

SENATE AMENDMENTS

2nd Printing

By: Naishtat

H.B. No. 3382

A BILL TO BE ENTITLED

AN ACT

1
2 relating to providing certain computerized instructional material
3 for blind and visually impaired students at public institutions of
4 higher education.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
7 amended by adding Section 51.970 to read as follows:

8 Sec. 51.970. INSTRUCTIONAL MATERIAL FOR BLIND AND VISUALLY
9 IMPAIRED STUDENTS. (a) In this section:

10 (1) "Blind or visually impaired student" includes any
11 student whose visual acuity is impaired to the extent that the
12 student is unable to read the print in the standard printed
13 instructional material used in a course in which the student is
14 enrolled.

15 (2) "Coordinating board" means the Texas Higher
16 Education Coordinating Board.

17 (3) "Institution of higher education" has the meaning
18 assigned by Section 61.003.

19 (4) "Instructional material" means a book, system of
20 instructional material, or combination of a book and supplementary
21 instructional material that conveys information to or otherwise
22 contributes to the learning process of a student.

23 (5) "Special instructional material" means
24 instructional material in Braille, large print, audio format,

1 digital text, or any other medium or any apparatus that conveys
2 information to or otherwise contributes to the learning process of
3 a blind or visually impaired student.

4 (b) This section applies only to instructional material
5 that is:

6 (1) written and published primarily for postsecondary
7 instruction of students; and

8 (2) required or essential for a student's success in a
9 course at an institution of higher education, as identified by the
10 instructor of the course for which the instructional material will
11 be used, in consultation with the person at the institution with
12 primary responsibility for services for students with disabilities
13 and in accordance with rules adopted under Subsection (j)(1).

14 (c) To assist the institution in producing special
15 instructional material, a publisher or manufacturer of printed
16 instructional material assigned by an institution of higher
17 education for use by students in connection with a course at the
18 institution shall provide to the institution on the institution's
19 request in accordance with this section computerized files based on
20 the printed instructional material. The publisher or manufacturer,
21 as applicable, shall provide the computerized files not later than
22 the 15th business day after the date of receipt of the request.

23 (d) A request made by an institution of higher education
24 under Subsection (c) must:

25 (1) certify that for each blind or visually impaired
26 student who will use specialized instructional material based on
27 the requested computerized files for a course in which the student

1 is enrolled at the institution, either the institution or the
2 student has purchased a printed copy of the instructional material;
3 and

4 (2) be signed by the person at the institution with
5 primary responsibility for services for students with
6 disabilities.

7 (e) A publisher or manufacturer may require that a request
8 made by an institution of higher education under Subsection (c)
9 include from each student for whom the institution is making the
10 request a signed statement in which the student agrees:

11 (1) to use the requested computerized files and
12 related special instructional material only for the student's own
13 educational purposes; and

14 (2) not to copy or otherwise distribute in a manner
15 that violates 17 U.S.C. Section 101 et seq. the requested
16 computerized files or the printed instructional material on which
17 the requested computerized files are based.

18 (f) The computerized files of the printed instructional
19 material must:

20 (1) be in a format that:

21 (A) except as provided by Subsection (g),
22 contains all of the information that is in the printed
23 instructional material, including any text, sidebar, table of
24 contents, chapter headings, chapter subheadings, footnotes, index,
25 glossary, and bibliography, and is approved by the publisher or
26 manufacturer, as applicable, and the institution of higher
27 education as a format that will contain that material; and

1 (B) is compatible with commonly used Braille
2 translation and speech synthesis software; and

3 (2) include any correction or revision available at
4 the time the computerized files are provided.

5 (g) If the publisher or manufacturer and the institution of
6 higher education are not able to agree on a format as required by
7 Subsection (f)(1)(A), the publisher or manufacturer, as
8 applicable, shall provide the computerized files in American
9 Standard Code for Information Interchange (ASCII) text or an
10 equivalent text and in a format that contains as much of the
11 material specified by that subsection as is practicable.

