the end of the school year, or may enter into agreements with the nonpublic schools to store such books. In the event of such an agreement, the district board of education shall not pay storage charges of any kind to a nonpublic school for this service.

**Guidelines**

All textbooks remain the property of the district board of education in which the nonpublic school is located. Ownership must be indicated in or on each book by a label. The board of education is responsible for receipt of the textbooks from the vendor, and inventory of such textbooks. However, if the board and the nonpublic school administrator agree, the textbooks may be delivered directly to the nonpublic school since this typically results in a more timely delivery of the textbooks to the nonpublic school.

**CHARGING FOR TEXTBOOK LOSS OR DAMAGE**

**N.J.A.C. 6A:23A-20.6, Charge for textbook loss or damage.**

(a) Each district board of education shall make reasonable rules and regulations governing the loan of textbooks, which may contain requirements for reimbursement by students to the district board of education for damage, loss or destruction of the loaned textbooks.

(b) Such rules and regulations are applicable to both public and nonpublic school students.

**Guidelines**

The applicable statutes and administrative citations are clear that textbooks must be loaned to students without charge; therefore, no fees may be assessed in connection with this program.
However, the board may include, as part of its rules and regulations, a requirement that students are responsible for reimbursement in the event of damage to, loss of, or destruction of loaned textbooks. If such a rule is imposed, it must apply to both public and nonpublic school students.

**ACCOUNTING ENTRIES**

**N.J.A.C. 6A:23A-20.5, Accounting entries.**

(a) Expenditures for the purchase of textbooks may include the cost of freight or postage for transporting such books from the vendor to the district board of education.

(b) The district board of education shall enter the cost of textbooks for students enrolled in the public schools in the general current expense fund in the account designated in the minimum chart of accounts.

(c) The district board of education shall enter the cost of textbooks for nonpublic school students in the special revenue fund in the account designated in the minimum chart of accounts. The district board of education shall record State aid received pursuant to N.J.S.A. 18A:58-37.1 et seq. separately in the special revenue fund as State aid.

**Guidelines**

Expenditures for the purchase of textbooks may include the cost of freight or postage for transporting the books from the vendor to the delivery site, not to exceed the publisher’s actual cost. Any excess freight or postage fees (above the publisher’s actual cost) will be applied to the purchase of the textbooks.

The board must enter the cost of textbooks for nonpublic school students in the special revenue fund in the account designated in the minimum chart of accounts. The board must record State aid received pursuant to N.J.S.A. 18A:58-37.1 et seq. separately in the special revenue fund as State aid.
APPENDICES
APPENDIX A
NONPUBLIC SCHOOL TEXTBOOK PROGRAM STATUTES

18A:58-37.1. Legislative findings
The Legislature hereby finds and determines that the security and welfare of the State require the fullest development of the material resources and skills of its youth. To achieve this objective increased efforts must be undertaken to educate more of the talent of our State. It is hereby declared to be the public policy of the State, that the public welfare and safety require that the State and local communities provide assistance to educational programs which are important to the welfare of the State.
L.1974, c. 79, s. 1.

18A:58-37.2 Definitions. As used in this act:
  a. "Commissioner" means the State Commissioner of Education.
  b. "Nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the Civil Rights Act of 1964 (P.L.88-352).
  c. "Textbook" means books, workbooks or manuals, whether bound or in looseleaf form, or electronic textbooks, including but not limited to, computer software, computer-assisted instruction, interactive videodisk, and other computer courseware and magnetic media, intended as a principal source of study material for a given class or group of students, a copy of which is available for the individual use of each pupil in such class or group. Computer software shall be prepared educational programs which are subject-oriented and for student instruction.
  d. "Student" means any child who is a resident of the State and who is enrolled as a full-time pupil in a public or nonpublic school in grades kindergarten through 12. A child who boards at a school but whose parents do not maintain a residence in this State shall not be deemed to be a resident of the State within the meaning of this act.
L.1974, c.79, s.2; amended 2000, c.13, eff. Apr. 17, 2000.

18A:58-37.3. Purchase and loan of textbooks
  a. The board of education in each school district in the State in which a nonpublic school is located shall have the power and duty to purchase and to loan textbooks upon individual request, to all students attending school in such district, who are enrolled in grades kindergarten through 12 of a public or nonpublic school.
  b. No board of education shall be required to expend funds for the purchase and loan of textbooks in excess of the amounts provided in State aid pursuant to this act.
L.1974, c. 79, s. 3. Amended by L.1984, c. 121, s. 1, eff. Aug. 8, 1984.
18A:58-37.4. Textbooks loaned to students in nonpublic schools; free rental; length of use of designated textbook
a. Textbooks which are loaned to students enrolled in grades kindergarten through 12 of any nonpublic school shall be textbooks which are used in any public elementary or secondary school of the State or are approved by any board of education. Such textbooks are to be loaned without charge to such children subject to such rules and regulations as are, or may be adopted by the commissioner and such board of education.

b. When a textbook has been designated for use in a school district such textbook shall not be superseded by any other book, prior to the expiration of 5 years following such designation, except upon the authorization of the board of education.

L.1974, c. 79, s. 4.

18A:58-37.5. Appropriation of aid
The commissioner shall, upon request of the local board and pursuant to the rules and regulations of the State Board of Education distribute to each school district an amount equal to the cost of textbooks purchased and loaned by the school district pursuant to this act, but in no event shall the aid appropriated to the district exceed the following amount:

a. The expenditures for the purchase of textbooks pursuant to this act made during the school year 1979-80 shall not exceed an average of $10.00 for each student residing in the district, who, on the last school day prior to October 16 of the preceding school year was enrolled in grades kindergarten through 12 of a public or nonpublic school; and,

b. The expenditures for the purchase of textbooks made during the school year 1980-81, and in any subsequent year shall not exceed the State average budgeted textbook expense per public school pupil for the prebudget year for each student residing in the district, who, on the last school day prior to October 16 of the preceding school year was enrolled in grades kindergarten through 12 of a public or nonpublic school.

