

STUDENT
FEES

LeBlanc, Kathleen A (DOE)

From: Valcourt, Kristin (DOE)
Sent: Friday, May 10, 2013 1:10 PM
To: drigby@colonial.net
Subject: Students Fees - Technology

Thank you for talking with me, Superintendent Rigby. Below is the substance of the email response that we discussed. Please feel free to contact me should you require any additional information.

Kristin Valcourt
Deputy General Counsel
Department of Elementary and Secondary Education

Email response:

Thank you for your inquiry regarding the provision of instructional materials and supplies, including computers, in Massachusetts.

As a general rule, Massachusetts public schools may not charge a fee for students to enroll or to participate in required or elective courses given for academic credit. Under Chapter 71, section 48, of the Massachusetts General Laws, textbooks and other instructional materials and supplies that are intended to be used and reused over a period of years must be purchased at public expense and "loaned" free of charge to students, who must return them at the end of the year.

The exception to this general rule is for consumable supplies, supplies that are typically used up by the individual students during the course of the school year. Public schools may ask students to come to school prepared with certain individual school supplies such as notebooks or binders, paper, pencils and pens, and tissues. On this issue, "loan" is the operative word in G.L. c. 71, § 48, and these kinds of consumable school supplies are not typically "loaned" to students because nothing remains at the end of the school year to return to the school. Moreover, they are widely available and relatively inexpensive. We generally advise schools to keep paper, pencils, pens, and other such supplies on hand so that students who do not have those supplies available will not miss out on instruction.

In contrast, costly tools such as a tablet or other computer or a graphing calculator fall in the category of instructional materials and supplies that, like textbooks, are intended to be purchased by the school and used and re-used over a period of years. If such technology is required, the school may encourage each student to purchase these devices. Students are likely to do so, because they may need it for future classes and other use outside of school. We advise schools also to be prepared to provide such devices free of charge to students whose families do not choose to buy them or cannot afford to do so.

I trust that this provides you with the information you requested. If you need additional information on this topic, feel free to contact me.

STUDENT
FEES

LeBlanc, Kathleen A (DOE)

From: Valcourt, Kristin (DOE)
Sent: Thursday, June 06, 2013 12:58 PM
To: [REDACTED]
Cc: Lynch, Darlene A (DOE)
Subject: RE: Additional Issue - Is it legal for a MA public school to require a student to purchase a computer for in-school instructional use?

June 6, 2013

Ms. [REDACTED]:

Thank you for your follow-up. The Legal Office at the Department of Elementary and Secondary Education ("Department") provides general guidance on what the law requires.

It appears that you are now seeking a determination regarding the legality of a specific policy and practice in Concord Public Schools. You may file a complaint through the Department's Problem Resolution System and receive such a determination. The Problem Resolution System is administered through Program Quality Assurance Services ("PQA") at the Department, and they can be reached at 781-338-3700 or 781-338-3705. Link to additional information regarding filing a complaint: <http://www.doe.mass.edu/pqa/prs/>. PQA handles complaints related to student fees, among other areas.

Very truly yours,

Kristin E. Valcourt
Deputy General Counsel

From: [REDACTED]
Sent: Thursday, June 06, 2013 11:24 AM
To: Valcourt, Kristin (DOE)
Subject: RE: Additional Issue - Is it legal for a MA public school to require a student to purchase a computer for in-school instructional use?

Hi Ms. Valcourt,

I neglected to include in my previous question the issue of software. If the files produced at school require a software (including version) that we do not happen to already own or have access to via the web, then my child is effectively prevented from using at home those files created at school. During that meeting this past Monday, the school staff discussed their frustration with flash drives including the problem of files being corrupted because the computer used at school is different from the one at home (format, software version). The staff clearly wanted each student to be able to use the same laptop at home that the student uses at school.

Also, I described 3 file transfers but my child would actually be required to transfer files four times:

- download at school for home
- upload at home to use
- download at home to bring back to school
- upload at school to use

Thank you again for your assistance.

I look forward to your response.

