

SENATE AMENDMENTS

2nd Printing

By: Parker, Howard, Raney

H.B. No. 1027

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, or provide in a prominent location in the schedule a link to an Internet website, such as the Internet website of a college bookstore, that contains, a list of the required and recommended

1 course materials [~~textbooks~~] that specifies, to the extent
2 practicable, the following information for each course material, as
3 applicable [~~textbook~~]:

- 4 (A) the retail price;
- 5 (B) the author;
- 6 (C) the publisher or provider;
- 7 (D) the most recent copyright date;
- 8 (E) the International Standard Book Number
9 assigned, if any; [~~and~~]

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

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

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

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

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

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

1 ~~(c)(2):~~

2 [~~(A) publish the textbook list with the course~~
3 ~~schedule on the institution's Internet website and with any course~~
4 ~~schedule the institution provides in hard copy format to the~~
5 ~~students of the institution]; and~~

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

11 (c) As [~~and~~

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

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

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

9 (f) [~~(c)~~] To allow for timely placement of course material
 10 [~~textbook~~] orders by students, each institution of higher education
 11 shall[+]

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

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

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

26 (1) ensure that the search function permits a search
 27 based on whether a course or section of a course requires or

1 recommends only open educational resources; or

2 (2) provide a searchable list of courses and sections
3 of courses that require or recommend only open educational
4 resources.

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

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

15 SECTION 2. Section 51.452, Education Code, as amended by
16 this Act, applies beginning with the 2022 fall semester.

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

ADOPTED

MAY 27 2021

Latey Spaw
Secretary of the Senate

By: Parker (Creighton)

H.B. No. 1027

Substitute the following for __.B. No. _____:

By: 

C.S.H.B. No. 1027

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the disclosure of certain information regarding course
3 materials by public institutions of higher education.

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

5 SECTION 1. Subchapter I, Chapter 51, Education Code, is
6 amended by adding Section 51.4521 to read as follows:

7 Sec. 51.4521. PUBLIC INSTITUTIONS: DISSEMINATION OF COURSE
8 SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED COURSE MATERIALS.

9 (a) In this section:

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

12 (2) "Institution of higher education,"
13 notwithstanding Section 51.451, has the meaning assigned by Section
14 61.003.

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

18 (1) compile a course schedule indicating each course
19 offered by the institution for the semester or term to
20 postsecondary students;

21 (2) with respect to each course, include with the
22 schedule, or provide in a prominent location in the schedule a link
23 to an Internet website, such as the Internet website of a college
24 bookstore, that contains, a list of the required and recommended

1 course materials that specifies, to the extent practicable, the
2 following information for each course material, as applicable:
3 (A) the retail price;
4 (B) the author;
5 (C) the publisher or provider;
6 (D) the most recent copyright date;
7 (E) the International Standard Book Number
8 assigned, if any;
9 (F) whether the course material is an open
10 educational resource; and
11 (G) any associated fee or charge, such as a
12 technology cost, library use cost, or printing or publication fee;
13 (3) in a prominent location in the schedule, state or
14 provide an Internet website link to:
15 (A) the full amount of any fee or charge for
16 course materials assessed by the institution or another entity
17 under an agreement with the institution, including a statement
18 regarding whether the fee or charge is included in the cost of
19 tuition;
20 (B) if a course material is in a primarily
21 electronic format, the terms under which the publisher or provider
22 collects and uses student data obtained through a student's use of
23 the course material; and
24 (C) any provision that allows the student to opt
25 out of a fee or charge described by Paragraph (A); and
26 (4) make information regarding the cost of course
27 materials on the course materials list under Subdivision (2)

1 available to college bookstores and other providers of course
2 materials that serve the students of the institution.

3 (c) As soon as practicable after the information becomes
4 available, each institution of higher education shall make
5 available specific information regarding any revisions to the
6 institution's course schedule and course materials list.

7 (d) An institution of higher education shall itemize a fee
8 or charge for course materials assessed by the institution or
9 another entity under an agreement with the institution separately
10 from any other fees or charges assessed for a course or course
11 section in the institution's billing to the student. This
12 subsection may not be construed to prohibit an institution of
13 higher education from including the cost of course materials as
14 part of the institution's tuition.

15 (e) Any agreement between an institution of higher
16 education and an entity under which the institution agrees to
17 assess or allows the entity to assess a fee or charge for course
18 materials to students enrolled at the institution is public
19 information under Chapter 552, Government Code.

20 (f) To allow for timely placement of course material orders
21 by students, each institution of higher education shall establish a
22 deadline by which faculty members must submit information to be
23 included in the course schedule and course materials list required
24 by Subsection (b).

25 (g) If an institution of higher education or a college
26 bookstore publishes a course materials list with a course schedule
27 on an Internet website that provides a search function, the

1 institution or bookstore must:

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

5 (2) provide a searchable list of courses and sections
6 of courses that require or recommend only open educational
7 resources.

8 (h) If an institution of higher education designates in the
9 institution's course schedule certain courses or sections of
10 courses as having low course material costs or a similar
11 designation, the institution shall, in a prominent location in the
12 schedule, state or provide an Internet website link to the criteria
13 for that designation.

14 (i) This section may not be construed to affect any
15 authority granted to a faculty member by an institution of higher
16 education to select course materials for courses taught by the
17 faculty member.

18 SECTION 2. Section 51.451, Education Code, is amended by
19 amending Subdivision (4) and adding Subdivision (4-b) to read as
20 follows:

21 (4) "Institution of higher education" means:

22 (A) an institution of higher education as defined
23 by Section 61.003; or

24 (B) a private or independent institution of
25 higher education [~~as defined by Section 61.003~~].

