H.B. No. 2177

AN ACT

relating to establishing a digital course materials pilot program.

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

SECTION 1.  Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0667 to read as follows:

Sec. 61.0667.  DIGITAL COURSE MATERIALS PILOT PROGRAM. (a) In this section:

(1)  "Digital course material" means a digital textbook, supplemental material, or open educational resource, as those terms are defined by Section 51.451.

(2)  "Eligible institution" means a public junior college, public technical institute, or public state college.

(b)  The board shall establish a pilot program under which the board awards grants to participating eligible institutions to provide financial assistance to students for the cost of accessing digital course materials.

(c)  The board shall adopt rules necessary to administer the pilot program, including rules to:

(1)  establish a methodology for selecting eligible institutions to participate in the pilot program and allocating money appropriated for the purpose of the pilot program among those institutions that, to the greatest extent possible, results in a distribution of grant awards that:

(A)  reflects the varied geography and unique institutional missions in this state; and

(B)  serves students who meet financial need requirements as defined by the board for the Texas Educational Opportunity Grant Program under Subchapter P, Chapter 56, and other diverse student populations that characterize higher education in this state; and

(2)  establish criteria that participating institutions must use to evaluate digital course materials that may be accessed using grants awarded under the pilot program, which may include criteria regarding:

(A)  access to relevant technical support;

(B)  adherence to accessibility standards for students with disabilities;

(C)  positive impact on student outcomes;

(D)  immediate access and availability of the materials to all students enrolled at the institution;

(E)  faculty access to resources and training materials;

(F)  subscription-based models;

(G)  inclusive-access models; and

(H)  supplemental resources that may be provided to assist students with career readiness workforce development.

(d)  In developing the rules adopted under Subsection (c), the board shall solicit input from publishers, campus bookstore operators, and other relevant industry representatives.

(e)  This section does not affect any authority granted by an eligible institution to a faculty member to select course materials for courses taught by the faculty member.

(f)  Not later than September 1, 2026, the board shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over higher education a report that evaluates the effectiveness of the pilot program in improving student outcomes. The report must include a recommendation regarding whether the pilot program should be continued, expanded, or terminated.

(g)  This section expires September 1, 2027.

SECTION 2.  (a) The Texas Higher Education Coordinating Board shall adopt rules to administer the pilot program established under Section 61.0667, Education Code, as added by this Act, as soon as practicable after the effective date of this Act.

(b)  The Texas Higher Education Coordinating Board shall award initial grants under Section 61.0667, Education Code, as added by this Act, beginning with the 2024 spring semester.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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    President of the Senate Speaker of the House

I certify that H.B. No. 2177 was passed by the House on May 2, 2023, by the following vote:  Yeas 113, Nays 32, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2177 was passed by the Senate on May 21, 2023, by the following vote:  Yeas 22, Nays 9.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor