

- SUBJECT:** Requiring information on higher education textbooks
- COMMITTEE:** Higher Education — committee substitute recommended
- VOTE:** 7 ayes — Branch, Bonnen, Brown, D. Howard, Johnson, Lewis, Patrick
0 nays
2 absent — Castro, Alonzo
- WITNESSES:** For — Marc Eckhart, Barnes & Noble College Bookstores; Stephanie Gibson, Texas Retailers Association; Alex Jones, University of Texas at Austin; Amy Turpin, Nebraska Book Company; (*Registered, but did not testify*: Yannis Banks, Texas NAACP; Robert Floyd, Association of American Publishers; Dana Henning, Allie Smith, University of Texas at Austin; John Lawler, Texas Student Association; Katie Thompson, Texas College Republicans)

Against — None
- BACKGROUND:** The Higher Education Opportunity Act (PL 110-315) is federal legislation originally enacted in 1965 and reauthorized in 2008, taking effect in July, 2010. The act contains provisions that address making college textbooks more affordable.
- DIGEST:** CSHB 33 would require each public and private higher education institution to compile course schedules for all courses for each semester or academic term and to include detailed information about each course's textbook requirements, to the extent practicable. The information would have to include the book's retail price, author, publisher, most recent copyright date, and the ISBN, if any. No later than 30 days before the start of classes, institutions would be required to provide the information on their websites and with any course schedules provided in hard copy.

Institutions would have to make the information available to college bookstores and other bookstores that generally serve the students of the institution. Institutions would have to disseminate specific information about revisions to the institution's course schedule and textbook list as soon as practicable after the information became available. An institution

would be exempt from having to publish a textbook list or any revisions to that textbook list if a college bookstore, at the required times, published that list and revisions on its Internet website on behalf of the institution.

To allow for timely placement of textbook orders by students, each institution would have to establish a deadline for faculty members to submit information for the course schedule and textbook list.

Institutions would have to make reasonable efforts to disseminate to students, to the extent practicable, information on institutional programs for renting or buying used textbooks, guaranteed textbook buyback programs, alternative delivery of textbook content, and other available cost-saving strategies.

When providing information on a textbook or supplemental information to faculty members, publishers would have to provide written information that included:

- the price of the textbook or supplemental material to college bookstores or other bookstores that serve students;
- the copyright dates of the current and three preceding editions of the textbook;
- a description of any substantial content revisions between the current edition of the textbook or supplemental material and the most recent preceding edition of the textbook or supplemental material, including new chapters, new material covering additional time periods, new themes, or new subject matter.

Textbook publishers would have to provide to faculty information on whether the textbook or supplemental material was available in other formats, such as a paperback or an unbound version, and the price at which the publisher would make such materials in an alternative format available to bookstores.

The bill would require a textbook publisher to comply with the bill's requirements for a custom textbook – one that is compiled at the direction of a faculty member - only to the extent reasonably practicable. The bill would restrict the bundling of materials for sale in a single package.

The bill would take effect September 1, 2011, and would apply beginning with the 2012 fall semester.

**SUPPORTERS
SAY:**

CSHB 33 would align state law with provisions on required information concerning college textbooks already in federal law. It would mirror the federal Higher Education Opportunity Act (HEOA). Since the federal law became effective in July 2010, universities and book vendors already have had to put many of the bill's provisions into practice. These provisions were negotiated and agreed to by multiple stakeholders over several years. Even though the bill would require institutions to do a few additional things, they would be wholly in line with the existing federal requirements.

Many institutions already voluntarily provide textbook assistance through textbook loan programs. Many college bookstores also provide textbook rental programs that can cut the price of textbooks by almost half.

Textbook costs are an increasingly large part of the cost of higher education. The bill would help students make more informed decisions about their books and courses to manage costs. If faculty were made aware of less costly alternatives to bound textbooks, they also could make more informed decisions.

Requiring institutions to make course schedules and textbook information available to both college bookstores and other bookstores that serve students would improve transparency and enable students to comparison shop for the books and materials they need, while facilitating fair treatment of all bookstores that serve students. It would allow for competition and benefit students with lower prices. The bill would require institutions to make reasonable efforts to inform students about textbook buy-back programs, programs to rent and purchase used textbooks, and other cost-saving strategies.

Because some colleges and universities are moving away from printed course catalogues, the bill would not require institutions to produce hard copies of their course catalogues in order to comply with bill. If an institution did produce a hard copy of its course catalogue, it still would be required to print textbook information within it.

Since many colleges and universities contract with their university-affiliated bookstore to collect information needed from faculty and publishers, the bill would authorize the course schedule information to be posted on the college bookstore's website. The university affiliated-bookstore still would be required to disseminate textbook information as it

was compiled and revised to other bookstores that generally serve the students of the institution.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute differs from the original version of the bill by applying to both public and private higher education institutions. It changed “university affiliated bookstore” to “college bookstore” to mirror language in the federal HEOA law. The substitute would allow a college or university that contracted with its university bookstore to collect information needed from faculty and publishers to comply with the bill and would stipulate that the information could be posted on the college bookstore’s website. The substitute would specify that an institution did not have to produce a hard copy of its course catalogue in order to comply with the bill.