

A BILL TO BE ENTITLED

AN ACT

relating to measures to increase the affordability of textbooks used for courses at public institutions of higher education.

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

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

SUBCHAPTER I. TEXTBOOKS

Sec. 51.451. DEFINITIONS. In this subchapter:

(1) "Custom textbook" means a textbook that is compiled by a publisher at the direction of a faculty member or other person in charge of selecting course materials at an institution of higher education and that may include items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, or elements unique to a specific institution.

(2) "Faculty member" has the meaning assigned by Section 51.917.

(3) "Institution of higher education" has the meaning assigned by Section 61.003.

(4) "Supplemental material," with respect to a textbook, means instructional material developed to accompany the textbook, including printed materials, computer disks, website access, and electronically distributed materials, other than material that is part of an integrated textbook.

1 (5) "Textbook" means a book published primarily for
2 instruction in connection with a particular course or courses
3 offered to postsecondary students by an institution of higher
4 education. The term includes any edition of a textbook or set of
5 textbooks and any item considered supplemental specifically to the
6 textbook, regardless of whether the textbook and supplemental item
7 are sold together or separately.

8 (6) "Textbook bundle" means a textbook that is
9 combined with other instructional material, such as another
10 textbook or additional printed material, a computer disk, website
11 access, or electronically distributed material, and that is
12 packaged or otherwise offered for sale with that instructional
13 material at a single price. The term does not include a textbook
14 that is combined with other instructional material if that material
15 in its entirety is:

16 (A) required to be offered for sale with or as
17 part of the textbook, according to a third-party contractual
18 agreement; or

19 (B) interrelated with the content of the textbook
20 to such a degree that any separation of the material from the
21 textbook would render the textbook unusable for its intended
22 purpose.

23 (7) "University-affiliated bookstore" means a
24 bookstore that:

25 (A) sells textbooks for courses offered to
26 postsecondary students by an institution of higher education,
27 regardless of whether the bookstore is located on the campus of the

1 institution; and

2 (B) is operated by or with the approval of the
3 institution through ownership, a management agreement, a lease or
4 rental agreement, or otherwise.

5 Sec. 51.452. DISSEMINATION OF COURSE SCHEDULE AND LIST OF
6 REQUIRED AND RECOMMENDED TEXTBOOKS. (a) Each institution of
7 higher education shall:

8 (1) for each semester or academic term, compile a
9 course schedule indicating each course offered by the institution
10 for the semester or term to postsecondary students;

11 (2) with respect to each course, include with the
12 schedule a list of the required and recommended textbooks that
13 specifies, to the extent practicable, the following information for
14 each textbook:

15 (A) the retail price;

16 (B) the author;

17 (C) the publisher;

18 (D) the most recent copyright date; and

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

21 (3) at the time required by Subsection (b)(2), publish
22 the course schedule and textbook list in hard copy format and on the
23 institution's Internet website and make the information available
24 to university-affiliated bookstores and other bookstores that
25 generally serve the students of the institution; and

26 (4) as soon as practicable after the information
27 becomes available, disseminate as required by Subdivision (3)

1 specific information regarding any revisions to the institution's
2 course schedule and textbook list.

3 (b) To allow for timely placement of textbook orders by
4 students, each institution of higher education shall:

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

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

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

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

20 (2) available institutional guaranteed textbook
21 buyback programs;

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

24 (4) other available institutional textbook
25 cost-savings strategies.

26 Sec. 51.454. TEXTBOOK PUBLISHERS: AVAILABILITY OF
27 INFORMATION TO FACULTY CONCERNING TEXTBOOK PRICES, REVISIONS, AND

1 COPYRIGHTS. (a) When a textbook publisher provides information
2 regarding a textbook or supplemental material to a faculty member
3 or other person in charge of selecting course materials at an
4 institution of higher education, the publisher shall also provide
5 to the faculty member or other person written information that
6 includes:

7 (1) the price at which the publisher would make the
8 textbook or supplemental material available to a
9 university-affiliated bookstore or other bookstore that generally
10 serves the students of the institution and, if applicable, to the
11 public;

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

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

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

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

27 (b) A textbook publisher shall comply with this section with

1 respect to a custom textbook only to the extent reasonably
2 practicable.

3 Sec. 51.455. TEXTBOOK BUNDLES. A textbook publisher that
4 offers a textbook bundle for sale directly to students enrolled at
5 an institution of higher education or, for resale purposes, to a
6 university-affiliated bookstore or other bookstore that generally
7 serves the students of the institution shall also offer for sale to
8 the students or bookstore, as applicable, each individual item of
9 instructional material as a separate, unbundled item that is
10 separately priced.

11 SECTION 2. Subchapter I, Chapter 51, Education Code, as
12 added by this Act, applies beginning with the 2012 fall semester.

13 SECTION 3. This Act takes effect September 1, 2011.