

By: Creighton
(Parker)

S.B. No. 1092

Substitute the following for S.B. No. 1092:

By: Parker

C.S.S.B. No. 1092

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of certain information regarding course materials by public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.452, Education Code, is amended to read as follows:

Sec. 51.452. DISSEMINATION OF COURSE SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED COURSE MATERIALS [~~TEXTBOOKS~~]. (a) In this section:

(1) "Course material" means a textbook, supplemental material, or open educational resource.

(2) "Institution of higher education," notwithstanding Section 51.451, has the meaning assigned by Section 61.003.

(b) Not later than the 30th day before the first day that classes are conducted for each semester or academic term, each [~~Each~~] institution of higher education shall:

(1) [~~for each semester or academic term,~~] compile a course schedule indicating each course offered by the institution for the semester or term to postsecondary students;

(2) with respect to each course, include with the schedule a list of the required and recommended course materials [~~textbooks~~] that specifies, to the extent practicable, the following information for each course material, as applicable

1 [~~textbook~~]:

2 (A) the retail price;

3 (B) the author;

4 (C) the publisher or provider;

5 (D) the most recent copyright date;

6 (E) the International Standard Book Number
7 assigned, if any; ~~and~~

8 (F) whether the course material [~~textbook~~] is an
9 open educational resource; and

10 (G) any associated fee or charge, such as a
11 technology cost, library use cost, or printing or publication fee;

12 (3) in a prominent location in the schedule, state or
13 provide an Internet website link to:

14 (A) the full amount of any fee or charge for
15 course materials assessed by the institution or another entity
16 under an agreement with the institution, including a statement
17 regarding whether the fee or charge is included in the cost of
18 tuition;

19 (B) if a course material is in a primarily
20 electronic format, the terms under which the publisher or provider
21 collects and uses student data obtained through a student's use of
22 the course material; and

23 (C) any provision that allows the student to opt
24 out of a fee or charge described by Paragraph (A) [~~except as~~
25 provided by Subsection (b), at the time required by Subsection
26 (c)(2).

27 [~~(A) publish the textbook list with the course~~

1 ~~schedule on the institution's Internet website and with any course~~
2 ~~schedule the institution provides in hard copy format to the~~
3 ~~students of the institution]; and~~

4 (4) [(B)] make ~~[that]~~ information regarding the cost
5 of course materials on the course materials list under Subdivision
6 (2) available to college bookstores and other providers of course
7 materials [bookstores] that [generally] serve the students of the
8 institution.

9 (c) As [and
10 [(4) except as provided by Subsection (b), as] soon as
11 practicable after the information becomes available, each
12 institution of higher education shall make available [disseminate
13 as required by Subdivision (3)] specific information regarding any
14 revisions to the institution's course schedule and course materials
15 [textbook] list.

16 (d) [(b)] An institution of higher education shall itemize
17 a fee or charge for course materials assessed by the institution or
18 another entity under an agreement with the institution separately
19 from any other fees or charges assessed for a course or course
20 section in the institution's billing to the student. This
21 subsection may not be construed to prohibit an institution of
22 higher education from including a fee or charge for course
23 materials as part of the institution's tuition.

24 (e) Any agreement between an institution of higher
25 education and an entity under which the institution agrees to
26 assess or allows the entity to assess a fee or charge for course
27 materials to students enrolled at the institution is public

1 information under Chapter 552, Government Code ~~[is not required to~~
2 ~~publish a textbook list as described by Subsection (a)(3)(A) or any~~
3 ~~revisions to that textbook list as described by Subsection (a)(4)~~
4 ~~if a college bookstore publishes that list and any revisions to that~~
5 ~~list on the bookstore's Internet website on behalf of the~~
6 ~~institution at the appropriate times required by this section].~~

7 (f) ~~(e)~~ To allow for timely placement of textbook orders
8 by students, each institution of higher education shall~~+~~

9 ~~(1)~~ establish a deadline by which faculty members
10 must submit information to be included in the course schedule and
11 course materials ~~[textbook]~~ list required by Subsection (b) ~~(a)~~,
12 ~~and~~

13 ~~(2) disseminate the institution's course schedule and~~
14 ~~textbook list as required by Subsection (a)(3) as soon as~~
15 ~~practicable after the institution has compiled the schedule and~~
16 ~~list but not later than the 30th day before the first day that~~
17 ~~classes are conducted for the semester or other academic term for~~
18 ~~which the schedule and list are compiled].~~

19 (g) ~~(d)~~ If an institution of higher education or a college
20 bookstore publishes a course materials ~~[textbook]~~ list with a
21 course schedule on an Internet website that provides a search
22 function, the institution or bookstore must:

23 (1) ensure that the search function permits a search
24 based on whether a course or section of a course requires or
25 recommends only open educational resources; or

26 (2) provide a searchable list of courses and sections
27 of courses that require or recommend only open educational

1 resources.

2 (h) If an institution of higher education designates in the
3 institution's course schedule certain courses or sections of
4 courses as having low course material costs or a similar
5 designation, the institution shall, in a prominent location in the
6 schedule, state or provide an Internet website link to the criteria
7 for that designation.

8 (i) This section may not be construed to affect any
9 authority granted to a faculty member by an institution of higher
10 education to select course materials for courses taught by the
11 faculty member.

12 SECTION 2. Section [51.452](#), Education Code, as amended by
13 this Act, applies beginning with the 2022 fall semester.

14 SECTION 3. This Act takes effect September 1, 2021.