

House Bill 2994
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. WORKFORCE CONTINUING EDUCATION

Sec. 130.301. DEFINITIONS. In this subchapter:

(1) "Adult" means a person who:

(A) is 17 years of age and has been awarded a high school diploma or its equivalent; or

(B) is 18 years of age or older, regardless of the person's previous educational experience.

(2) "Coordinating board" means the Texas Higher Education Coordinating Board.

(3) "Workforce continuing education" means a program of instruction that:

(A) is designed primarily for adults; and

(B) is intended, on completion by a participant, to prepare the participant to qualify to apply for and accept an employment offer or a job upgrade within a specific occupational category or to bring the participant's knowledge or skills up to date on new developments in a particular occupation or profession.

(4) "Workforce continuing education course" means a course of instruction in workforce continuing education that is approved by the coordinating board.

Sec. 130.302. FORMULA FUNDING FOR WORKFORCE

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SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. WORKFORCE CONTINUING EDUCATION

Sec. 130.301. DEFINITIONS. In this subchapter:

(1) "Adult" means a person who:

(A) has completed the person's sophomore year of high school;

(B) is 17 years of age and has been awarded a high school diploma or its equivalent; or

(C) is 18 years of age or older, regardless of the person's previous educational experience.

(2) "Avocational course" means a course of study in a subject or activity that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby. The term includes a community interest course.

(3) "Coordinating board" means the Texas Higher Education Coordinating Board.

(4) "Workforce continuing education" means a program of instruction that:

(A) is designed primarily for adults; and

(B) is intended, on completion by a participant, to prepare the participant to qualify to apply for and accept an employment offer or a job upgrade within a specific occupational category or to bring the participant's knowledge or skills up to date on new developments in a particular occupation or profession.

(5) "Workforce continuing education course" means a course of instruction in workforce continuing education that is approved by the coordinating board. The term does not include an avocational course.

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CONTINUING EDUCATION COURSES. Notwithstanding Section 130.003 or any other law, contact hours attributable to the enrollment of a student in a workforce continuing education course offered by a public junior college shall be included in the contact hours used to determine the college's proportionate share of state money appropriated and distributed to public junior colleges under Sections 130.003 and 130.0031, regardless of whether:

(1) the course is taken by a student who is not an adult under Section 130.303; or

(2) the college waives all or part of the tuition or fees for the course under Section 130.304.

Sec. 130.303. WORKFORCE CONTINUING EDUCATION FOR HIGH SCHOOL STUDENTS. A public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer workforce continuing education courses to persons enrolled in a high school who are at least 16 years of age on the census date of the applicable course. For purposes of this section and Section 130.304, a person who is enrolled in a school that is not formally organized as a high school is considered to be enrolled in high school.

Sec. 130.304. WAIVER OF TUITION AND FEES FOR CERTAIN WORKFORCE CONTINUING EDUCATION COURSES. A public junior college may waive all or part of

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CONTINUING EDUCATION COURSES. Notwithstanding Section 130.003 or any other law, contact hours attributable to the enrollment of a student in a workforce continuing education course offered by a public junior college shall be included in the contact hours used to determine the college's proportionate share of state money appropriated and distributed to public junior colleges under Sections 130.003 and 130.0031, regardless of whether the college waives all or part of the tuition or fees for the course under Section 130.304.

Sec. 130.303. WORKFORCE CONTINUING EDUCATION FOR HIGH SCHOOL STUDENTS. (a) A public junior college may offer, or may enter into an agreement with a school district, organization, or other person that operates a high school to offer, workforce continuing education courses other than learning framework courses, basic employability courses, and basic learning skills courses to a person who:

(1) is enrolled in high school on the completion of the person's sophomore year;

(2) is enrolled in a school that is not formally organized as a high school and is at least 16 years of age; or

(3) is attending high school while incarcerated, is at least 16 years of age, and is not eligible for release from incarceration before the person's 18th birthday.

(b) This section does not prohibit a public junior college from offering community interest continuing education courses using local funds.

