

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 29, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB4140** by Bohac (Relating to the instructional materials and technology allotment, open education resource instructional materials, and the State Board of Education long-range technology plan.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to define an open education resource; replace the phrase open source instructional materials with open education resource instructional materials, rename the instructional materials fund the instructional materials and technology fund; and rename the instructional materials allotment the instructional materials and technology allotment. The bill would require that districts, open-enrollment charter schools, and educational entities that receive the instructional materials and technology allotment obtain and submit a peer reviewed certification for a district technology plan adopted by the State Board of Education (SBOE) prior to making any payments from the school district's instructional materials and technology account.

The bill would require the SBOE to consider a school district's need for technology as well as instructional materials in reviewing and adopting instructional materials, and would allow the SBOE to limit the adoption of instructional materials to provide sufficient resources to purchase technology resources. The bill would require the SBOE to include information regarding open education resource instructional materials during the adoption cycle. The bill would require the SBOE to update the long-range plan for technology not more frequently than every five years.

The bill would require school districts and open-enrollment charter schools to consider the use of open education resource instructional materials and certify to the SBOE that the district considered the selection of open education resource instructional materials in selecting materials each year.

Local Government Impact

School districts and open-enrollment charter schools would incur costs associated with obtaining a peer review and correcting any issues prior to receiving the funds in their instructional materials and technology account. These costs could be significant. TEA estimates the peer review process could cost between \$10,000 to \$30,000 per district depending on the requirements adopted by the SBOE, and that districts and charters would potentially pay for the peer review process every five years. TEA estimates costs to correct any issues identified by the peer review process would vary widely depending on the size of the issues identified.

Additionally, school districts and open-enrollment charter schools would incur costs associated with considering the use of open education resource instructional materials and certifying this process to the SBOE. TEA estimates the costs would vary among districts, but would likely be nominal.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, THo, AM, AW