

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 5, 2017

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SB1784** by Taylor, Larry (Relating to state-developed open education resources for public schools.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to allow that funds allotted under the instructional materials allotment be used to purchase state-developed open education resources and remove the provision allowing for the purchase of state-developed open-source instructional materials. The bill would allow the Commissioner to purchase open education resources through a competitive process; allow for the purchase of more than one open education resource; specify that state-developed open education resources must be irrevocably owned by or licensed to the state except as provided under Section 31.0711; allow the Commissioner to issue a request for proposals for open education resources; and specify the costs associated with purchasing state-developed open education resources be paid from the state instructional materials fund.

The bill would add Section 31.0711, Education Code to specify that a state-developed open education resource may include content not owned by the state and would specify certain preexisting rights for such content. The bill would specify that a license to the state must grant the state unlimited authority to modify, delete, combine, or add content; and permit the free use and repurposing of the resource by any person unless the Commissioner of Education waives the requirement under certain provisions as specified by the bill.

The bill would require that school districts and open-enrollment charter schools selecting an open education resource request print sufficient copies of materials for students unable to access electronic materials. The bill would exempt open education resources from certain provisions related to the distribution and handling of instructional materials. The bill would take place immediately if passed within necessary voting margins, or September 1, 2017.

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, might experience cost savings as a result of selecting open educational resources instead of other instructional materials.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, THo, AM, AW