

1-1 By: Parker, Howard, Raney H.B. No. 1027
1-2 (Senate Sponsor - Creighton)
1-3 (In the Senate - Received from the House May 10, 2021;
1-4 May 10, 2021, read first time and referred to Committee on Higher
1-5 Education; May 21, 2021, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-7 May 21, 2021, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	Creighton	X		
1-11	West	X		
1-12	Birdwell	X		
1-13	Blanco	X		
1-14	Miles	X		
1-15	Paxton	X		
1-16	Springer	X		
1-17	Taylor	X		
1-18	Zaffirini	X		

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 1027 By: Miles

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to the disclosure of certain information regarding course
1-23 materials by public institutions of higher education.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter I, Chapter 51, Education Code, is
1-26 amended by adding Section 51.4521 to read as follows:

1-27 Sec. 51.4521. PUBLIC INSTITUTIONS: DISSEMINATION OF COURSE
1-28 SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED COURSE MATERIALS.

1-29 (a) In this section:

1-30 (1) "Course material" means a textbook, supplemental
1-31 material, or open educational resource.

1-32 (2) "Institution of higher education,"
1-33 notwithstanding Section 51.451, has the meaning assigned by Section
1-34 61.003.

1-35 (b) Not later than the 30th day before the first day that
1-36 classes are conducted for each semester or academic term, each
1-37 institution of higher education shall:

1-38 (1) compile a course schedule indicating each course
1-39 offered by the institution for the semester or term to
1-40 postsecondary students;

1-41 (2) with respect to each course, include with the
1-42 schedule, or provide in a prominent location in the schedule a link
1-43 to an Internet website, such as the Internet website of a college
1-44 bookstore, that contains, a list of the required and recommended
1-45 course materials that specifies, to the extent practicable, the
1-46 following information for each course material, as applicable:

1-47 (A) the retail price;

1-48 (B) the author;

1-49 (C) the publisher or provider;

1-50 (D) the most recent copyright date;

1-51 (E) the International Standard Book Number
1-52 assigned, if any;

1-53 (F) whether the course material is an open
1-54 educational resource; and

1-55 (G) any associated fee or charge, such as a
1-56 technology cost, library use cost, or printing or publication fee;

1-57 (3) in a prominent location in the schedule, state or
1-58 provide an Internet website link to:

1-59 (A) the full amount of any fee or charge for
1-60 course materials assessed by the institution or another entity

2-1 under an agreement with the institution, including a statement
 2-2 regarding whether the fee or charge is included in the cost of
 2-3 tuition;

2-4 (B) if a course material is in a primarily
 2-5 electronic format, the terms under which the publisher or provider
 2-6 collects and uses student data obtained through a student's use of
 2-7 the course material; and

2-8 (C) any provision that allows the student to opt
 2-9 out of a fee or charge described by Paragraph (A); and

2-10 (4) make information regarding the cost of course
 2-11 materials on the course materials list under Subdivision (2)
 2-12 available to college bookstores and other providers of course
 2-13 materials that serve the students of the institution.

2-14 (c) As soon as practicable after the information becomes
 2-15 available, each institution of higher education shall make
 2-16 available specific information regarding any revisions to the
 2-17 institution's course schedule and course materials list.

2-18 (d) An institution of higher education shall itemize a fee
 2-19 or charge for course materials assessed by the institution or
 2-20 another entity under an agreement with the institution separately
 2-21 from any other fees or charges assessed for a course or course
 2-22 section in the institution's billing to the student. This
 2-23 subsection may not be construed to prohibit an institution of
 2-24 higher education from including the cost of course materials as
 2-25 part of the institution's tuition.

2-26 (e) Any agreement between an institution of higher
 2-27 education and an entity under which the institution agrees to
 2-28 assess or allows the entity to assess a fee or charge for course
 2-29 materials to students enrolled at the institution is public
 2-30 information under Chapter 552, Government Code.

2-31 (f) To allow for timely placement of course material orders
 2-32 by students, each institution of higher education shall establish a
 2-33 deadline by which faculty members must submit information to be
 2-34 included in the course schedule and course materials list required
 2-35 by Subsection (b).

2-36 (g) If an institution of higher education or a college
 2-37 bookstore publishes a course materials list with a course schedule
 2-38 on an Internet website that provides a search function, the
 2-39 institution or bookstore must:

2-40 (1) ensure that the search function permits a search
 2-41 based on whether a course or section of a course requires or
 2-42 recommends only open educational resources; or

2-43 (2) provide a searchable list of courses and sections
 2-44 of courses that require or recommend only open educational
 2-45 resources.

