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Official Circular
1911

Issued to Boards of Education in
Ohio by the State Commissioner
of Common Schools with the
Full Text of the : : : : :

School Book Law

As Amended May 9, 1908

And the Names and Addresses
of all Publishers Who Have
Agreed in Writing to Furnish
Their Publications upon the
Terms Prescribed in the Law



Columbus, Ohio
The F. J. Heer Printing Co.
1911

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OFFICE OF THE
STATE COMMISSIONER OF COMMON SCHOOLS.

COLUMBUS, OHIO, June 15, 1911.

To Boards of Education in Ohio:

The following is the full text of the School Book Law:

SECTION 7709. Any publisher or publishers of school-books in the United States desiring to offer school-books for use by pupils in the common schools of Ohio as hereinafter provided, before such books may be lawfully adopted and purchased by any school board, must file in the office of the state commissioner of common schools, a copy of each book proposed to be so offered, together with the published list wholesale price thereof. No revised edition of any such book shall be used in common schools until a copy of such edition has been filed in the office of the commissioner together with the published list wholesale price thereof. The commissioner must carefully preserve in his office all such copies of books and the prices thereof. (92 v. 282 § 1.)

Filing and preservation of copies and prices of school-books.

SECTION 7710. When and so often as any book and the price thereof is filed in the commissioner's office as provided in the next preceding section, a commission consisting of the governor, secretary of state and state commissioner of common schools, immediately shall fix the maximum price at which such books may be sold to or purchased by boards of education, as hereinafter provided, which price must not exceed seventy-five per cent. of the published list wholesale price thereof. The state commissioner of common schools immediately shall notify the publisher of such book so filed, of the maximum price fixed. If the publisher so notified, notifies the commissioner in writing that he accepts the price fixed, and agrees in writing to furnish such book during a period of five years at that price, such written acceptance and agreement shall entitle the publisher to offer the book so filed for sale to such boards of education. (92 v. 282 § 2.)

Maximum price; notification of publisher.

State commissioner of common schools not authorized to permit publishers to withdraw books after they have been listed, before expiration of contract. Com.

SECTION 7711. Such commissioner, during the first half of the month of June, in each year, must furnish to each board of education the names and addresses of all publishers who during the year ending on the first day of the month of June in each year, agreed in writing to furnish their publications upon the terms above provided. A board of education shall not adopt or cause to be used in the common schools any book whose publisher has not complied; as to such book, with the provisions of law relating thereto. (92 v. 282 § 3.)

Notices to boards.

Violation of
agreement by
publisher.

SECTION 7712. If a publisher who agreed in writing to furnish books as above provided, fails or refuses to furnish such books adopted as herein provided to any board of education or its authorized agent upon the terms herein provided, such board at once must notify such commission of such failure or refusal, and it at once shall cause an investigation of such charge to be made. If it is found to be true the commission at once shall notify such publisher and each board of education in the state that such book shall not thereafter be adopted and purchased by boards of education. Such publisher shall forfeit and pay to the state of Ohio five hundred dollars for each failure, to be recovered in the name of the state, in an action to be brought by the attorney-general, in the court of common pleas of Franklin county, or in any other proper court or in any other place where service can be made. The amount, when collected, must be paid into the state treasury to the credit of the common school fund of the state. (92 v. 282 § 4.)

Text-books;
how deter-
mined; five-
year term.

SECTION 7713. At a regular meeting, held between the first Monday in February and the first Monday in August, each board of education shall determine by a majority vote of all members elected the studies to be pursued and which of such text-books so filed shall be used in the schools under its control. But no text-books now in use or hereafter adopted shall be changed, nor any part thereof altered or revised, nor any other text-book be substituted therefor for five years after the date of the selection and adoption thereof, as shown by the official records of such boards, except by the consent at a regular meeting, of five-sixths of all members elected thereto. Books so substituted shall be adopted for the full term of five years. (99 v. 460 § 5.)

Injunction lies to restrain illegal change in school text-books. *Lenhart v. Newton Tp.* (Bd. of Ed.) 18 Dec. 825 (5 N. S., 129).

Text-books,
of whom
ordered.

SECTION 7714. Each board of education shall cause it to be ascertained, and at a regular meeting determine which, and the number of each of such books the schools under its charge require, and cause an order to be drawn for the amount in favor of the clerk of the board of education, payable out of the contingent fund. Such clerk at once shall order the books so agreed upon by the board, of the publisher, who on the receipt of such order must ship them to the clerk without delay. He forthwith shall examine the books, and, if found right and in accordance with the order, remit the amount to the publisher. The board of education must pay all charges for the transportation of the books, out of the school contingent fund. But if such boards of education at any time can secure of the publishers books at less than such maximum price, they shall do so, and without unnecessary delay may make effort to secure such lower price before adopting any particular text-book. (99 v. 460 § 5.)

Board of
education,
power and
duties of.