26 (4-b) "Private or independent institution of higher
27 education" has the meaning assigned by Section 61.003.

1 SECTION 3. Section 51.452, Education Code, is amended to
2 read as follows:

3 Sec. 51.452. PRIVATE INSTITUTIONS: DISSEMINATION OF COURSE
4 SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED TEXTBOOKS. (a) Each
5 private or independent institution of higher education shall:

6 (1) for each semester or academic term, compile a
7 course schedule indicating each course offered by the institution
8 for the semester or term to postsecondary students;

9 (2) with respect to each course, include with the
10 schedule a list of the required and recommended textbooks that
11 specifies, to the extent practicable, the following information for
12 each textbook:

13 (A) the retail price;

14 (B) the author;

15 (C) the publisher;

16 (D) the most recent copyright date;

17 (E) the International Standard Book Number
18 assigned, if any; and

19 (F) whether the textbook is an open educational
20 resource;

21 (3) except as provided by Subsection (b), at the time
22 required by Subsection (c)(2):

23 (A) publish the textbook list with the course
24 schedule on the institution's Internet website and with any course
25 schedule the institution provides in hard copy format to the
26 students of the institution; and

27 (B) make that information available to college

1 bookstores and other bookstores that generally serve the students
2 of the institution; and

3 (4) except as provided by Subsection (b), as soon as
4 practicable after the information becomes available disseminate as
5 required by Subdivision (3) specific information regarding any
6 revisions to the institution's course schedule and textbook list.

7 (b) A private or independent [~~An~~] institution of higher
8 education is not required to publish a textbook list as described by
9 Subsection (a)(3)(A) or any revisions to that textbook list as
10 described by Subsection (a)(4) if a college bookstore publishes
11 that list and any revisions to that list on the bookstore's Internet
12 website on behalf of the institution at the appropriate times
13 required by this section.

14 (c) To allow for timely placement of textbook orders by
15 students, each private or independent institution of higher
16 education shall:

17 (1) establish a deadline by which faculty members must
18 submit information to be included in the course schedule and
19 textbook list required by Subsection (a); and

20 (2) disseminate the institution's course schedule and
21 textbook list as required by Subsection (a)(3) as soon as
22 practicable after the institution has compiled the schedule and
23 list but not later than the 30th day before the first day that
24 classes are conducted for the semester or other academic term for
25 which the schedule and list are compiled.

26 (d) If a private or independent [~~an~~] institution of higher
27 education or a college bookstore publishes a textbook list with a

1 course schedule on an Internet website that provides a search
2 function, the institution or bookstore must:

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

6 (2) provide a searchable list of courses and sections
7 of courses that require or recommend only open educational
8 resources.

9 SECTION 4. Section 51.452, Education Code, as amended by
10 this Act, and Section 51.4521, Education Code, as added by this Act,
11 apply beginning with the 2022 fall semester.

12 SECTION 5. This Act takes effect September 1, 2021.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1027 by Parker (Relating to the disclosure of certain information regarding course materials by public institutions of higher education.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code relating to the disclosure of certain information regarding course materials by public institutions of higher education. The bill would require private or independent institutions of higher education to disseminate certain course and textbook information. It is assumed that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M Univ System Admin, 720 UT Sys Admin, 758 Texas State University System, 768 Texas Tech Univ Sys Admin, 781 Higher Education Coordinating Board, 783 Univ of Houston Sys Admin

LBB Staff: JMc, SD, LBO, GO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable Brandon Creighton, Chair, Senate Committee on Higher Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1027 by Parker (relating to the disclosure of certain information regarding course materials by public institutions of higher education.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code relating to the disclosure of certain information regarding course materials by public institutions of higher education. The bill would require private or independent institutions of higher education to disseminate certain course and textbook information. It is assumed that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M Univ System Admin, 720 UT Sys Admin, 758 Texas State University System, 768 Texas Tech Univ Sys Admin, 781 Higher Education Coordinating Board, 783 Univ of Houston Sys Admin

LBB Staff: JMc, LBO, GO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 18, 2021

TO: Honorable Brandon Creighton, Chair, Senate Committee on Higher Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1027 by Parker (Relating to the disclosure of certain information regarding course materials by public institutions of higher education.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code relating to the disclosure of certain information regarding course materials by public institutions of higher education. It is assumed that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M Univ System Admin, 720 UT Sys Admin, 758 Texas State University System, 768 Texas Tech Univ Sys Admin, 781 Higher Education Coordinating Board, 783 Univ of Houston Sys Admin

LBB Staff: JMc, LBO, GO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 21, 2021

TO: Honorable Jim Murphy, Chair, House Committee on Higher Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB1027** by Parker (relating to the disclosure of certain information regarding course materials by public institutions of higher education.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code relating to the disclosure of certain information regarding course materials by public institutions of higher education. It is assumed that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M Univ System Admin, 720 UT Sys Admin, 758 Texas State University System, 768 Texas Tech Univ Sys Admin, 781 Higher Education Coordinating Board, 783 Univ of Houston Sys Admin

LBB Staff: JMc, LBO, GO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 23, 2021

TO: Honorable Jim Murphy, Chair, House Committee on Higher Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB1027** by Parker (Relating to the disclosure of certain information regarding textbooks and learning content management systems by certain institutions of higher education.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code relating to the disclosure of certain information regarding textbooks and learning content management systems. It is assumed that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M Univ System Admin, 720 UT Sys Admin, 758 Texas State University System, 768 Texas Tech Univ Sys Admin, 781 Higher Education Coordinating Board, 783 Univ of Houston Sys Admin

LBB Staff: JMc, LBO, GO