


New York Codes, Rules and Regulations

-  **New York Codes, Rules and Regulations**
-  **TITLE 8 EDUCATION DEPARTMENT**
-  **CHAPTER I RULES OF THE BOARD OF REGENTS**
-  **PART 21 TEXTBOOKS**

8 NYCRR 21.4. Lending procedures for school library materials.

(a) As used in this section, school library materials shall mean:

(1) for the 1985-86 school year only, printed materials that may or may not require magnification and which meet all of the criteria specified in subdivision (2) of section [711](#) of the Education Law; or

(2) for the 1986-87 school year and thereafter, both printed materials and audio-visual materials that may or may not require magnification and which meet all of the criteria specified in subdivision (2) of section [711](#) of the Education Law.

(b) Pupils enrolled in grades kindergarten through 12 in schools in New York State may borrow school library materials designated for use in any public elementary or secondary school in the State of New York or approved by any school board. Such school library materials shall be required for use as a learning aid in a particular class or program, and shall be loaned for individual student use only. School library materials which are religious in nature or content shall not be purchased or loaned by a school district.

(c) School library materials shall be loaned upon the individual written request of nonpublic school students, but such requests shall not be required of public school students. Such requests may be presented directly to the lending district or, with the consent of such district, to an appropriate official of the nonpublic school which the student attends. The form of request used by a lending district may provide for a guarantee by a parent or guardian for the return of such library materials or, in the case of loss or damage, for payment of the value thereof.

(d) School library materials owned or acquired by a school district pursuant to section [711](#) of the Education Law shall be available on an equitable basis to all eligible pupils enrolled in grades kindergarten through 12 in public and nonpublic schools within the district, and to pupils with handicapping conditions residing in such district who attend programs under the provisions of paragraphs c, e, g, i and l of subdivision 2 of section [4401](#) of the Education Law. Such school library materials shall remain the property of the lending district and shall bear an identifying label. The school authorities of each district shall establish lending procedures which apply to pupils in public and nonpublic schools, and shall inform the authorities of such schools within the boundaries of the public school district of these procedures.

(e) All school library materials shall be returned to the official designated by the lending district as the custodian thereof upon the request of such official. A lending district may agree that such library materials may be stored upon the property of a nonpublic school, in which event the lending district shall furnish the nonpublic school with an inventory of the library materials loaned to the individual students

attending such school, and the nonpublic school authorities shall advise the lending district of any library materials which have not been returned, with the name and last known address of the borrower.

(f) School library materials shall be loaned free to all eligible pupils. No charges, except as provided for in subdivision (c) of this section, may be levied against individual pupils, parents or schools for the cost of school library materials or for expenditures related to freight, postage, distribution, storage, recordkeeping or administration.

(g) Each district may include in its report of expenditures the purchase price of the school library materials purchased, including the cost of freight or postage for transporting such library materials from the vendor to the district. Expenditures relating to distribution, storage, recordkeeping or administration may not be included for library materials aid purposes, but they may be included for regular operating aid purposes.

(h) Public school districts shall maintain a separate record of expenditures incurred from State aid received pursuant to Education Law, section [711](#), and this section.