Sec. 130.304. WAIVER OF TUITION AND FEES FOR WORKFORCE CONTINUING EDUCATION COURSES. A public junior college may waive all or part of the tuition or

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the tuition or fees charged to a student for a workforce continuing education course if:

(1) the student:

(A) is enrolled in high school;

(B) is 16 years of age or older, has had the disabilities of minority removed, and is not enrolled in secondary education;

or

(C) is under the age of 18 and is incarcerated;

(2) all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other expenses for the course are covered by business, industry, or other local public or private entities; or

(3) the course is taught in a federal correctional facility and the facilities, equipment, supplies, and other expenses for the course are funded by the federal government.

Sec. 130.305. RULES. The coordinating board shall adopt any rules the coordinating board considers necessary for the administration of this subchapter. In adopting those rules, the coordinating board shall use the negotiated rulemaking procedures under Chapter 2008, Government Code.

SECTION 2. This Act takes effect September 1, 2017.

No equivalent provision.

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fees charged to a student for a workforce continuing education course only if:

(1) the student:

(A) is enrolled in high school or in a school described by Section 130.303(a)(2);

(B) is 16 years of age or older, has had the disabilities of minority removed, and is not enrolled in secondary education;

or

(C) is under the age of 18 and is incarcerated;

(2) all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other expenses for the course are covered by business, industry, or other local public or private entities; or

(3) the course is taught in a federal correctional facility and the facilities, equipment, supplies, and other expenses for the course are funded by the federal government. [FA1]

Sec. 130.305. RULES. The coordinating board shall adopt any rules the coordinating board considers necessary for the administration of this subchapter. In adopting those rules, the coordinating board shall use the negotiated rulemaking procedures under Chapter 2008, Government Code.

SECTION 2. Same as House version.

SECTION __. Section 51.451, Education Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Open educational resource" means a teaching, learning, or research resource that is in the public domain or has been released under an intellectual property license that permits the free use, adaptation, and redistribution of the resource by any person. The term may include full course curricula, course materials, modules, textbooks, media, assessments, software,

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and any other tools, materials, or techniques, whether digital or otherwise, used to support access to knowledge. [FA2]

No equivalent provision.

SECTION __. Section 51.452, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

- (a) 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 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; ~~and~~
 - (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.

(d) If an 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. [FA2]

No equivalent provision.

SECTION __. Section 51.453, Education Code, is amended to read as follows:

Sec. 51.453. TEXTBOOK ASSISTANCE INFORMATION FOR STUDENTS. To the extent practicable, an institution of higher education shall make reasonable efforts to disseminate to its students information regarding:

(1) available institutional programs for renting textbooks or for purchasing used textbooks;

(2) available institutional guaranteed textbook buyback programs;

(3) available institutional programs for alternative delivery of textbook content; ~~and~~

(4) the availability of courses and sections of courses that require or recommend only open educational resources; and

(5) other available institutional textbook cost-savings strategies. [FA2]

No equivalent provision.

SECTION __. Section 51.454(a), Education Code, is

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amended to read as follows:

(a) When a textbook publisher provides information regarding a textbook or supplemental material other than an open educational resource to a faculty member or other person in charge of selecting course materials at an institution of higher education, the publisher shall also provide to the faculty member or other person written information that includes:

(1) the price at which the publisher would make the textbook or supplemental material available to a college bookstore or other bookstore that generally serves the students of the institution and, if applicable, to the public;

(2) the copyright dates of the current and three preceding editions of the textbook;

(3) a description of any substantial content revisions made between the current edition of the textbook or supplemental material and the most recent preceding edition of the textbook or material, including the addition of new chapters, new material covering additional time periods, new themes, or new subject matter;

(4) information as to whether the textbook or supplemental material is available in other formats, such as a paperback or unbound version; and

(5) the price at which the publisher would make the textbook or supplemental material in any alternative format available to a bookstore described by Subdivision (1) and, if applicable, to the public. [FA2]

SECTION __. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0668 to read as follows:

Sec. 61.0668. OPEN EDUCATIONAL RESOURCES GRANT PROGRAM. (a) In this section, "open educational

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resource" has the meaning assigned by Section 51.451.

(b) The board shall establish and administer a grant program to encourage faculty at institutions of higher education to adopt, modify, redesign, or develop courses that use only open educational resources.

(c) Under the program, a faculty member of an institution of higher education may apply to the board for a grant to adopt, modify, redesign, or develop one or more courses at the institution to exclusively use open educational resources.

