

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB4294** by Branch (relating to textbooks, electronic textbooks, instructional material, and technological equipment in public schools. ), **As Passed 2nd House**

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

The bill would require school districts and open-enrollment charter schools to certify annually to the State Board of Education (SBOE) that the district or charter school provides textbooks, electronic textbooks, or instructional materials that cover the essential knowledge and skills for each subject and grade level.

The bill would allow expenditure of state textbook funds for technological equipment necessary to utilize electronic textbooks and instructional materials on the list adopted by the Commissioner under the provisions of the bill.

The bill would require the Commissioner of Education to adopt a list of instructional materials, electronic textbooks, and tools, models, and materials intended for use for science in grades Kindergarten through five that meet certain requirements regarding content.

The bill would allow districts to select instructional materials and electronic textbooks from a list adopted by the Commissioner in addition to traditional textbooks for foundation or enrichment courses.

The bill would entitle school districts that select electronic textbooks from the approved list to funding equal to the cost of the electronic textbook for the relevant course plus any textbook credits that would have accrued based on the selection of the textbook multiplied by the number of electronic textbooks required. These funds could be used for the purchase of textbooks or electronic textbooks or to supplement the district's technology allotment in order to purchase technological equipment to be used to provide access to approved instructional materials and electronic textbooks.

The bill would require school districts to purchase at a minimum a classroom set of textbooks for courses in the foundation curriculum.

The Texas Education Agency (TEA) estimates that 2.5 FTEs would be required to implement the provisions of the bill, primarily for the purpose of implementing structural changes to the current textbook review and adoption process. In addition, TEA would need to modify the Educational Materials Management System (EMAT) system to implement the provisions of the bill. Associated costs are not anticipated to be significant.

In addition, the bill would create a computer lending pilot program. It would require the commissioner of education to establish a pilot program to provide computers to participating public schools that make computers available for use by students and parents.

The bill would require the commissioner of education to implement procedures for distributing to participating schools any surplus or salvage data processing equipment made available to the program or computers donated or purchased for that purpose with funds from any available source. The bill

would require the commissioner, by January 1 of each year, to submit to the legislature a report regarding the program.

The bill stipulates that if a state agency's surplus or salvage data processing equipment is not transferred to another entity, the state agency would make the equipment available to the commissioner of education for use in the computer lending pilot program. The bill would require that if the surplus or salvage data processing equipment of a state charity organization or an institution or agency of higher education is not disposed of under other law, the entity make the equipment available to the commissioner of education for use in the computer lending pilot program.

The pilot program and its enabling legislation would expire September 1, 2014.

According to the Texas Education Agency, implementation would require one additional Program Specialist VI position, including approximately \$68,500 in salary and benefits, to assist with establishing procedures to administer the pilot program and preparing the required annual report. The position would also be responsible for writing commissioner rules for the program, tracking inventory of computer-based equipment at the state level, and providing technical assistance. Other operating costs, for a cubicle, a PC, a phone, and supplies for the new position, would be \$16,000 in fiscal year 2010. Other operating costs would be \$8,000 annually in subsequent fiscal years.

### **Local Government Impact**

School districts and open-enrollment charter schools would be required to certify to the SBOE that the district or charter school provides textbooks, electronic textbooks, or instructional materials that cover the essential knowledge and skills for each foundation subject and grade level.

School districts and open-enrollment charter schools could adopt instructional materials or electronic textbooks for foundation or enrichment courses, and would receive state funds equal to the cost of the electronic textbook plus any applicable textbook credits. School districts would be permitted to use these state funds to purchase the electronic textbooks or to purchase technology needed to allow the use of electronic and online materials from a supplement to the technology allotment.

School districts and open-enrollment charter schools would be required to purchase a classroom set of SBOE-approved textbooks for a subject and grade level in the foundation curriculum. School districts and open-enrollment charter schools may or may not currently use classroom sets.

Participating schools would incur costs to operate computer lending programs and to develop these programs if they did not already operate them. Costs would vary depending on the size of the program a school chose to operate.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** JOB, JSp, JGM, JSc