SECTION 7715. Each board of education shall make all necessary provisions and arrangements to place the books so purchased within easy reach of and accessible to all the

pupils in their district. For that purpose it may make such contracts, and take such security as it deems necessary, for the custody, care and sale of such books and accounting for the proceeds; but not to exceed ten per cent. of the cost price shall be paid therefor. Such books must be sold to the pupils of school age in the district, at the price paid the publisher, and not to exceed ten per cent. therefor added. The proceeds of sales shall be paid into the contingent fund of such district. Boards also may contract with local retail dealers to furnish such books at prices above specified, the board being still responsible to the publishers for all books purchased by it. (99 v. 460 § 5.)

SECTION 7716. When pupils remove from any district, and have text-books of the kind adopted in such district and not the kind adopted in the district to which they remove, and wish to dispose of them, the board of the district from which they remove, if requested, shall purchase them at the fair value thereof, and resell them as other books. Nothing herein shall prevent the board of education from furnishing free books to pupils as provided by law. (99 v. 460 § 5.)

Old books,
purchase of.

SECTION 7717. For the purpose of carrying into effect the foregoing provisions, and paying the expenses incident thereto, there is hereby appropriated out of any money in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, the sum of five hundred dollars, to be disbursed and paid on the allowance and order of the commissioner of common schools. (99 v. 460 § 5.)

Appropriation.

SECTION 7718. A superintendent, supervisor or principal, employed by any board of education in the state shall not act as a sales agent, either directly or indirectly, for any person, firm or corporation whose school text books are filed with such state commissioner, for use in the public schools of the state, as provided by law. A violation of this provision shall work a forfeiture of their certificates to teach in the public schools of Ohio. (99 v. 460 § 5.)

Sales agents,
who may not
be.

Penalty for bribery in sale of text-books and school apparatus, see Sections 12931 and 12932.

COURT DECISIONS.

Where the committee on text books of a school board recommended the adoption of a certain series of books, and the school board amended the report and then adopted it, this "determines" the books to be used under R. S., Sec. 4020-14 (7713 G. C.), and exhausts the power to change them, and a majority vote ten days afterwards to reconsider is a nullity. 35 O. S., 368.

The adoption of the books being in connection with a proposition of the publisher, its terms as to prices are conditions of the adoption. Id.

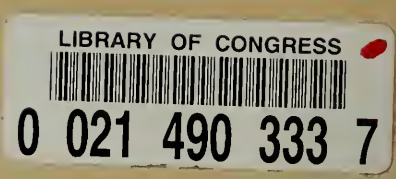
A rule of the board, that resolutions for changing text-books shall be referred to a committee and delayed four weeks, is a reasonable one under R. S., Sec. 3985 (4750 G. C.), and binding. Nor can a bare majority abrogate it, for Sec. 3982 (4752 G. C.), must be construed with Sec. 3985 (4750 G. C.). Hence, an adoption of a text-book by a majority without reference to the committee and four weeks' delay, will not be enforced by mandamus on the application of a parent who has purchased the new books. 2 C. C., 510.

LIST OF PUBLISHERS.

In accordance with the provisions of Section 7711 of this law, I hereby notify you that the following publishers of school books have complied with the provisions of the law, and are therefore entitled to offer for sale, to boards of education, for use by the pupils in the schools, such books of their publication as have been authorized by the school book commission:

Acme Publishing Co.....	Morgantown, W. Va..
Ainsworth & Co.....	Chicago, Ill.
Allyn & Bacon.....	Chicago, Ill.
American Book Co.....	Cincinnati, Ohio.
D. Appleton & Co.....	Chicago, Ill.
Atkinson, Mentzer & Grover	Chicago, Ill.
Atlas School Supply Co.....	Chicago, Ill.
The Baker & Taylor Co.....	New York City.
A. S. Barnes & Co.....	New York City.
Arthur J. Barnes.....	St. Louis, Mo.
The Berlitz School of Languages.....	Cincinnati, Ohio.
Alfred J. Beirly.....	Chicago, Ill.
C. C. Birchard & Co.....	Boston, Mass.
F. H. Bliss Publishing Co.....	Saginaw, Mich.
The Bobbs-Merrill Co.....	Indianapolis, Ind.
Burrows Bros.....	Cleveland, Ohio.
The Century Co.....	New York City.
The John Church Co.....	Cincinnati, Ohio.
The C. M. Clark Publishing Co.....	Boston, Mass.
Sherwin Cody.....	Chicago, Ill.
D. W. Crist.....	Moultrie, Ohio.
Creg B. Darby.....	Mt. Victory, Ohio.
Dement Publishing Co.....	Chicago, Ill.
Thomas J. Donlan.....	Boston, Mass.
Doubleday, Page & Co.....	New York City.
Eaton & Co.....	Chicago, Ill.
Echo Music Co.....	Chicago, Ill.

