

BILL ANALYSIS

C.S.H.B. 33
By: Branch
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Rising textbook prices are making it increasingly difficult for students and parents to keep up with the costs of higher education. C.S.H.B. 33 seeks to decrease the cost of textbooks to students and thereby ensure that students have access to affordable course materials. The bill also seeks to enhance transparency and disclosure with respect to the selection, purchase, sale, and use of course materials.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 33 amends the Education Code to require an institution of higher education, for each semester or academic term, to compile a course schedule indicating each course offered by the institution for the semester or term to postsecondary students. The bill requires an institution of higher education, with respect to each course, to include with the schedule a list of the required and recommended textbooks that specifies, to the extent practicable, the following information for each textbook: the retail price, the author, the publisher, the most recent copyright date, and the International Standard Book Number assigned, if any. The bill requires an institution of higher education to publish at the required time the textbook list with the course schedule on the institution's Internet website and with any course schedule the institution provides in hard copy format to the students of the institution and to make that information available to college bookstores and other bookstores that generally serve the students of the institution. The bill requires an institution of higher education to disseminate in the manner prescribed specific information regarding any revisions to the institution's course schedule and textbook list as soon as practicable after the information becomes available. The bill exempts an institution of higher education from the requirements that the institution of higher education publish a textbook list or any revisions to that textbook list if a college bookstore, at the required times, publishes that list and any revisions to that list on the bookstore's Internet website on behalf of the institution.

C.S.H.B. 33 requires each institution of higher education, to allow for timely placement of textbook orders by students, to establish a deadline by which faculty members must submit information to be included in the course schedule and textbook list and to disseminate the course schedule and textbook list as soon as practicable 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.

C.S.H.B. 33 requires an institution of higher education to make reasonable efforts to disseminate to its students, to the extent practicable, information regarding available institutional textbook cost-saving strategies.

C.S.H.B. 33 requires a textbook publisher that provides information regarding a textbook or

supplemental material to a faculty member or other person in charge of selecting course materials at an institution of higher education to also provide written information that includes the following: the price at which the publisher would make the textbook or supplemental material available to a college bookstore or other bookstore that generally serves the students of the institution and, if applicable, to the public; the copyright dates of the current and three preceding editions of the textbook; a description of any substantial content revisions made between the current edition of the textbook or supplemental material and the most recent preceding edition of the textbook or material, including the addition of new chapters, new material covering additional time periods, new themes, or new subject matter; information as to whether the textbook or supplemental material is available in other formats, such as a paperback or unbound version; and the price at which the publisher would make the textbook or supplemental material in any alternative format available to a college bookstore or other bookstore that generally serves the students of the institution and, if applicable, to the public. The bill requires a textbook publisher to comply with the written information requirements with respect to a custom textbook only to the extent reasonably practicable.

C.S.H.B. 33 requires a textbook publisher that offers a textbook bundle for sale directly to students enrolled at an institution of higher education or, for resale purposes, to a college bookstore or other bookstore that generally serves the students of the institution to also offer for sale to the students or bookstore, as applicable, each individual item of instructional material as a separate, unbundled item that is separately priced.

C.S.H.B. 33 defines "college bookstore," "custom textbook," "supplemental material," "textbook," and "textbook bundle." The bill provides for the meaning of "faculty member" and "institution of higher education" by reference.

C.S.H.B. 33 makes its provisions applicable beginning with the 2012 fall semester.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 33 contains a provision not included in the original defining "college bookstore" and omits a provision included in the original defining "university-affiliated bookstore." The substitute differs from the original in nonsubstantive ways by making conforming changes to reflect the replacement of references to a university-affiliated bookstore with references to a college bookstore. The substitute differs from the original by including a private or independent institution of higher education within the meaning of "institution of higher education."

C.S.H.B. 33 requires an institution of higher education to publish the textbook list with the course schedule on the institution's Internet website and with any course schedule the institution provides in hard copy format to the students of the institution, rather than requiring an institution of higher education to publish the course schedule and textbook list in hard copy format and on the institution's Internet website, as in the original. The substitute contains a provision not included in the original exempting an institution of higher education from the requirement to publish a textbook list or any revisions to that textbook list if a college bookstore, at the required times, publishes that list and any revisions to that list on the bookstore's Internet website on behalf of the institution. The substitute differs from the original in nonsubstantive ways by making conforming changes.