

By: Creighton

S.B. No. 1092

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the disclosure of certain information regarding  
3 textbooks and learning content management systems by certain  
4 institutions of higher education.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 51.452, Education Code, is amended by  
7 adding Subsection (e) to read as follows:

8 (e) If an institution of higher education designates in the  
9 institution's course schedule certain courses or sections of  
10 courses as having low textbook costs or a similar designation, the  
11 institution shall, in a prominent location in the schedule, state  
12 or provide an Internet website link to the criteria for that  
13 designation.

14 SECTION 2. Subchapter I, Chapter 51, Education Code, is  
15 amended by adding Section 51.456 to read as follows:

16 Sec. 51.456. AUTOMATIC CHARGES FOR TEXTBOOKS OR LEARNING  
17 CONTENT MANAGEMENT SYSTEMS. (a) Notwithstanding Section 51.451,  
18 in this section, "institution of higher education" has the meaning  
19 assigned by Section 61.003.

20 (b) An institution of higher education shall disclose to a  
21 student enrolled at the institution as provided by this section any  
22 automatic charges assessed by the institution or another entity to  
23 the student for textbooks or access to a learning content  
24 management system, including any charge for those items that is

1 automatically assessed only to a student who qualifies for  
2 educational benefits under the federal Post-9/11 Veterans  
3 Educational Assistance Act of 2008 (38 U.S.C. Section 3301 et seq.)  
4 or any other federal law authorizing educational benefits for  
5 veterans.

6 (c) For a charge for textbooks described by Subsection (b)  
7 that is assessed based on the cost of required or recommended  
8 textbooks for a certain course or course section in which the  
9 student is enrolled, the institution of higher education shall:

10 (1) in a prominent location in the institution's  
11 course schedule under Section 51.452, state or provide an Internet  
12 website link to:

13 (A) the full amount of the charge;

14 (B) if a textbook is in a primarily electronic  
15 format, the terms under which the textbook publisher collects and  
16 uses student data obtained through a student's use of the textbook;  
17 and

18 (C) any provision that allows the student to opt  
19 in or opt out of the charge; and

20 (2) itemize the charge separately from any other  
21 charges assessed for the course or course section in the  
22 institution's billing to the student.

23 (d) For a charge for access to a learning content management  
24 system described by Subsection (b) or for a charge for textbooks  
25 described by that subsection that is assessed on a basis not  
26 described by Subsection (c), the institution of higher education  
27 shall:

1           (1) except as provided by Subsection (f), include the  
2 amount of the charge in the institution's tuition under Section  
3 54.015; and

4           (2) in a prominent location in any written or  
5 electronic agreement authorizing the charge, disclose:

6           (A) if the charge is for access to a learning  
7 content management system or for a textbook in a primarily  
8 electronic format, the terms under which the system provider or  
9 textbook publisher collects and uses student data obtained through  
10 a student's use of the system or textbook; and

11           (B) any provision that allows the student to opt  
12 in or opt out of the charge.

13           (e) Notwithstanding any other provision of this title and  
14 except as provided by Subsection (f):

15           (1) a charge described by Subsection (c) is considered  
16 part of the institution of higher education's required fees for  
17 purposes of this title; and

18           (2) a charge described by Subsection (d) is considered  
19 part of the institution of higher education's tuition for purposes  
20 of this title.

21           (f) Subsections (d)(1) and (e) do not apply to a charge  
22 assessed only to students who opt in to paying the charge. A  
23 student is not considered to have opted in to paying the charge if:

24           (1) the textbooks or access to a learning content  
25 management system for which the charge is assessed is reasonably  
26 necessary for the student to participate in or successfully  
27 complete a course in which the student is enrolled; and

1           (2) for a charge for textbooks, the textbooks may only  
2 be legally obtained from the institution or certain vendors  
3 specified by the institution.

4           (g) Any agreement between an institution of higher  
5 education and an entity under which the institution agrees to  
6 assess or allows the entity to assess a charge described by  
7 Subsection (b) to students enrolled at the institution is public  
8 information under Chapter 552, Government Code.

9           SECTION 3. This Act applies beginning with the 2021 fall  
10 semester.

11           SECTION 4. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2021.