

BILL ANALYSIS

H.B. 3283
By: Rose
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Rising college costs make it increasingly difficult for many Texas families to afford higher education. In addition to rising tuition costs, the price of a college textbook has increased at twice the rate of inflation according to the Government Accountability Office. Some studies estimate that students spend approximately \$900 each semester on required textbooks, amounting to nearly 20% of tuition costs at an average four-year institution and close to half the cost at a two-year institution. These required materials are becoming such a burden that over 43% of students are choosing not to purchase them in order to save money according to the Student Public Interest Research Group.

Electronic versions of commercially-published textbooks often cost as little as one-fifth that of a traditional textbook, however, they are not widely in use today. Obstacles to widespread adoption range from the availability of technology to whether students and faculty will resist the idea of reading and taking notes on a screen as opposed to on paper. To further explore these questions, many institutions across the country, including the University of Texas at Austin, are introducing campus-wide pilot programs to expand the availability and use of electronic textbooks.

As proposed, H.B. 3283 requires institutions of higher education to provide students a list of required textbooks and supplemental materials for each course that includes certain information including pricing details and the availability of electronic versions of textbooks, requires publishers to inform faculty members of the availability and price of an electronic version of a textbook or supplemental material, and requires university-affiliated and other bookstores to disclose the availability and price of electronic textbooks. It also requires the Texas Higher Education Coordinating Board to conduct a study and make policy recommendations, with the assistance of student regents, regarding the use and availability of electronic textbooks across the state and nation, with specific focus on the pilot program at UT-Austin. Finally, the bill authorizes the Texas Higher Education Coordinating Board to impose a penalty against publishers that violate these new laws.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

ANALYSIS

The bill amends Chapter 51, Education Code, by adding Subchapter I to define "coordinating board," "faculty member," "institution of higher education," "supplemental material," "textbook," and "university-affiliated bookstore."

The bill amends of the Education Code to require each institution of higher education to compile a course schedule for each semester or academic term indicating each course offered; include with the schedule a list of required textbooks that specifies, for each textbook in each course, certain information to the extent practicable, including the availability of the textbook in an electronic format; publish the course schedule and textbook list in hard copy format and on the institution's Internet website and make the information available to university-affiliated bookstores and other bookstores that generally serve the students of the institution; and

disseminate specific information regarding any revisions to the institution's course schedule and textbook list.

The bill requires each institution of higher education to establish a deadline by which faculty members are required to submit information to be included in the course schedule and textbook list and to disseminate the institution's course schedule and textbook list as soon as practicable after the institution has compiled the schedule and list but not later than the 30th day before the first day that classes are conducted for the semester or other academic term for which the schedule and list are compiled.

The bill requires a publisher that is providing information regarding a textbook or supplemental material to a faculty member to provide written information that includes whether the textbook or supplemental material is available in an electronic format and, if applicable, the price at which the publisher will make the electronic textbook or supplemental material available to a university-affiliated bookstore or other bookstore that generally serves the students of the institution.

The bill requires institutions of higher education to require, as a condition of an affiliation agreement or otherwise, a university-affiliated bookstore to disclose, on request, information regarding whether a specific textbook or supplemental material is available in electronic format and if applicable, the price at which that electronic textbook or supplemental material is available to students.

The bill requires the coordinating board to conduct a study and recommend policies regarding the use and availability of electronic textbooks in higher education in this state and other states. The bill further requires that the study and policy recommendations include a specific focus on the results of the pilot program at the University of Texas at Austin with respect to the use of electronic textbooks and address methods for encouraging the use of electronic textbooks at public and private institutions of higher education in this state.

The bill requires serving student regents to assist the coordinating board in conducting the study and requires the coordinating board to establish procedures to assist a student regent in complying with this requirement.

The bill authorizes the coordinating board to solicit and accept gifts and grants from any public or private source to conduct the study and develop policy recommendations.

The bill requires the coordinating board to make an initial report and recommendations based on the study not later than December 1, 2010 to the governor, lieutenant governor, speaker of the house, and presiding officer of each legislative standing committee with primary jurisdiction over higher education, and establishes that this subsection expires January 31, 2011.

The bill requires the coordinating board to adopt rules under which the coordinating board could impose a reasonable administrative penalty against a person that knowingly violates this subchapter. The bill further requires that the rules must provide for the coordinating board to hold a hearing to determine whether a penalty is to be imposed and the amount which is required to be based on certain criteria outlined in the bill.

The bill establishes that the subchapter added by this Act applies beginning with the fall 2010 semester.

The bill establishes that the subchapter added by this Act does not affect the terms of an affiliation agreement that was in effect prior to the effective date of this Act, unless that contract is renewed, modified or extended after the effective date.

EFFECTIVE DATE

September 1, 2009.