12 (h) Notwithstanding any other provision of this section, a
13 publisher or manufacturer is not required to comply with Subsection
14 (c) or (f), as applicable, if the coordinating board, using
15 procedures and criteria adopted by coordinating board rule and
16 based on information provided by the publisher or manufacturer,
17 determines that:

18 (1) compliance by the manufacturer or publisher would
19 violate a law, rule, or regulation relating to copyrights; or

20 (2) the printed instructional material on which
21 computerized files would be based is:

22 (A) out of print; or

23 (B) in a format that makes it impracticable to
24 convert the material into an electronic format.

25 (i) The coordinating board may impose a reasonable
26 administrative penalty against a publisher or manufacturer that
27 knowingly violates this section. The coordinating board shall

1 provide for a hearing to be held, in accordance with coordinating
2 board rule, to determine whether a penalty is to be imposed and the
3 amount of any penalty. The coordinating board shall base the amount
4 of any penalty on:

- 5 (1) the seriousness of the violation;
- 6 (2) any history of a previous violation;
- 7 (3) the amount necessary to deter a future violation;
- 8 (4) any effort to correct the violation; and
- 9 (5) any other matter justice requires.

10 (j) The coordinating board, in consultation with an
11 advocacy organization for persons who are blind or visually
12 impaired, shall adopt rules for administering this section,
13 including rules that address:

- 14 (1) the method for identifying instructional material
15 considered to be required or essential for a student's success in a
16 course;
- 17 (2) the procedures and standards relating to
18 distribution of computerized files under this section; and
- 19 (3) any other matter considered necessary or
20 appropriate for the administration of this section.

21 SECTION 2. (a) Section 51.970, Education Code, as added by
22 this Act, applies beginning with requests for computerized files of
23 printed instructional material assigned for use by students in the
24 2008 spring semester.

25 (b) Not later than November 1, 2007, the Texas Higher
26 Education Coordinating Board shall adopt rules as required by
27 Section 51.970(i), Education Code, as added by this Act.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

Leta Spaul
Secretary of the Senate

By: *C. Christ*

H.B. No. 3382

Substitute the following for H.B. No. ~~3362~~

By: *W. Allen*

C.S. H.B. No. 3382

A BILL TO BE ENTITLED

AN ACT

relating to providing certain computerized instructional material for blind and visually impaired students and students with dyslexia who are enrolled at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.970 to read as follows:

Sec. 51.970. INSTRUCTIONAL MATERIAL FOR BLIND AND VISUALLY IMPAIRED STUDENTS AND STUDENTS WITH DYSLEXIA. (a) In this section:

(1) "Blind or visually impaired student" includes any student whose visual acuity is impaired to the extent that the student is unable to read the print in the standard printed instructional material used in a course in which the student is enrolled.

(2) "Coordinating board" means the Texas Higher Education Coordinating Board.

(3) "Institution of higher education" has the meaning assigned by Section 61.003.

(4) "Instructional material" means a book, system of instructional material, or combination of a book and supplementary instructional material that conveys information to or otherwise contributes to the learning process of a student.

(5) "Special instructional material" means

1 instructional material in Braille, large print, audio format,
2 digital text, or any other medium or any apparatus that conveys
3 information to or otherwise contributes to the learning process of
4 a blind or visually impaired student or a student with dyslexia.

5 (b) This section applies only to instructional material
6 that is:

7 (1) written and published primarily for postsecondary
8 instruction of students; and

9 (2) required or essential for a student's success in a
10 course at an institution of higher education, as identified by the
11 instructor of the course for which the instructional material will
12 be used, in consultation with the person at the institution with
13 primary responsibility for services for students with disabilities
14 and in accordance with rules adopted under Subsection (i)(1).

