

**House Bill 1027**  
Senate Amendments  
Section-by-Section Analysis

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

(A) the retail price;

(B) the author;

(C) the publisher or provider;

(D) the most recent copyright date;

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

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

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

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

(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 institution of higher education shall:

(1) 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 course materials that specifies, to the extent practicable, the following information for each course material, as applicable:

(A) the retail price;

(B) the author;

(C) the publisher or provider;

(D) the most recent copyright date;

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

(F) whether the course material is an open educational resource; and

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

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

(A) 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;

(B) 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 a student's use of the course material; and

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

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

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

(c) As [; and

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

(d) [(b)] An institution of higher education shall itemize a fee or

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

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

(A) 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;

(B) 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 a student's use of the course material; and

(C) any provision that allows the student to opt out of a fee or charge described by Paragraph (A); and

(4) make information regarding the cost of course materials on the course materials list under Subdivision (2) available to college bookstores and other providers of course materials that serve the students of the institution.

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

(d) An institution of higher education shall itemize a fee or

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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 subsection may not be construed to prohibit an institution of higher education from including the cost of course materials as part of the institution's tuition.

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

(f) [(e)] To allow for timely placement of course material [textbook] orders by students, each institution of higher education shall[:

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

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

(g) [(d)] If an institution of higher education or a college

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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 subsection may not be construed to prohibit an institution of higher education from including the cost of course materials as part of the institution's tuition.

(e) 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 enrolled at the institution is public information under Chapter 552, Government Code.

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

(g) If an institution of higher education or a college bookstore

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bookstore publishes a course materials [textbook] list with a course schedule on an Internet website that provides a search function, the institution or bookstore must:

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

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

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

(i) This section may not be 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.

No equivalent provision.

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publishes a course materials list with a course schedule on an Internet website that provides a search function, the institution or bookstore must:

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

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

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

(i) This section may not be 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.

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

(4) "Institution of higher education" means:

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

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

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

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**No equivalent provision.** *(But see SECTION 1 above.)*

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

Sec. 51.452. PRIVATE INSTITUTIONS: DISSEMINATION OF COURSE SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED TEXTBOOKS.

(a) Each private or independent 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 textbooks that specifies, to the extent practicable, the following information for each textbook:

(A) the retail price;

(B) the author;

(C) the publisher;

(D) the most recent copyright date;

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

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

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

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

(B) make that information available to college bookstores and other bookstores that generally serve the students of the institution; and

(4) except as provided by Subsection (b), as soon as practicable after the information becomes available

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disseminate as required by Subdivision (3) specific information regarding any revisions to the institution's course schedule and textbook list.

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

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

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

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

(d) If a private or independent [~~aa~~] institution of higher education or a college bookstore publishes a textbook list with a course schedule on an Internet website that provides a search function, the institution or bookstore must:

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

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

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

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

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

SECTION 5. Same as House version.

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