

BILL ANALYSIS

C.S.H.B. 1027
By: Parker
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that higher education students may benefit from greater transparency as it pertains to the cost of their course materials while registering for courses, as students at some institutions of higher education are charged various fees for which they did not budget, such as technology use fees, library access fees, and printing fees. C.S.H.B. 1027 seeks to address this issue by requiring certain information relating to course materials to be provided to students by institutions of higher education.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1027 amends the Education Code to extend the applicability of provisions relating to the dissemination of course schedules and lists of required and recommended textbooks to include course materials, defined by the bill as textbooks, supplemental materials, or open educational resources. The bill requires each public institution of higher education, not later than the 30th day before the first day that classes are conducted for each semester or academic term, to compile the course schedule and list of required and recommended course materials, make that information available to college bookstores and other providers of course materials, and state or provide in a prominent location in the schedule a website link to the following:

- the full amount of any fee or charge for course materials assessed by the institution or another entity under an agreement with the institution, including a statement regarding whether the fee or charge is included in the cost of tuition;
- if a course material is in a primarily electronic format, the terms under which the publisher or provider collects and uses student data obtained through use of the course material; and
- any provision that allows the student to opt out of the fee or charge.

C.S.H.B. 1027 requires an institution of higher education to itemize a fee or charge for course materials assessed by the institution or another entity under an agreement with the institution separately from any other fees or charges assessed for a course or course section in the institution's billing to the student. This provision expressly does not prohibit an institution of higher education from including a fee or charge for course materials as part of the institution's tuition.

C.S.H.B. 1027 subjects to state public information law any agreement between an institution of higher education and an entity under which the institution agrees to assess or allows the entity

to assess a fee or charge for course materials to students. The bill removes provisions relating to the publication and revision of textbook lists.

C.S.H.B. 1027 requires an institution of higher education that designates in its course schedule certain courses or sections as having low course material costs or a similar designation to state or provide a website link to the designation criteria in a prominent location in the schedule. The bill prohibits its provisions from being construed to affect any authority granted to a faculty member by an institution of higher education to select course materials for courses taught by the faculty member. The bill applies beginning with the 2022 fall semester.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1027 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions that appear in the original relating to requirements and procedures for the disclosure of automatic charges for textbooks or learning content management systems.

The substitute includes provisions not in the original replacing references to "textbooks" in statutory provisions relating to the dissemination of course schedules and lists of required and recommended textbooks with references to "course materials." The substitute defines "course material" but the original did not.

The substitute establishes a deadline, which is not in the original, for the following:

- compiling a course schedule;
- including with the schedule a list of required and recommended course materials with certain specifications regarding each course material, as practicable;
- providing a website link to the following:
 - certain information regarding a fee or charge for course materials;
 - certain terms regarding the collection and use of student data obtained through a student's use of the course material; and
 - any provision allowing the student to opt out of a fee or charge for course materials; and
- making certain information available to college bookstores and other providers of course materials.

The substitute omits references included in the original referring to provisions allowing the student to opt in to a fee or charge for course materials.

The substitute includes the following provisions not in the original:

- a provision prohibiting its provisions from being construed to affect faculty member authority to select course materials; and
- a provision prohibiting its provisions from being construed to prohibit an institution from including a fee or charges for course materials as part of its tuition.

The substitute changes the applicability date and effective date of the bill as follows:

- instead of applying beginning with the 2021 fall semester, as in the original, the substitute applies beginning with the 2022 fall semester; and
- instead of taking effect on passage, or, if the bill does not receive the necessary vote, September 1, 2021, as in the original, the bill takes effect September 1, 2021.