

Parents' Coalition of Montgomery County, Maryland

Guide to fees for textbooks and materials of instruction



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Rules for charging fees for textbooks and instructional materials in Maryland

Maryland law is clear: Public schools are not permitted to charge fees for textbooks and instructional materials. The law has been interpreted and reaffirmed by the courts.

Maryland Constitution

Article VIII, Section I of the Maryland Constitution requires the General Assembly to establish and maintain "a thorough and efficient system of **Free Public Schools**." In interpreting this provision, the Court of Appeals has said that it "**means that schools must be open to all without expense.**" State of Maryland ex rel. Clark v. The Maryland Institute for the Promotion of the Mechanic Arts, 87 Md. 643, 661 (1898). The Maryland Attorney General has opined that at the very least "**anything directly related to a school's curriculum must be available to all without charge.**" [Edition] 72 - Opinions of the Attorney General 262, 267 (1987). Affirming the continued applicability of the Constitution and the opinion of the Attorney General, both were cited in opinion No. 03-29 of the Maryland State Department of Education, dated August 27, 2003.

Maryland State Code

§ 7-106. Textbooks, materials of instruction, and supplies.

(a) Selection and purchase of school materials. On the recommendation of the county superintendent and subject to the provisions of this article, each county board shall adopt procedures for the selection and purchase of the following necessary items, at the lowest price consistent with good quality, for use in the public schools:

- (1) Textbooks;
- (2) Supplementary readers;
- (3) Materials of instruction;
- (4) Visual and auditory aids;
- (5) Stationery; and
- (6) School supplies.

(c) Materials to be furnished free of charge and in sufficient quantities.- Each county board shall furnish the materials and supplies listed in subsection (a) of this section:

- (1) Free of cost for use in the public schools; and
- (2) In sufficient quantities for the different grades in the public schools.

[An. Code 1957, art. 77, § 79; 1978, ch. 22, § 2; 1986, ch. 571; 1992, ch. 290.]

Questions and Answers

1. My school charges fees for some books and materials, but has offered to accommodate students who cannot afford to pay. Is that okay?

No student or parent should have to go through the embarrassment of asking for an "accommodation" to obtain books and materials that are required, under law, to be provided free of cost to all students. And since fees are illegal, no student – wealthy or disadvantaged - should ever be asked to pay for a required book or other material of instruction.

2. My school is issuing "obligation" notices to students who don't pay the fees. Students who don't pay won't be allowed to participate in graduation and other punitive action will be taken. What should I do?

Many administrators and teachers are not aware that charging fees for textbooks and instructional materials is illegal. Politely share this brochure with your school administrators and teachers to let them know that fees for textbooks, instructional materials, and anything related to a school's curriculum are illegal in Maryland. The schools are funded by taxpayers to provide these materials, so they should not be asking parents or students to cover these costs.

3. How should I report suspected violations of the law?

Send a description of the violation to the Attorney General of Maryland at oag@oag.state.md.us or by postal mail to Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21209.

Aug 10, 2008