

By: Parker

H.B. No. 1027

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.

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

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

8 (A) the full amount of the charge;

9 (B) if a textbook is in a primarily electronic
10 format, the terms under which the textbook publisher collects and
11 uses student data obtained through a student's use of the textbook;
12 and

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

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

18 (d) For a charge for access to a learning content management
19 system described by Subsection (b) or for a charge for textbooks
20 described by that subsection that is assessed on a basis not
21 described by Subsection (c), the institution of higher education
22 shall:

23 (1) except as provided by Subsection (f), include the
24 amount of the charge in the institution's tuition under Section
25 54.015; and

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

1 (A) if the charge is for access to a learning
2 content management system or for a textbook in a primarily
3 electronic format, the terms under which the system provider or
4 textbook publisher collects and uses student data obtained through
5 a student's use of the system or textbook; and

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

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

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

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

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

19 (1) the textbooks or access to a learning content
20 management system for which the charge is assessed is reasonably
21 necessary for the student to participate in or successfully
22 complete a course in which the student is enrolled; and

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

26 (g) Any agreement between an institution of higher
27 education and an entity under which the institution agrees to

1 assess or allows the entity to assess a charge described by
2 Subsection (b) to students enrolled at the institution is public
3 information under Chapter 552, Government Code.

4 (h) In this section, "learning content management system"
5 means any learning management platform, online homework system,
6 content platform, or other software-based system required to access
7 instructional materials.

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

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