

1 AN ACT

2 relating to establishing a digital course materials pilot program.

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

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

6 Sec. 61.0667. DIGITAL COURSE MATERIALS PILOT PROGRAM. (a)

7 In this section:

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

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

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

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

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

24 (A) reflects the varied geography and unique

1 institutional missions in this state; and

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

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

11 (A) access to relevant technical support;

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

14 (C) positive impact on student outcomes;

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

17 (E) faculty access to resources and training  
18 materials;

19 (F) subscription-based models;

20 (G) inclusive-access models; and

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

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

26 (e) This section does not affect any authority granted by an  
27 eligible institution to a faculty member to select course materials

1 for courses taught by the faculty member.

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

10 (g) This section expires September 1, 2027.

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

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

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

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President of the Senate

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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