15 (c) To assist the institution in producing special
16 instructional material, a publisher or manufacturer of printed
17 instructional material assigned by an institution of higher
18 education for use by students in connection with a course at the
19 institution shall provide to the institution on the institution's
20 request in accordance with this section computerized files based on
21 the printed instructional material. The publisher or manufacturer,
22 as applicable, shall provide the computerized files not later than
23 the 15th business day after the date of receipt of the request and
24 may not impose any charge for providing the files.

25 (d) A request made by an institution of higher education
26 under Subsection (c) must:

27 (1) certify that for each blind or visually impaired

1 student or student with dyslexia who will use specialized
2 instructional material based on the requested computerized files
3 for a course in which the student is enrolled at the institution,
4 either the institution or the student has purchased a printed copy
5 of the instructional material; and

6 (2) be signed by the person at the institution with
7 primary responsibility for services for students with
8 disabilities.

9 (e) A publisher or manufacturer may require that a request
10 made by an institution of higher education under Subsection (c)
11 include from each student for whom the institution is making the
12 request a signed statement in which the student agrees:

13 (1) to use the requested computerized files and
14 related special instructional material only for the student's own
15 educational purposes; and

16 (2) not to copy or otherwise distribute in a manner
17 that violates 17 U.S.C. Section 101 et seq. the requested
18 computerized files or the printed instructional material on which
19 the requested computerized files are based.

20 (f) The computerized files of the printed instructional
21 material must:

22 (1) be in a format that:

23 (A) except as provided by Subsection (g),
24 contains all of the information that is in the printed
25 instructional material, including any text, sidebar, table of
26 contents, chapter headings, chapter subheadings, footnotes, index,
27 glossary, and bibliography, and is approved by the publisher or

1 manufacturer, as applicable, and the institution of higher
2 education as a format that will contain that material; and

3 (B) is compatible with commonly used Braille
4 translation and speech synthesis software; and

5 (2) include any correction or revision available at
6 the time the computerized files are provided.

7 (g) If the publisher or manufacturer and the institution of
8 higher education are not able to agree on a format as required by
9 Subsection (f)(1)(A), the publisher or manufacturer, as
10 applicable, shall provide the computerized files in American
11 Standard Code for Information Interchange (ASCII) text or an
12 equivalent text and in a format that contains as much of the
13 material specified by that subsection as is practicable.

14 (h) The coordinating board may impose a reasonable
15 administrative penalty against a publisher or manufacturer that
16 knowingly violates this section. The coordinating board shall
17 provide for a hearing to be held, in accordance with coordinating
18 board rule, to determine whether a penalty is to be imposed and the
19 amount of any penalty. The coordinating board shall base the amount
20 of any penalty on:

21 (1) the seriousness of the violation;

22 (2) any history of a previous violation;

23 (3) the amount necessary to deter a future violation;

24 (4) any effort to correct the violation; and

25 (5) any other matter justice requires.

26 (i) The coordinating board, in consultation with an
27 advocacy organization for persons who are blind or visually

1 impaired and an advocacy organization for persons with dyslexia,
2 shall adopt rules for administering this section, including rules
3 that address:

4 (1) the method for identifying instructional material
5 considered to be required or essential for a student's success in a
6 course;

7 (2) the procedures and standards relating to
8 distribution of computerized files under this section; and

9 (3) any other matter considered necessary or
10 appropriate for the administration of this section.

11 SECTION 2. (a) Section 51.970, Education Code, as added by
12 this Act, applies beginning with requests for computerized files of
13 printed instructional material assigned for use by students in the
14 2008 spring semester.

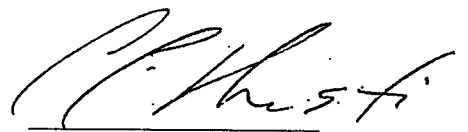
15 (b) Not later than November 1, 2007, the Texas Higher
16 Education Coordinating Board shall adopt rules as required by
17 Section 51.970(i), Education Code, as added by this Act.


