

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1027
By: Parker et al. (Creighton)
Higher Education
5/19/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that higher education students may benefit from greater transparency as it pertains to the cost of their course materials while registering for courses, as students at some institutions of higher education are charged various fees for which they did not budget, such as technology use fees, library access fees, and printing fees. H.B. 1027 seeks to address this issue by requiring certain information relating to course materials to be provided to students by institutions of higher education.

The committee substitute for H.B. 1027 simply adds language to ensure existing textbook transparency requirements for private institutions are not undone. The new textbook transparency requirements in this proposal do not apply to private institutions.

C.S.H.B. 1027 amends current law relating to the disclosure of certain information regarding course materials by public institutions of higher education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter I, Chapter 51, Education Code, by adding Section 51.4521, as follows:

Sec. 51.4521. PUBLIC INSTITUTIONS: DISSEMINATION OF COURSE SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED COURSE MATERIALS. (a) Defines "course material" and "institution of higher education."

(b) Requires each institution of higher education, not later than the 30th day before the first day that classes are conducted for each semester or academic term, to:

(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

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

(d) Requires an institution of higher education to itemize a fee 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. Prohibits this subsection from being construed to prohibit an institution of higher education from including the cost of course materials as part of the institution's tuition.

(e) Provides that 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 (Public Information), Government Code.

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

(g) Requires an institution or bookstore, if the institution of higher education or a college bookstore publishes a course materials list with a course schedule on an Internet website that provides a search function, to:

(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) Requires an institution, 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, to, in a prominent location in the schedule, state or provide an Internet website link to the criteria for that designation.

(i) Prohibits this section from being 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. Amends Section 51.451, Education Code, by amending Subdivision (4) and adding Subdivision (4-b), as follows:

(4) Makes a nonsubstantive change to this subdivision.

(4-b) Defines "private or independent institution of higher education."

SECTION 3. Amends Section 51.452, Education Code, as follows:

Sec. 51.452. New heading: PRIVATE INSTITUTIONS: DISSEMINATION OF COURSE SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED TEXTBOOKS. (a) Requires each private or independent institution of higher education, rather than each institution of higher education, to take certain actions.

(b), (c), and (d) Makes conforming and nonsubstantive changes to these subsections.

SECTION 4. Provides that 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. Effective date: September 1, 2021.