

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 310a

50th Legislature, 1st Session, 2011

Tracking Number: .184626.1

Short Title: Electronic Instructional Materials for School

Sponsor(s): Representative Joseph Cervantes and Others

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AS AMENDED

The House Education Committee amendment strikes language requiring material to be provided in “an electronic format for electronic readers” and inserts in lieu thereof “both written and electronic formats.”

(See “New Technical Issues,” below)

Original Bill Summary:

HB 310 amends the *Instructional Material Law* in the *Public School Code* to require publishers of instructional material on the state-adopted multiple list to provide those materials in an electronic format for electronic readers (e-readers)¹ beginning with school year 2013-2014.

Fiscal Impact:

HB 310 does not contain an appropriation.

Fiscal Issues:

The Public Education Department (PED) analysis indicates that:

- it is possible cost savings could occur in the long-term if publishers produce and sell electronic instructional materials at a lower cost than traditional instructional materials;
- however, it is likely publishers will pass the increased cost for providing electronic copies along to districts by increasing costs of all instructional materials;
- costs which are not associated with paper materials may include additional royalties to authors for permission for their work to be provided in electronic formats, which could increase the cost of electronic instructional materials; and

¹ According to WhatIs?com (an online information technology encyclopedia and learning center), an electronic reader (e-reader) is a device for reading content, such as electronic books (e-books), newspapers, and documents. A standalone e-reader typically has wireless connectivity for downloading content and conducting other web-based tasks. Popular e-readers include Amazon’s Kindle and Sony Reader.

- currently publishers provide online books and programs, electronic books (e-books), and CDs; however, conversion to an electronic reader is different and would require publishers to produce a different product.

The PED analysis also indicates the following possible fiscal issues if school districts wish to provide students with e-readers:

- instructional material funds cannot be used for the purchase of equipment, so school districts would need to use another source of funding; and
- there will also be unknown fiscal impacts to school districts to provide technological capabilities for e-book storage and to ensure compatibility between e-books and e-readers (there are 23 different e-readers in 18 formats on the market today).

New Technical Issues:

The amendment does not change language in the title of the bill referring to “electronic readers.” The sponsor may wish to amend the bill to strike the phrase “electronic format for electronic readers” on page 1, lines 13 to 14, and replace it with the phrase “both written and electronic formats.”

Background:

- Originally called the “Free Textbook Fund,” the Instructional Material Fund was first created 1967 in the *School Textbook Law*. The fund was to be used “for the purpose of paying for the cost of purchasing instructional material pursuant to the *School Textbook Law*,” which was amended in 1975 to become the *Instructional Material Law*, and the Free Textbook Fund was renamed the Instructional Material Fund.
- Administered by the Instructional Material Bureau at PED, the *Instructional Material Law* entitles any qualified student enrolled in an early childhood education program or in grades 1 through 12 in a public school, an accredited private school, or a state supported school to the free use of instructional material.
- The *Instructional Material Law* provides for the distribution of funds for the purchase of instructional material on a per-pupil basis.
- Among its provisions, the law:
 - requires, on or before April 1 of each year, PED to allocate to each school district, state institution, or private school not less than 90 percent of its estimated entitlement for the school year. On or before January 15 of each year, PED is required to recompute each entitlement using the membership of the first reporting date (first Wednesday in October) and allocate the balance of the annual appropriation, adjusting for any over- or under-estimation made in the first allocation;
 - allows a school district and state institution to expend at least 50 percent of their allocation to purchase instructional material from the state-adopted multiple list. The remaining 50 percent of the allocation may be used to purchase instructional material not included on the state-adopted multiple list and up to 25 percent of this portion of

the allocation may be used to purchase “other classroom materials,” which are defined as materials other than textbooks that are used to support direct instruction to students;

- requires accredited private schools to receive the same amount of per-pupil funding as public schools. However, private schools are allowed to expend up to 50 percent of their instructional material allocation for items that are not on the multiple list provided that (1) no funds are expended for religious, sectarian, or nonsecular materials; and (2) all instructional material purchases are made through an in-state depository. Payments to a depository for private schools are required to be paid by PED; and
- allows any funds remaining at the end of a fiscal year to be retained by a school district, and state institution for expenditure in subsequent years. Private schools are not allowed to retain end of the fiscal year balances; however, any balance remains available for reimbursement by PED for the purchase of instructional material in subsequent years.

Related Bills:

SB 413 *School District Power Over Inst. Material*