18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2007.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 23 2007 BY:




Secretary of the Senate

1 Amend C.S.H.B. 3382 (senate committee report) by inserting
2 the following subsection, and renumbering subsections of the
3 bill accordingly:

4 (1) On page 2, between lines 36 and 37, insert the
5 following:

6 (h) Notwithstanding any other provision of this section, a
7 publisher or manufacturer is not required to comply with
8 Subsection (c) of (f), as applicable, if coordinating board,
9 using procedures and criteria adopted by coordinating board rule
10 and based on information provided by the publisher or
11 manufacture, determines that:

12 (1) compliance by the manufacturer or publisher would
13 violate a law, rule, or regulation relating to copyrights; or

14 (2) the printed instructional material on which
15 computerized files would be based is:

16 (A) out of print; or

17 (B) in a format that makes it impracticable to
18 convert the material into an electronic format.

FLOOR AMENDMENT NO. 2

BY: *P. Christ*

1 Amend C.S.H.B. 3382 (senate committee report) as follows:
2 Subchapter Z, Chapter 51, Education Code, Section 51.970(c)
3 after "request" and before ".", strike "and may not impose any
4 charge for providing the files".

ADOPTED

MAY 23 2007

Lotay Spaw
Secretary of the Senate

ADOPTED

MAY 23 2007

FLOOR AMENDMENT NO. 3

John J. Zaffirini BY: *Zaffirini*
Secretary of the Senate

1 Amend C.S.H.B. No. 3382 (senate committee printing) as
2 follows:

3 (1) In SECTION 1 of the bill, in proposed Subdivision (1),
4 Subsection (a), Section 51.970, Education Code (page 1, line
5 21), strike "printed".

6 (2) In SECTION 1 of the bill, in proposed Subsection (a),
7 Section 51.970, Education Code (page 1, between lines 25 and
8 26), immediately following proposed Subdivision (2), insert the
9 following:

10 (3) "Dyslexia" means a condition of dyslexia
11 considered to be a disability under the Americans with
12 Disabilities Act (42 U.S.C. Section 12101 et seq.) or Section
13 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794).

14 (3) In SECTION 1 of the bill, in proposed Subdivision (3),
15 Subsection (a), Section 51.970, Education Code (page 1, line
16 26), strike "(3)" and substitute "(4)".

17 (4) In SECTION 1 of the bill, strike proposed Subdivision
18 (4), Subsection (a), Section 51.970, Education Code (page 1,
19 lines 28-31), and substitute the following:

20 (5) "Instructional material" means a printed textbook
21 or other printed instructional material or a combination of a
22 printed book and supplementary printed instruction material
23 that:

24 (1) conveys information to or otherwise contributes
25 to the learning process of a student; and

26 (2) was published on or after January 1, 2004.

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1 (5) In SECTION 1 of the bill, in proposed Subdivision (5),
2 Subsection (a), Section 51.970, Education Code (page 1, line
3 32), strike "(5)" and substitute "(6)".

4 (6) In SECTION 1 of the bill, in proposed Subsection (c),
5 SECTION 51.970, Education Code (page 1, line 48), strike
6 "printed".

7 (7) In SECTION 1 of the bill, in proposed Subsection (c),
8 Section 51.970, Education Code (page 1, line 52), strike
9 "computerized files based on" and substitute "a copy in an
10 electronic format of".

11 (8) In SECTION 1 of the bill, in proposed Subsection (c),
12 SECTION 51.970, Education Code (page 1, lines 53), strike
13 "printed".

14 (9) In SECTION 1 of the bill, in proposed Subsection (c),
15 Section 51.970, Education Code (page 1, line 54), strike
16 "computerized files" and substitute "electronic copy".

17 (10) In SECTION 1 of the bill, in proposed Subsection (c),
18 Section 51.970, Education Code (page 1, line 56), strike "files"
19 and substitute "electronic copy".

