

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1784 by Taylor, Larry (Relating to state-developed open-source instructional material for public schools.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to modify the definition of an open-source instructional material and specify that a state-developed open-source instructional material must be irrevocably owned by the state except as provided under Section 31.0711. The bill would add Section 31.0711, Education Code to specify that instructional material purchased under Section 31 may include content not owned by the state and would specify certain licensing requirements for such content. The bill would allow a license to include additional terms as specified by the Commissioner and would allow the Commissioner to waive certain licensing requirements. The bill would require the attorney general to represent the agency in any action brought against the agency related to licensing issues required under the bill.

The bill would require a school district or open-enrollment charter school to provide instructional materials in printed book format to a student who did not have reliable access to technology at home, and document each parental request that was denied, including the reason for the denial, and report the information to the Texas Education Agency (TEA) within 30 days. The bill would require the TEA to submit a report to the Legislature by September 1 of each year that would identify for each district and charter school the number of parental requests that were denied, and the reason for the denial. The bill would take place immediately if passed within necessary voting margins, or September 1, 2017, and would apply beginning in school year 2017-2018.

The Texas Education Agency (TEA) indicates it could use existing resources to address costs associated with provisions of the bill.

Local Government Impact

TEA estimates that school districts, open-enrollment charter schools, and other educational entities that receive an instructional materials allotment (IMA), in accordance with Section 31.0211, Education Code, may experience cost savings as a result of selecting open-source instructional materials instead of other instructional materials.

In addition, districts and charter schools may incur administrative expenses associating with the requirement to provide instructional materials in a printed format under certain circumstances; document denied requests for printed materials; and report to the agency on the collected

information within a specified period. TEA estimates the amount of requests for printed materials would vary significantly among districts depending on the number of requests that are received and the size of the materials being requested.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, AW, THo, AM