

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 29, 2023

TO: Honorable Brandon Creighton, Chair, Senate Committee on Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB2089 by Creighton (Relating to the instructional material list and supplemental instructional materials adopted by the State Board of Education.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for SB2089, As Introduced : a negative impact of (\$1,709,293) through the biennium ending August 31, 2025.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2024	(\$1,187,586)
2025	(\$521,707)
2026	(\$1,664,175)
2027	(\$1,693,118)
2028	(\$540,355)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable (Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$1,187,586)	2.0
2025	(\$521,707)	2.0
2026	(\$1,664,175)	2.0
2027	(\$1,693,118)	2.0
2028	(\$540,355)	2.0

Fiscal Analysis

This bill would expand the criteria used to determine if an instructional material is eligible to be adopted by the State Board of Education (SBOE). If the SBOE determines an instructional material does not comply with the standards, the board could not adopt the instructional material unless the publisher removes or modifies the content.

Methodology

There would be costs to conduct more thorough readings and reviews of instructional materials under the bill's

provisions. Estimates for the number of products reviewed in each subject area and grade band are based on the number materials reviewed in the current SBOE standards coverage review process and the TEA quality review process. The total number of products by review type varies based on what is available for purchase on the market.

TEA makes the following assumptions regarding the review process:

- 1) At the start of each review process a rubric must be developed, which includes a glossary of terms, a research list based in the subject area of the rubric, and an overview of the applied scoring methodology. The process also includes the facilitation of focus groups with different audiences across Texas to obtain feedback, and multiple rounds of iteration based on feedback.
- 2) Teams of five Texas educators per product conduct reviews. Professional services costs would include travel reimbursement and stipends. This estimate assumes a \$3K stipend for reviewers and \$4K stipend for lead writers upon completion of a review which typically takes over 200 hours per reviewer.
- 3) Additional costs of conducting reviews include the recruitment and vetting of all reviewers, the identification of products via analysis and the running of a publisher application process, the management of review teams, the collection and management of all reviewer scoring and documentation, the development and use of real-time tracking throughout the process, the development of a detailed report for each product, the process to oversee publisher appeals, the process to upload the report for public viewing, all reviewer and publisher communications. These costs are best estimates in batches of 15 and decrease as additional sets of 15 products are reviewed due to efficiencies gained in the review process.

TEA estimated review costs are: FY24, it is assumed K–5 science would be reviewed in English and Spanish and 6–12 science and secondary career and technical education (CTE) would be reviewed in English for a total cost of \$970,848; FY25, it is assumed the review process would include secondary CTE for a total of \$304,669; FY26, it is assumed that K–5 math would be reviewed in English and Spanish and 6–12 math and secondary CTE would be reviewed in English for a total of \$1,447,137; FY27, it is assumed reviews would be conducted for all social studies and for secondary CTE at a total cost of \$1,476,080; and FY28, assumes additional CTE reviews would be completed at a total cost of \$323,317.

In addition, TEA estimates the need for 2.0 FTEs to oversee the vendor conducting the review process and a second to oversee the work with all external stakeholders including publisher management, support for the SBOE and the collection of feedback from Education Service Centers and school systems to ensure the review process meets the needs of the users. The total fiscal impact across these two positions is estimated to be \$216,738 in Fiscal Year 2024 and \$217,038 each year thereafter, including salaries, setup costs, operating cost (e.g., supplies), and benefits.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** JMc, KSk, ASA, SL