20 (11) In SECTION 1 of the bill, in proposed Subdivision
21 (1), Subsection (d), Section 51.970, Education Code (page 1,
22 line 61), strike "computerized files" and substitute "copy of
23 the material in an electronic format".

24 (12) In SECTION 1 of the bill, in proposed Subdivision
25 (1), Subsection (e), Section 51.970, Education Code (page 2,
26 line 9), strike "computerized files" and substitute "electronic
27 copy".

28 (13) In SECTION 1 of the bill, in proposed Subdivision
29 (2), Subsection (e), Section 51.970, Education Code (page 2,
30 line 14), strike "computerized files or the printed

1 instructional material" and substitute "electronic copy or
2 instructional material".

3 (14) In SECTION 1 of the bill, in proposed Subdivision
4 (2), Subsection (e), Section 51.970, Education Code (page 2,
5 lines 15), strike "computerized files are based" and substitute
6 "electronic copy is based".

7 (15) In SECTION 1 of the bill, in proposed Subsection (f),
8 Section 51.970, Education Code (page 2, line 16), strike "The
9 computerized files of the printed instructional" and substitute
10 "Each electronic copy of instructional".

11 (16) In SECTION 1 of the bill, in proposed Paragraph (A),
12 Subdivision (1), Subsection (f), SECTION 51.970, Education Code
13 (page 1, line 20), strike "printed".

14 (17) In SECTION 1 of the bill, in proposed Subdivision
15 (2), Subsection (f), Section 51.970, Education Code (page 2,
16 line 29), strike "computerized files are" and substitute
17 "electronic copy is".

18 (18) In SECTION 1 of the bill, in proposed Subsection (g),
19 Section 51.970, Education Code (page 2, lines 33-35), strike
20 "computerized files in American Standard Code for Information
21 Interchange (ASCII) text or an equivalent text and in a format"
22 and substitute "electronic copy of the instructional material in
23 a format that can be read by a word processing application and".

24 (19) In SECTION 1 of the bill, in proposed Subsection (h),
25 Section 51.970, Education Code (page 2, line 38), between
26 "penalty" and "against" insert "not to exceed \$250 per
27 violation".

28 (20) In SECTION 1 of the bill, in proposed Subsection (i),
29 Section 51.970, Education Code (page 2, line 51), strike
30 "impaired and an advocacy organization for persons with

1 dyslexia" and substitute "impaired, an advocacy organization for
2 persons with dyslexia, representatives from one or more
3 instructional material publishing companies or publishing
4 associations, and institutions of higher education".

5 (21) In SECTION 1 of the bill, in proposed Subdivision
6 (2), Subsection (i), Section 51.970, Education Code (page 2,
7 line 58), strike "computerized files" and substitute "electronic
8 copies of instructional material".

9 (22) In Subsection (a), SECTION 2 of the bill (page 2,
10 line 62), strike "computerized files" and substitute "electronic
11 copies".

ADOPTED

FLOOR AMENDMENT NO. 4

MAY 23 2007 BY: Robert Kincaid Pette

Robert Kincaid Pette
Secretary of the Senate

1 Amend HB. No. 3382 by adding the following appropriately
2 numbered new SECTIONS to the bill and renumbering subsequent
3 SECTIONS of the bill accordingly:

4 SECTION ____ Subchapter Z, Chapter 51, Education Code, is
5 amended by adding Section 51.949 to read as follows:

6 Sec. 51.949. INFORMATION FOR BOOKSTORES RELATING TO
7 INSTRUCTIONAL MATERIALS. (a) In this section:

8 (1) "Institution of higher education" has the meaning
9 assigned by Section 61.003.

10 (2) "Instructional materials" means any printed or
11 computer-generated educational material, including textbooks, or
12 any equipment or supplies that a student is required or
13 recommended to use in connection with a course.

