

## **BILL ANALYSIS**

C.S.S.B. 1092  
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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 public 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.S.B. 1092 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.S.B. 1092 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.S.B. 1092 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.S.B. 1092 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.S.B. 1092 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 SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1092 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not include provisions that appear in the engrossed relating to automatic charges for textbooks or access to digital courseware, as defined by the engrossed, that are assessed to a student of an institution of higher education, including the following:

- provisions establishing requirements and procedures for the disclosure of such charges;
- provisions requiring an institution to include certain charges in the institution's tuition or incidental fees;
- a provision prohibiting an agreement between an institution and another entity under which the institution assesses on the entity's behalf or allows the entity to assess a charge from providing for a quota, charge, or other penalty based on certain statistics; and
- a provision requiring any effort by an institution to reduce the cost of textbooks or access to digital courseware to also focus on maintaining the quality of education and protecting academic freedom.

The substitute includes provisions not in the engrossed 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 engrossed version did not.

The substitute establishes a deadline, which is not in the engrossed, 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 applicable;
- 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 removes certain statutory provisions relating to the publication and revision of textbook lists, whereas the engrossed did not.

The substitute omits references included in the engrossed 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 engrossed:

- a provision prohibiting its provisions from being construed to affect faculty member authority to select course materials;
- a provision prohibiting its provisions from being construed to prohibit an institution from including a fee or charges for course materials as part of the institution's tuition; and
- a requirement for an institution that designates in its course schedule certain courses or sections of courses 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.