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FISCAL IMPACT REPORT



SPONSOR: Nava DATE TYPED: 02/05/02 HB _____

SHORT TITLE: Public School Instructional Materials SB 122

ANALYST: Baca

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	NFI				

(Parenthesis) Indicate Expenditure Decreases)

Relates to SB 48

SOURCES OF INFORMATION

State Department of Education (SDE)
 Attorney General’s Office (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 122 amends certain parts of the Instructional Materials Law to eliminate a statewide “multiple list” of acceptable instructional materials, authorizing and facilitating local choices of instructional materials, prohibits use of state money to purchase certain types of instructional materials, lowering entitlements and making other changes.

Significant Issues

The AGO analysis states that the prohibition in SB 122 against purchase of materials of sectarian, partisan or denominational character or religious nature raises the issue of whether the prohibition is contrary to the constitutional guarantee of free exercise of religion. The same prohibition raises the issue of how to determine what is sectarian or religious.

The bill requires that each contract for the acquisition of instructional materials include the right of the purchaser to reproduce and/or request that the publisher provide copies of the purchased materials in electronic format that is readily translatable into Braille or large print for use by the visually impaired.

SDE reports that, while the bill provides greater local autonomy, it will eliminate the instructional adopted list, the Instructional Materials Commission and instructional materials library, and contracts with publishers that guarantee prices for six years.

FISCAL IMPLICATIONS

According to the SDE, there is no fiscal impact on the Department. However, local school districts and others who purchase instructional materials will incur costs related to the review and adoption of materials, a process now simplified by the existence of the Adopted Instructional Materials List.

ADMINISTRATIVE IMPLICATIONS

Purchasers of instructional materials will be required to perform their own reviews from materials available on market and to negotiate contractual terms with publishers.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

Senate Bill 122 relates to Senate Bill 48, Braille Instructional Materials.

POSSIBLE QUESTIONS

1. Will school districts with 200 membership or less be able to cope with this process?
2. Will this process lead to higher prices for the state's education grade K – 12?
3. Will publishers be willing to sell to the state's small school districts?
4. Have school administrators and teachers provided an opinion or reaction to this proposed?
5. How have local school board members reacted to this proposal?

LB/ar