14 (3) "University-affiliated bookstore" means a store
15 that sells instructional materials, regardless of whether the
16 store is located on the campus of an institution of higher
17 education, and that is operated by or with the approval of the
18 institution through ownership or through a management, lease,
19 rental, or similar agreement.

20 (b) This section does not apply to an institution of
21 higher education with a university-affiliated bookstore if the
22 bookstore is owned and operated by the institution.

23 (c) Each institution of higher education shall make
24 available for public inspection through the Internet or in
25 person a list of required or recommended instructional materials
26 for a semester or other academic term at the same time the
27 institution provides the list to the operator of a university-
28 affiliated bookstore.

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1 (d) To the extent that space for an activity described by
2 this subsection is available, an institution of higher education
3 shall provide to a retailer or other provider of instructional
4 materials that holds a sales tax permit issued to the provider
5 under Subchapter F, Chapter 151, Tax Code, the same opportunity
6 as an operator of a university-affiliated bookstore to
7 participate in any programs related to the dissemination or
8 provision of instructional materials for students of the
9 institution, including providing information at student
10 orientation or participating in a program of repurchasing
11 instructional materials. If sufficient space is not available
12 for each provider of instructional materials, other than an
13 operator of a university-affiliated bookstore, that holds a
14 sales tax permit and that applies to participate in an activity
15 described by this subsection, the institution shall provide the
16 available space in the same order as those providers applied to
17 participate in the activity.

18 (e) An institution of higher education may charge to a
19 provider of instructional materials, other than an operator of a
20 university-affiliated bookstore, a reasonable fee for
21 participation in an activity described by Subsection (d).

22 (f) If an institution of higher education works in
23 conjunction with a university-affiliated bookstore to provide a
24 method for the extension of credit or the ability of a student
25 to charge or otherwise delay the payment of the costs of
26 instructional materials, including the extension of credit under
27 Section 51.929(b), the institution shall provide to any other
28 provider of instructional materials to students of the
29 institution that holds a sales tax permit issued to the provider
30 under Subchapter F, Chapter 151, Tax Code, equal access and

1 opportunity to use or develop the same or similar method of
2 payment at a reasonable cost to that person.

3 (g) Subsection (f) does not restrict an institution of
4 higher education from adopting or enforcing a policy that is
5 necessary to ensure the institution's compliance with a rule or
6 policy of the National Collegiate Athletic Association or of
7 another organization governing intercollegiate athletic
8 competition of which the institution is a member.

9 SECTION _____. (a) Section 51.949, Education Code, as
10 added by this Act, applies only to a semester or term that
11 begins on or after the effective date of this Act.

12 (b) Section 51.949, Education Code, as added by this Act,
13 does not affect the terms of a contract entered into before the
14 effective date of this Act.

15 (c) As soon as practicable on or after the effective date
16 of this Act, each public institution of higher education to
17 which Section 51.949, Education Code, as added by this Act,
18 applies shall designate an officer or employee of the
19 institution to ensure the institution's compliance with that
20 section.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Florence Shapiro, Chair, Senate Committee on 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 with dyslexia who are enrolled at public institutions of higher education.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill relates to providing certain computerized instructional material for blind and visually impaired students and students with dyslexia who are enrolled 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 or student with with dyslexia 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 shall 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. 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: 720 The University of Texas System Administration, 781 Higher Education Coordinating Board, 710 Texas A&M University System Administrative and General Offices, 758 Texas State University System, 783 University of Houston System Administration

LBB Staff: JOB, JSp, MN, RT, GO

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

LBB Staff: JOB, MN, RT, GO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 23, 2007

TO: Honorable Geanie Morrison, Chair, House Committee 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.), **Committee Report 1st House, Substituted**

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 shall 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. 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

LBB Staff: JOB, MN, RT, GO

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 13, 2007

TO: Honorable Geanie Morrison, Chair, House Committee 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 Introduced**

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