# Superintendent’s Memo #218-20

  
**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: August 21, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Fees or Charges for Instructional Materials

In prior school years, local school boards may have charged a fee or deposit for computers or other student devices when such devices were intended as a supplemental resource to in-person instruction or used for an optional course selection. Per the Board of Education’s *Regulations Governing Local School Boards and School Divisions,* this type of student fee or charge was permissible in certain enumerated cases.

Many of Virginia’s local school divisions are beginning their 2020-2021 school year virtually, in whole or in part, as a precaution to maintain the health and safety of their school communities. As a result, computers and other devices are now a prerequisite for a student to access core and other required instruction.

Per § [22.1-6](https://law.lis.virginia.gov/vacode/title22.1/chapter1/section22.1-6/) of the *Code of Virginia* and reaffirmed in the Board’s *Regulations Governing Local School Boards and School Divisions* ([8VAC20-720-80](https://law.lis.virginia.gov/admincode/title8/agency20/chapter720/section80/)), no fees or charges may be levied on any pupil by any school board unless authorized by regulation of the Board of Education or by the General Assembly. The Board’s *Regulations* explicitly state that local school boards shall not charge fees for instructional programs and activities, **or materials required for instruction,** except as specified in subsection H which outlines select fees for optional or extracurricular programs, or supplementary resources.

The Virginia Department of Education (VDOE) understands that school divisions may be considering options to offset costs. VDOE also recognizes the incredible effort and cost local school divisions have sustained in order to expand access to devices for their students. However, because of the substantive shift in how core and required instruction is being delivered for this school year, computers and devices now fall squarely within the category of items for which divisions may not charge.

School divisions may assess a reasonable fee for lost or damaged textbooks and other school property, including electronic devices, that has been provided to students without charge. Thus, some school divisions already offer students insurance in the event of damage or loss to a device used to access electronic media, e-textbooks, and electronic or consumable instructional materials. Nothing in the Board’s *Regulations* preclude a school division from offering students the opportunity to purchase insurance; however, if a school division has elected to provide devices as required instructional material, the school board cannot levy a fee or charge.

If you have any additional questions, please do not hesitate to contact the Office of Policy, at [policy@doe.virginia.gov](mailto:policy@doe.virginia.gov) or (804)225-2092.

JFL/lms