Educational Association.....	Chicago, Ill.
Educational Publishing Co.....	Columbus, Ohio.
Ellis Publishing Co.....	Battle Creek, Mich.
The Ellsworth Co.....	Mont Vale, N. J.
A. Flanagan & Co.....	Chicago, Ill.
Funk & Wagnalls Co.....	New York City.
Ginn & Co.....	Columbus, Ohio.
Globe School Book Co.....	New York City.
Goodyear-Marshall Publishing Co.....	Cedar Rapids, Iowa.
Andrew J. Graham & Co.....	New York City.
Gregg Publishing Co.....	Chicago, Ill.
Grosset & Dunlap.....	New York City.
Harison, Wm. Beverley.....	New York City.
Harper & Bros.....	New York City.
D. C. Heath & Co.....	Chicago, Ill.
The Hedges Publishing Co.....	Columbus, Ohio.
H. D. Hemenway.....	Northampton, Mass.
Hinds, Noble & Eldredge.....	New York City.
Henry Holt & Co.....	Chicago, Ill.
Houghton Mifflin Co.....	Boston, Mass.
Hope Publishing Co.....	Chicago, Ill.
Frank V. Irish.....	Chicago, Ill.
Jennings Publishing Co.....	Brooklyn, N. Y.
B. F. Johnson Publishing Co.....	Richmond, Va.
¹ Johnson, Blagden & McTurnan.....	Chicago, Ill.
L. J. Kemp.....	Ada, Ohio.
L. E. Knott Apparatus Co.....	Boston, Mass.
Laird & Lee.....	Chicago, Ill.
J. B. Lippincott & Co.....	Philadelphia, Pa.
Little, Brown & Co.....	Boston, Mass.
Longmans, Green & Co.....	New York City.
Lothrop, Lee & Shepard Co.....	Boston, Mass.
J. D. Luse.....	Columbus, Ohio.
² J. A. Lyons & Co.....	Chicago, Ill.
The Macmillan Co.....	Chicago, Ill.
Chas. E. Merrill & Co.....	New York City.
E. N. Miner.....	New York City.
Musick, W. L.....	St. Louis, Mo.
Isabel Howard Neff.....	Cincinnati, Ohio.
Newson & Co.....	New York City.
Orange Judd Co.....	New York City.
Oxford University Press.....	New York City.
Eli Lawrence Payne.....	Emporia, Kansas.
Phonographic Institute Co.....	Cincinnati, Ohio.
Practical Text Book Co.....	Cleveland, Ohio.
The Prang Educational Co.....	Chicago, Ill.
Public School Publishing Co.....	Bloomington, Ill.
G. P. Putnam's Sons.....	New York City.
Rand, McNally & Co.....	Chicago, Ill.
Geo. D. Rathbun.....	Ottawa, Kansas.
Row, Peterson & Co.....	Chicago, Ill.
³ The H. M. Rowe Co.....	Baltimore, Md.
The Saalfield Publishing Co.....	Akron, Ohio.
Benj. H. Sanborn & Co.....	Chicago, Ill.



Chas. Schovaneck.....	Cleveland, Ohio.
Scott, Foresman & Co.....	Chicago, Ill.
Charles Scribner's Sons.....	New York City.
¹ Sibley & Co.....	Chicago, Ill.
Silver, Burdett & Co.....	Chicago, Ill.
Parker P. Simmons.....	New York City.
J. H. Snyder.....	Tiffin, Ohio.
South-Western Publishing Co.....	Knoxville, Tenn.
Christopher Sower Co.....	Philadelphia, Pa.
E. Steiger & Co.....	New York City.
J. M. Stradling & Co.....	New York City.
Stewart & Glover.....	Akron, Ohio.
The Taylor-Holden Co.....	Springfield, Mass.
University Publishing Co.....	Lincoln, Neb.
University of Chicago Press.....	Chicago, Ill.
A. C. Van Sant.....	Omaha, Neb.
H. C. Walker.....	St. Louis, Mo.
The Webb Publishing Co.....	St. Paul, Minn.
L. S. Wells.....	Columbus, Ohio.
W. H. Wheeler & Co.....	Chicago, Ill.
Wooster & Co.....	Chicago, Ill.
World Book Co.....	Yonkers, N. Y.
Zaner & Bloser.....	Columbus, Ohio.

¹Johnson, Blagden & McTurnan are successors to Thompson, Brown & Co.

²J. A. Lyons & Co. are successors to Powers & Lyons.

³The H. M. Rowe Co. was formerly The Sadler-Rowe Co.

⁴Benj. H. Sanborn & Co. are the western agents for Sibley & Co.

Books formerly listed by Daniel W. Lothman, Cleveland, Ohio, are now listed by Ginn & Co.

Each publisher named above has been furnished with a duplicate of the aforesaid list of his books on file with the commission, together with the maximum price of each publication. The maximum price of any text-book offered for adoption may be obtained by applying to the office of the Commissioner of Common School or the publisher of such text-book.

Your attention is hereby especially called to the fact that the law requires boards of education in all school districts to adopt for a period of five years all text-books regularly used in the schools. The clerk of the board of education should make a careful record of such adoption, showing the time when the meeting was held, the names and prices of books adopted, and the manner in which the vote was taken, as well as the result of the vote.

Section 7714 of the Ohio School Book Law also makes it the duty of the board to determine the kind and number of books to be used and to order the same through its clerk, an agent appointed for that purpose, or a local retail dealer with whom a contract may have been made to furnish books to pupils at a rate not to exceed ten per cent. advance upon the cost price.

In all cases, the board of education is responsible to the publishers for all books purchased by said board of education.

JOHN W. ZELLER,
Commissioner.

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