(d) For each course identified in an application for a grant under this section, the board shall select at least three persons qualified to review the curriculum of the course, as determined by the board, to evaluate the application with respect to that course. If the application is rejected, the reviewing persons must provide feedback on the application to the faculty member. The feedback may be provided anonymously.

(e) A faculty member who receives a grant under the program shall ensure that any open educational resource used in each applicable course is provided to a student enrolled in the course at no cost other than the cost of printing.

(f) A faculty member who receives a grant under the program must submit to the board for each of the four semesters immediately following the implementation of each applicable course a report that includes:

- (1) the number of students who have completed the course;
- (2) an estimate of the amount of money saved by a student due to the use of open educational resources in the course;
- (3) a description of the open educational resources used in the course;
- (4) the number of other faculty members, if any, who adopted the curriculum of the course; and

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- (5) any other information required by the board.
- (g) A faculty member who receives a grant under the program may continue to submit a report described by Subsection (f) for a semester that occurs after the faculty member's duty to submit a report under that subsection has expired. The board may consider a faculty member's failure to submit additional reports under this subsection in evaluating a subsequent grant application submitted by the faculty member.
- (h) A faculty member who is no longer employed by an institution of higher education forfeits any grant awarded under the program.
- (i) The board may not award a grant under the program to a faculty member of a postsecondary educational institution other than an institution of higher education.
- (j) Not later than December 1 of each even-numbered year, the board shall submit to the governor, lieutenant governor, speaker of the house of representatives, and each standing legislative committee with primary jurisdiction over higher education a report on:
- (1) the total number of grants distributed under the program;
- (2) the number of students who completed a course adopted, modified, redesigned, or developed under the program;
- (3) an estimate of the total amount of money saved by students due to the use of open educational resources in courses adopted, modified, redesigned, or developed under the program;
- (4) a list of any subject areas that would benefit from the adoption, modification, or development of open educational resources; and
- (5) recommendations on future steps for adopting, modifying, or developing open educational resources.
- (k) The board may solicit and accept gifts, grants, and

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donations from any public or private source for purposes of the program.

(l) The board shall adopt rules for the administration of the program.

(m) This section expires September 1, 2021.

(n) The board may not use appropriated funds in an amount greater than \$200,000 for purposes of the program in the state fiscal biennium ending August 31, 2019. The board may use any amount of other funds available for those purposes. This subsection expires December 1, 2019. [FA2]

No equivalent provision.

SECTION __. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0669 to read as follows:

Sec. 61.0669. FEASIBILITY STUDY ON STATE REPOSITORY OF OPEN EDUCATIONAL RESOURCES.

(a) In this section, "open educational resource" has the meaning assigned by Section 51.451.

(b) The board shall conduct a study to determine the feasibility of creating a state repository of open educational resources. The study must consider:

(1) methods for facilitating public access to open educational resources;

(2) the resources needed to create the repository; and

(3) any potential challenges in creating the repository.

(c) In conducting the study, the board shall collaborate with relevant state agencies and other stakeholders, including the Texas Education Agency and representatives of public institutions of higher education and school districts.

(d) Not later than September 1, 2018, the board shall submit to the governor, lieutenant governor, speaker of the house of representatives, and each standing legislative committee with primary jurisdiction over higher education a report on the

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results of the study and any recommendations for legislative or other action. The report must include information on:

(1) methods by which open educational resources would be gathered and curated;

(2) measures to ensure public access to the repository;

(3) methods of encouraging the use of the repository;

(4) management of intellectual property rights; and

(5) any other measures necessary to ensure the repository's success.

(e) The board may not use appropriated funds in an amount greater than \$100,000 for purposes of the study. The board may use any amount of other available funds for purposes of the study and may solicit and accept gifts, grants, and donations for that purpose.

(f) This section expires September 1, 2019. [FA2]

No equivalent provision.

SECTION __. Sections 51.451, 51.452, 51.453, and 51.454, Education Code, as amended by this Act, apply beginning with the 2018 spring semester. [FA2]

No equivalent provision.

SECTION __. (a) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the administration of the open educational resources grant program under Section 61.0668, Education Code, as added by this Act.

(b) Notwithstanding Section 61.0668(j), Education Code, as added by this Act, the Texas Higher Education Coordinating Board shall submit its initial report required under that section not later than December 1, 2019. [FA2]