L.1974, c.79, s.5; amended 1979, c.194, s.1; 1990, c.52, s.76.

State aid provided pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.) may be expended for the purchase and loan of textbooks for public school pupils in an amount which shall not exceed the State average budgeted textbook expense for the prebudget year per pupil in resident enrollment. Nothing contained herein shall prohibit a board of education in any district from purchasing textbooks in excess of the amounts provided pursuant to this act (C. 18A:58-37.1 et seq.).

L.1974, c.79, s.6; amended 1979, c.194, s.2; 1990, c.52, s.77; 1996, c.138, s.83; 2007, c.260, s.76, eff. Jan. 13, 2008.

18A:58-37.6a. Increase in amount of state aid; determination of state average budgeted textbook expenditures
a. Beginning in the school year 1981-82 and in each subsequent year, the amount of State aid per pupil pursuant to this act shall increase by the percentage increase in the State average budgeted textbook expense per public school pupil.

b. Annually, by November 1, the commissioner shall determine the State average budgeted textbook expenditures per public school pupil.


18A:58-37.7. State aid to school districts
The sums payable as State aid to school districts pursuant to this act shall be paid in full no later than July 31. The State Treasurer shall make such payment to each board of education upon a certificate of the commissioner and warrant of the Director of the Division of Budget and Accounting.

A district shall refund any unexpended State aid after completion of the school year if the expenditures incurred by the district pursuant to P.L. 1974, c. 79 (C. 18A:58-37.1 et seq.) are less than the amount of State aid received therefor. The refund shall be paid no later than December 1.

L. 1974, c. 79, s. 7. Amended by L. 1986, c. 17, s. 1, eff. July 1, 1986.
6A:23A-20.1 Eligibility
(a) For the purposes of this subchapter, a district board of education does not include an educational services commission or jointure commission.

(b) N.J.S.A. 18A:58-37.1 et seq. requires each district board of education in which a nonpublic school is located, to purchase and to loan, without charge, upon individual requests, textbooks to students in the nonpublic school or schools located within the school district when such students are residents of the State.

(c) Children who are enrolled in a nonpublic school whose parents or legal guardians do not maintain a residence in this State are not eligible to receive such textbooks. Children who are enrolled in a nonpublic school whose tuition is paid by a district board of education are not eligible to receive such textbooks.

6A:23A-20.2 Responsibility of the district board of education
A district board of education shall distribute to all students on an equitable basis existing book stocks and newly purchased textbooks purchased pursuant to N.J.S.A. 18A:58-37.1 et seq. A district board of education shall not discriminate against students in either public or nonpublic schools.

6A:23A-20.3 Individual requests
(a) Individual written requests signed by the parent(s) or legal guardian(s) of nonpublic school students for the loan of textbooks are addressed to the district board of education in which the nonpublic school is located.

(b) Individual requests are submitted directly to the district board of education in which the nonpublic school is located or to the nonpublic school. In the latter case, the nonpublic school official shall forward such requests collectively to the district board of education.

(c) Individual requests are due on or before March 1 preceding the school year.

(d) A district board of education shall purchase textbooks in accordance with district board of education policy and purchasing practices.

(e) Students attending public schools are not required to submit such requests.

6A:23A-20.4 Ownership and storage of textbooks
(a) All textbooks purchased under the provisions of N.J.S.A. 18A:58-37.1 et seq. remain the property of the district board of education, which shall indicate such ownership in each book by a label.
(b) The district board of education shall be responsible for the receipt of the textbooks from the vendor and inventory of such textbooks.

(c) The district board of education may require that the textbooks be returned to the district board of education at the end of the school year, or may enter into agreements with the nonpublic schools to store such books. In the event of such an agreement, the district board of education shall not pay storage charges of any kind to a nonpublic school for this service.

6A:23A-20.5 Accounting entries
(a) Expenditures for the purchase of textbooks may include the cost of freight or postage for transporting such books from the vendor to the district board of education.

(b) The district board of education shall enter the cost of textbooks for students enrolled in the public schools in the general current expense fund in the account designated in the minimum chart of accounts.

(c) The district board of education shall enter the cost of textbooks for nonpublic school students in the special revenue fund in the account designated in the minimum chart of accounts. The district board of education shall record State aid received pursuant to N.J.S.A. 18A:58-37.1 et seq. separately in the special revenue fund as State aid.

6A:23A-20.6 Charge for textbook loss or damage
(a) Each district board of education shall make reasonable rules and regulations governing the loan of textbooks, which may contain requirements for reimbursement by students to the district board of education for damage, loss or destruction of the loaned textbooks.

(b) Such rules and regulations are applicable to both public and nonpublic school students.
## APPENDIX C
### INDIVIDUAL STUDENT REQUEST FORM

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Under the provisions of N.J.S.A. 18A: 58-37.1 et seq., I hereby request the
_______________ (Public School District) to loan textbooks to the ________________
(Nonpublic School) in which my child is enrolled. I certify that my above named child and I are
residents of the State of New Jersey. I understand that the public school district in which the
nonpublic school is located has oversight of the State funds designated for providing the loan of
textbooks to nonpublic school students pursuant to law and regulations.

Signature of Parent/Guardian: __________________________________________________________

Date: ___________________
# APPENDIX D
## CONSOLIDATED REQUEST FORM

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NAME OF PUBLISHER: __________________________________________
ADDRESS: _________________________________________________
_________________________________________________________
CONTACT PERSON: _________________________________________
TELEPHONE: _____________________________________________