

## Guidelines for the Use of Electronic Textbooks and Materials Used During Instruction

### Background:

The Ohio Department of Education has received questions about the integration of personal technology in classrooms. Most of these questions are focused on electronic textbooks, classroom materials and devices used during classroom instruction. Therefore, the Department consolidated its responses into the following guidance as an initial resource to inform, but not direct, local decisions.

This guidance provides a summary of factors for districts to consider when electing to use electronic textbooks and other electronic devices and materials used during classroom instruction. Ohio Revised Code 3313.642 authorizes districts to charge fees for materials used during instruction, except for necessary textbooks required to be furnished under ORC 3329.06. Therefore, the issue for districts to consider before assessing fees is whether the electronic device is being used as a textbook or as a supplemental device used during instruction.

Districts are encouraged to work with their legal counsels to determine the proper use of electronic devices and ensure any assessed fees are in compliance with the Ohio Revised Code and case law.

### Electronic Textbook:

- “Electronic textbook” means computer software, interactive videodisc, magnetic media, optical media, computer courseware, online service, electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means. (ORC 3329.01)
- Districts may furnish electronic textbooks to students attending the public schools, provided they are furnished free of charge. (ORC 3329.06)
- The electronic textbooks shall be the property of the district and loaned to the students on terms prescribed by the district. (ORC 3329.06)

### Materials Used During Instruction:

- The Supreme Court ruled that ORC 3313.642 authorizes districts to charge fees for materials used in courses where students are taught, except for necessary textbooks required to be furnished under ORC 3329.06. *State ex rel. Massie v. Board of Education of Gahanna-Jefferson Public Schools et al.*, 537 NE2d 1292 (1996).
- However, a student eligible for a free lunch under the National School Lunch Act shall not be charged a fee for any materials needed to enable the student to participate in course instruction. (ORC 3313.642)
- Case law:
  - The 6<sup>th</sup> Appellate District has ruled that workbooks are not considered textbooks. *North Baltimore Local Schools v. Todd*, 2013 Ohio 2599 (2013).
  - The Supreme Court has ruled that ORC 3313.642 does not authorize the assessment of fees for cost of administrative materials, including paper products, copier materials, student record keeping/test supply sheets, and other necessary consumable educational supply items. *Association for the Defense of the Washington Local School District et al. v. Kiger, Supt., et al.*, 537 NE2d 1292 (1989).

**Schedule of Fees:**

- A district may adopt rules and regulations prescribing:
  - A schedule of fees for materials used in the course of instruction; and
  - A schedule of fees which may be imposed upon pupils for the loss, damage, or destruction of school apparatus, equipment, textbooks, or electronic textbooks required to be furnished without charge. (ORC 3313.642)

**Parental Complaints:**

Because the Department does not have jurisdiction over determining what type of electronic devices are used in the classroom or what fees are assessed by districts, parents should contact their local boards of education to raise any concerns they may have regarding the use of electronic devices and assessed fees. Districts should work with parents in addressing their concerns and take such concerns into consideration.