



New Jersey Department of Education, Office of Interdistrict Choice & Nonpublic School Programs

Nonpublic School Textbook Program Guidelines

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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 document provides the New Jersey Department of Education (Department) policies and guidelines for the New Jersey Nonpublic School Textbook Program. The statute and administrative code are located in the appendices.

The New Jersey Nonpublic School Textbook Law Overview

[N.J.S.A. 18A:58-37 et seq.](#) requires the district board of education 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.

Allowable Purchases of Textbooks by the District

The district shall approve the purchase and loan of textbooks for distribution to nonpublic schools only under the following circumstances:

1. Each textbook shall be one that is used in any public elementary or secondary school in New Jersey, or is approved to be used in any public elementary or secondary school by any New Jersey district board of education;
2. Each textbook shall be secular/nonsectarian and shall not contain religious content; and
3. Prior to approval, the district shall request from the nonpublic school, and the nonpublic school shall provide to the district, a description of the textbook's content and the name of the course for which it will be used to ascertain whether the textbooks are secular/nonsectarian.

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 Department, in a final fiscal report, the total final expenditures for each nonpublic program. The 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

If any funds remain, the district must refund the unexpended State aid after the school year.

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 Department has created a template form that includes the number of desired textbooks and their titles/vendors (see *Appendix E* and a stand-alone version, [Nonpublic School Textbook Consolidated Request Form](#)).

District Purchasing Timeline

Although a board does not receive nonpublic school textbook funds until 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 amount¹ 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 allocated, the board should notify the nonpublic school of their allocation within one week, 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 administrator, and notify the nonpublic school of the purchase and delivery date.

Distribution of Textbooks on an Equitable Basis

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.

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.

Individual Student Requests

The purpose of the individual written requests for textbooks is to ensure that nonpublic school students meet the eligibility requirements. All nonpublic school students' parents are required to submit individual written requests to the board in which the nonpublic school is located. See *Appendix D* and the stand-alone version of this form, [Individual Student Request Form for Loan of Textbooks](#). Completed individual student request forms must be available at the nonpublic school or at the district board of education for audit purposes. 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. In the latter case, the nonpublic school must forward all the requests together to the district. The individual written requests are due to the board by *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. This form is available in [Appendix E](#) and as a stand-alone version, [Nonpublic School Textbook Consolidated Request Form](#).

Receipt, Labeling and Storage of Textbooks

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

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

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.

Textbook Expenditures

Textbooks published in an electronic format (digital textbooks) are included under the Nonpublic Textbook Law, [N.J.S.A. 18A:58-37.2\(c\)](#). Digital textbooks, also known as e-textbooks or e-texts, offer students media-rich content such as embedded videos, interactive presentations and hyperlinks to additional content which may also benefit access for students with disabilities.

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** – tests and testing materials, teacher’s editions of textbooks and review books, supplementary books, magazines, newspapers and audiovisual materials normally housed in the school library.
- **Computer peripherals** - computers and hardware such as keyboards, monitors and graphic tablets; computer software such as memory cards, CD-ROM and DVD’s.

Appendix A Nonpublic School Textbook Program Statutes

The education statutes (N.J.S.A. 18A) can be accessed via the [New Jersey Statutes database of the Rutgers University School of Law-Newark website](#): Textbook Aid to Public and Nonpublic Schools (18A:58-37 et seq.).

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.

18A:58-37.6 Expenditure of aid for textbooks.

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.
L.1979, c. 194, s. 3, eff. Sept. 13, 1979.

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.

Appendix B
Nonpublic School Textbook Program Administrative Code

[Regulations for the Nonpublic School Textbook Program \(N.J.A.C. 6A:23A-20.1\)](#) may be accessed via the [New Jersey Department of Education's administrative code webpage](#).

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
Nonpublic Textbook Program Recommended Timeline

Task/Activity	Time Frame
1. The school district consults with the nonpublic schools located within its boundaries to understand textbook needs for the upcoming school year. For planning purposes, the district can use the previous year’s nonpublic textbook entitlement amount as an estimate for the upcoming school year.	By the end of May
2. The district prepares the textbook purchase order (to be approved once the textbook funds are received in July) using the previous year’s nonpublic textbook entitlement amount, or an estimate of \$50.00 ² per student, and the nonpublic school count from the <i>Nonpublic School Enrollment Report</i> . Nonpublic schools may use the NJDOE Nonpublic School Textbook Consolidated Request Form , to indicate the current number of desired textbooks and their titles/vendors.	By the end of June
3. NJDOE supplies entitlement figure to the district.	Mid-July
4. The district informs the nonpublic schools of the State allocation received for each school, and adjusts the textbook order accordingly.	Last week of July
5. The district obtains the necessary approvals and submits the purchase order with the expectation that delivery will take place prior to the start of school.	By the end of July
6. The district arranges for pick up or delivery to the nonpublic schools.	Prior to the start of school

² \$50.00 is lower than the average per pupil dollar amount anticipated in the entitlement.

Appendix D
Individual Student Request Form for Loan of Textbooks

Date:

Public School Information

Public School District:

Street Address:

City:

State:

Zip Code:

Nonpublic School Information

Nonpublic School:

Street Address:

City:

State:

Zip Code:

Student Information

Name of Student:

Grade:

Name of Parent/Guardian:

Parent/Guardian Certification

Under the provisions of N.J.S.A. 18A: 58-37.1 et seq., I hereby request

to loan textbooks to the

(Public School District)

in which my child is enrolled.

(Nonpublic School)

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:

Nonpublic School Textbook Consolidated Request Form

Publisher 1

Name of publisher:

Street Address:

City:

State:

Zip Code:

Contact Person:

Telephone Number:

Publisher 2

Name of publisher:

Street Address:

City:

State:

Zip Code:

Contact Person:

Telephone Number:

Publisher 3

Name of publisher:

Street Address:

City:

State:

Zip Code:

Contact Person:

Telephone Number:

Publisher 4

Name of publisher:

Street Address:

City:

State:

Zip Code:

Contact Person:

Telephone Number: