



Jim Kelly

Bill Analysis

Legislative Service Commission

H.B. 32

123rd General Assembly
(As Introduced)

**Reps. Jolivette, Haines, Harris, Householder, Grendell, Mottley, Olman,
Schuler, Stapleton, Terwilleger, Jones, Patton**

BILL SUMMARY

- Permits a school district to furnish, in lieu of textbooks, electronic textbooks--such as computer software, CD-ROM, computer courseware, and on-line services--to students attending the public schools in the district, if the software is furnished free of charge.
- Requires a school district that furnishes electronic textbooks to make them reasonably accessible to teachers providing assignments and to students for completion of assignments.
- Requires that electronic textbooks be selected, acquired, and maintained by school districts as are textbooks, except that electronic textbooks may be updated more frequently than once every four years.

CONTENT AND OPERATION

Current law

Under current law, the board of education of a school district must furnish necessary textbooks free of charge to pupils attending the public schools in that district. Textbooks furnished to students remain the property of the district board; they are loaned to the pupils on such terms as the board may determine. Upon the request of a pupil or parent, a board of education must sell to the pupil or parent any textbook adopted for use in the schools of the district. The price may not exceed 110% of the cost paid by the board. (Secs. 3329.06 and 3329.09.)

Also, current law requires a school district to make all necessary arrangements to place books (presumably this includes textbooks) within easy reach of and accessible to all the pupils in the district (sec. 3329.09).

Presently, the law requires a city, exempted village, or local school district board to determine which textbooks, and the number of each textbook, that are to be used in the schools under its control (secs. 3329.07 and 3329.08).¹ But no textbook may be purchased unless the publisher has on file in the office of the state Superintendent of Public Instruction, a statement that the list wholesale price to Ohio school districts does not exceed the lowest list wholesale price available to districts in any other state (sec. 3329.01).² Once a textbook is selected by a board of education, another textbook cannot be substituted for it for four years, unless four-fifths of the board members approve of the substitution (sec. 3329.08). Finally, a superintendent, supervisor, principal, or teacher employed by any board of education cannot act as a sales agent for a person, firm, or corporation whose textbooks are filed with the state Superintendent (sec. 3329.10).

The bill

(secs. 3329.01 and 3329.03 to 3329.10)

Under the bill, a city, exempted village, or local school district board may furnish *electronic* textbooks, in lieu of textbooks, to pupils attending the public schools in the district, provided the electronic textbooks are also furnished free of charge (sec. 3329.06). "Electronic textbook" is defined as computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, on-line service, electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means (sec. 3329.01). A school district that furnishes electronic textbooks to pupils must provide reasonable access to them and other necessary computer equipment to pupils who are required to complete homework assignments, and teachers providing homework assignments, utilizing electronic textbooks furnished by the district (sec. 3329.06).

Electronic textbooks must be selected, acquired, and maintained by the school district in the same manner (described above under "**Current law**") as textbooks. In particular, the requirement to sell textbooks to pupils or their parents at no more than 110% of the cost of the book to the school district also applies to

¹ *A local school district must choose from a list of textbooks adopted by the educational service center where the district is located. City and exempted village districts are not so restricted.*

² *A textbook publisher also must file a statement of the wholesale price of a computer diskette that contains the text of the textbook for translation into Braille and that the list wholesale price for any specified number of computer diskettes does not exceed the list wholesale price for the same number of the printed textbook (sec. 3329.01(A) and (B)).*



electronic textbooks (sec. 3329.09). The bill stipulates that the word "pupil" for purposes of this pricing requirement includes any school-aged child who resides in the school district (sec. 3329.09).

Unlike current law, however, the bill permits school districts to perform periodic and normal updating of electronic textbooks more often than once every four years. But it appears that if a school board has recently selected and acquired a textbook in a given subject, it must wait four years to select electronic textbooks as a substitute, unless four-fifths of the board members approve of the substitution (sec. 3329.08).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-99	p. 90

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