2-46 (h) If an institution of higher education designates in the
 2-47 institution's course schedule certain courses or sections of
 2-48 courses as having low course material costs or a similar
 2-49 designation, the institution shall, in a prominent location in the
 2-50 schedule, state or provide an Internet website link to the criteria
 2-51 for that designation.

2-52 (i) This section may not be construed to affect any
 2-53 authority granted to a faculty member by an institution of higher
 2-54 education to select course materials for courses taught by the
 2-55 faculty member.

2-56 SECTION 2. Section 51.451, Education Code, is amended by
 2-57 amending Subdivision (4) and adding Subdivision (4-b) to read as
 2-58 follows:

2-59 (4) "Institution of higher education" means:

2-60 (A) an institution of higher education as defined
 2-61 by Section 61.003; or

2-62 (B) a private or independent institution of
 2-63 higher education [as defined by Section 61.003].

2-64 (4-b) "Private or independent institution of higher
 2-65 education" has the meaning assigned by Section 61.003.

2-66 SECTION 3. Section 51.452, Education Code, is amended to
 2-67 read as follows:

2-68 Sec. 51.452. PRIVATE INSTITUTIONS: DISSEMINATION OF COURSE
 2-69 SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED TEXTBOOKS. (a) Each

3-1 private or independent institution of higher education shall:

3-2 (1) for each semester or academic term, compile a

3-3 course schedule indicating each course offered by the institution

3-4 for the semester or term to postsecondary students;

3-5 (2) with respect to each course, include with the

3-6 schedule a list of the required and recommended textbooks that

3-7 specifies, to the extent practicable, the following information for

3-8 each textbook:

3-9 (A) the retail price;

3-10 (B) the author;

3-11 (C) the publisher;

3-12 (D) the most recent copyright date;

3-13 (E) the International Standard Book Number

3-14 assigned, if any; and

3-15 (F) whether the textbook is an open educational

3-16 resource;

3-17 (3) except as provided by Subsection (b), at the time

3-18 required by Subsection (c)(2):

3-19 (A) publish the textbook list with the course

3-20 schedule on the institution's Internet website and with any course

3-21 schedule the institution provides in hard copy format to the

3-22 students of the institution; and

3-23 (B) make that information available to college

3-24 bookstores and other bookstores that generally serve the students

3-25 of the institution; and

3-26 (4) except as provided by Subsection (b), as soon as

3-27 practicable after the information becomes available disseminate as

3-28 required by Subdivision (3) specific information regarding any

3-29 revisions to the institution's course schedule and textbook list.

3-30 (b) A private or independent [~~An~~] institution of higher

3-31 education is not required to publish a textbook list as described by

3-32 Subsection (a)(3)(A) or any revisions to that textbook list as

3-33 described by Subsection (a)(4) if a college bookstore publishes

3-34 that list and any revisions to that list on the bookstore's Internet

3-35 website on behalf of the institution at the appropriate times

3-36 required by this section.

3-37 (c) To allow for timely placement of textbook orders by

3-38 students, each private or independent institution of higher

3-39 education shall:

3-40 (1) establish a deadline by which faculty members must

3-41 submit information to be included in the course schedule and

3-42 textbook list required by Subsection (a); and

3-43 (2) disseminate the institution's course schedule and

3-44 textbook list as required by Subsection (a)(3) as soon as

3-45 practicable after the institution has compiled the schedule and

3-46 list but not later than the 30th day before the first day that

3-47 classes are conducted for the semester or other academic term for

3-48 which the schedule and list are compiled.

3-49 (d) If a private or independent [~~an~~] institution of higher

3-50 education or a college bookstore publishes a textbook list with a

3-51 course schedule on an Internet website that provides a search

3-52 function, the institution or bookstore must:

3-53 (1) ensure that the search function permits a search

3-54 based on whether a course or section of a course requires or

3-55 recommends only open educational resources; or

3-56 (2) provide a searchable list of courses and sections

3-57 of courses that require or recommend only open educational

3-58 resources.

3-59 SECTION 4. Section 51.452, Education Code, as amended by

3-60 this Act, and Section 51.4521, Education Code, as added by this Act,

3-61 apply beginning with the 2022 fall semester.

3-62 SECTION 5. This Act takes effect September 1, 2021.

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