

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 16, 2007**

**TO:** Honorable Judith Zaffirini, Chair, Senate Committee on S/C on Higher Education

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3382** by Naishtat (Relating to providing certain computerized instructional material for blind and visually impaired students at public institutions of higher education.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill relates to providing certain computerized instructional material for blind and visually impaired students at public institutions of higher education. The bill applies to instructional material that is written and published primarily for postsecondary instruction of students and is required or essential for a student's success. To assist the institution in producing special instructional material, the publisher shall provide computerized files based on the printed instructional material. A request made by an institution must certify each blind or visually impaired student is enrolled at the institution and must be signed by the person with primary responsibilities for students with disabilities. A publisher may require the student to use the requested computerized files only for the student's own educational purposes and not to copy the files or printed material. The computerized files must be in a format that contains all of the information that is in the printed material and be compatible with commonly used Braille translation and speech synthesis software. If the publisher and the institution are not able to agree on a format, the publisher shall provide the computerized files in American Standard Code for Information Interchange (ASCII) or equivalent text.

Under provisions of the bill, the Higher Education Coordinating Board may impose a reasonable administrative penalty against a publisher or manufacturer who knowingly violates this section. The coordinating board will base the amount of the penalty on the seriousness of the violation, any history of previous violations, the amount necessary to deter future violations, any effort to correct the violation, and any other matter justice requires. The publisher or manufacturer would not be required to comply with sections (c) and (f) of the bill if the Coordinating Board finds that compliance would violate a law, rule or regulation relating to copyrights or if the printed instructional material on which the computersized files are based on are out of print or in a format that makes it impracticable to convert the material into an electronic form. Provisions of the bill would be implemented within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

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