--- On Tue, 6/4/13, [REDACTED] wrote:

From: [REDACTED]
Subject: RE: Is it legal for a MA public school to require a student to purchase a computer for in-school instructional use?
To: "Kristin (DOE)Valcourt" <kvalcourt@doe.mass.edu>
Date: Tuesday, June 4, 2013, 9:26 PM

Dear Ms. Valcourt,

I do hope you had a good week away and thank you again for your time and assistance.

I am writing you again due to further information I obtained when I attended a meeting last night at our middle school. During the meeting, the principal explained that the design of the "1 to 1 Computing" program as follows;

A parent can "opt in" which means the parent must do one of the following three:

1. Purchase the computer
2. Lease the computer
3. Ask for 100% financial aid (no information was provided as to whether "need" would have to be justified for 100% assistance; all that was mentioned was that you do not have to be on the free lunch program)

which would then enable the student to use the computer at school and to take the computer home each day.

If a parent doesn't "opt in" as described above, a computer will be supplied to the student at school but the student will not be allowed to bring that computer home. By being prevented from bringing the computer home, it seems that an a student no longer as equal access to the curriculum and a barrier is created with the burden is placed on the student to transfer the student's work three times each day: from the computer to a device (e.g., flash drive) to be brought home for any work to be completed at home or to be studied, from the home computer back to the device to bring back to school and then the next morning from the device back to the computer for the day's work at school.

My question to you is whether this approach meets the state statute, i.e., can the schools supply the computer only at school and disallow the computer from being taken home?

Again, I am sorry to take your time but this issue is of great importance to our family and many here in Concord.

Most sincerely,

--- On Fri, 5/10/13, Valcourt, Kristin (DOE) <kvalcourt@doe.mass.edu> wrote:

From: Valcourt, Kristin (DOE) <kvalcourt@doe.mass.edu>
Subject: RE: Is it legal for a MA public school to require a student to purchase a computer for in-school instructional use?
To: [REDACTED]
Date: Friday, May 10, 2013, 1:06 PM

May 10, 2013

Ms. [REDACTED]:

Thank you for your inquiry regarding the provision of instructional materials and supplies, including computers, in Massachusetts.

As a general rule, Massachusetts public schools may not charge a fee for students to enroll or to participate in required or elective courses given for academic credit. Under Chapter 71, section 48, of the Massachusetts General Laws, textbooks and other instructional materials and supplies that are intended to be used and reused over a period of years must be purchased at public expense and "loaned" free of charge to students, who must return them at the end of the year.

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I trust that this provides you with the information you requested. If you need additional information on this topic, feel free to contact me.

Very truly yours,

Kristin E. Valcourt

Deputy General Counsel

Massachusetts Department of Elementary and Secondary Education

From: [REDACTED]

Sent: Thursday, May 02, 2013 4:10 PM

To: Legal

Subject: Is it legal for a MA public school to require a student to purchase a computer for in-school instructional use?

HI,

I hope you can help me understand whether my public school system can legally require our family to either "lease to own" or purchase a computer that meets the district's technical specifications for daily use in the classroom because the school has decided to go to a "1 to 1 computing" instructional model.

I have attached the documentation the school has sent to us. It appears that the school held a pilot project for the current 6th graders who were given MacBook Airs to use (no charge involved). These computers will go to these same students as they enter 7th grade in the Fall of 2013 at no fee it appears. However, the students who are entering 6th grade must either lease-to-own or outright purchase a computer. The technical specifications do not include anything about the software that will be needed nor any indication as to who will bear the financial responsibility for that software.

I do not lease to own or have to outright purchase any of the following for my child's public education (this list is not comprehensive):

The books that are part of the curriculum

The paper and pens

The desks and chairs

The active board and activision system (I believe all classrooms are equipped)

The science laboratory materials

It seems to me that if the school has decided to move the curriculum from paper to digital, then the school needs to provide the appropriate resources just as they have in the past. The computers will be used during the different classes (English, Math, Science, Social Studies etc.). The "1 to 1 computing program" is a curriculum change not an extracurricular activity.

My concern, I'm sure, is obvious: will we now have a "privatized" public education where, to attend public

school, you must pay out-of-pocket for core curriculum needs.

I appreciate any assistance you can provide me. You can reach me by telephone at [REDACTED]. I live on [REDACTED] [REDACTED] in Concord MA.

Thank you so much for your time.

[REDACTED]