

Textbook List

Each institution of higher education, including each college district, shall, with respect to each course, include with the course schedule [see EFA] a list of the required and recommended textbooks that specifies, to the extent practicable, the following information for each textbook:

1. The retail price;
2. The author;
3. The publisher;
4. The most recent copyright date;
5. The International Standard Book Number (ISBN) assigned, if any; and
6. Whether the textbook is an open educational resource.

Education Code 51.452(a)

“Textbook” means a book published primarily for instruction in connection with a particular course or courses offered to postsecondary students by an institution of higher education. The term includes any edition of a textbook or set of textbooks and any item considered supplemental specifically to the textbook, regardless of whether the textbook and supplemental item are sold together or separately. *Education Code 51.451(6)*

"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, and any other tools, materials, or techniques, whether digital or otherwise, used to support access to knowledge. *Education Code 51.451(4-a)*

Publication

Each institution of higher education shall, as soon as practicable after the institution has compiled the schedule and list but not later than the 30th day before the first day that classes are conducted for the semester or other academic term for which the schedule and list are compiled:

1. 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

2. Make that information available to college bookstores and other bookstores that generally serve the students of the institution.

As soon as practicable after the information becomes available, the institution shall disseminate, as required for the original course schedule and textbook list, specific information regarding any revisions to the institution's course schedule and textbook list.

Education Code 51.452(a), (c)

Exception

An institution of higher education is not required to publish a textbook list or any revisions to that textbook list if a college bookstore publishes that list and any revisions to that list on the bookstore's Internet website on behalf of the institution at the appropriate times required above. *Education Code 51.452(b)*

A "college bookstore" is a bookstore that is:

1. Operated by an institution of higher education; or
2. In a contractual relationship or otherwise affiliated with an institution of higher education.

Education Code 51.451(1)

Website with Search Function

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.

Education Code 51.452(d)

Faculty Deadline

To allow for timely placement of textbook orders by students, each institution of higher education shall establish a deadline by which faculty members must submit information to be included in the course schedule and textbook list. *Education Code 51.452(c)*

Textbook Availability

Each institution of higher education, including each college district, shall provide to each student enrolled at the institution written notice regarding the availability of required or recommended textbooks through university-affiliated bookstores and through retailers other than university-affiliated bookstores.

The institution shall provide written notice regarding the availability of textbooks to:

1. Each student of the institution during the week preceding each fall and spring semester;
2. Each student enrolled at the institution in a semester or summer term during the first three weeks of the semester or the first week of the summer term, as applicable; and
3. Students or prospective students of the institution attending an orientation conducted by or for the institution.

The notice shall be provided in a hard-copy or electronic format in a manner that ensures that the notice is reasonably likely to come to the attention of a student receiving the notice. For current students of an institution, an e-mail sent to a student's designated e-mail address, or institutional e-mail account if another is not designated, shall be sufficient, as shall a hard copy mailed to the student's physical address. For students or prospective students attending an orientation, either an e-mail to their designated e-mail address or a hard copy provided directly to the students shall be sufficient.

The notice must contain the following statement: "A student of this institution is not under any obligation to purchase a textbook from a university-affiliated bookstore. The same textbook may also be available from an independent retailer, including an online retailer."

Education Code 51.9705; 19 TAC 4.216(1), .217-.218

"University-Affiliated
Bookstore"

A "university-affiliated bookstore" means a bookstore that sells textbooks for courses offered by an institution of higher education, regardless of whether the bookstore is located on the campus of the institution and is operated by or with the approval of the institution through ownership, a management agreement, a lease or rental agreement, or otherwise. *Education Code 51.9705(a)(2); 19 TAC 4.216(2)(c)*

**Textbook
Information**

Provision of ISBN
College Textbook
Information in
Course Schedules

To the maximum extent practicable, each institution of higher education, including each college district, receiving federal financial assistance shall:

1. Disclose, on the institution's Internet course schedule and in the manner of the institution's choosing, the ISBN and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution's course schedule used for preregistration and registration purposes. If the ISBN is not available for such college textbook or supplemental material, then the institution shall include in the Internet course schedule the author, title, publisher, and copyright date for such college textbook or supplemental material. If the institution determines that the

disclosure of the information described above is not practicable for a college textbook or supplemental material, then the institution shall so indicate by placing the designation "To Be Determined" in lieu of the information required under this subsection; and

2. If applicable, include on the institution's written course schedule a notice that textbook information is available on the institution's Internet course schedule, and the Internet address for such schedule.

20 U.S.C. 1015b(d)

Availability of
Information for
College Bookstores

The institution shall make available to a college bookstore that is operated by, or in a contractual relationship or otherwise affiliated with the institution, as soon as practicable upon the request of such college bookstore, the most accurate information available regarding:

1. The institution's course schedule for the subsequent academic period; and
2. For each course or class offered by the institution, for the subsequent academic period, the information required by 20 U.S.C. 1015b(d)(1), above, for each college textbook or supplemental material required or recommended for such course or class as described above, the number of students enrolled in such course or class, and the maximum student enrollment for such course or class.

20 U.S.C. 1015b(e)

Additional
Information

An institution disclosing the information required by 20 U.S.C. 1015b(d)(1), above, is encouraged to disseminate to students information regarding:

1. Available institutional programs for renting textbooks or for purchasing used textbooks;
2. Available institutional guaranteed textbook buy-back programs;
3. Available institutional alternative content delivery programs; or
4. Other available institutional cost-saving strategies.

20 U.S.C. 1015b(f)

Textbook Assistance

To the extent practicable, an institution of higher education, including a college district, 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 buy-back programs;
3. Available institutional programs for alternative delivery of textbook content;
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.

Education Code 51.453

**Instructional Material
for Certain Students
with Disabilities**

This section applies only to instructional material that is written and published primarily for postsecondary instruction of students; and required or essential for a student's success in a course at an institution of higher education, as identified by the instructor of the course for which the instructional material will be used, in consultation with the person at the institution with primary responsibility for services for students with disabilities and in accordance with the rules below. *Education Code 51.970(b); 19 TAC 4.204*

Materials that are considered required or essential for a course or program requirement are those materials that are:

1. Identified in writing by an academic department or instructor as being essential for the student to complete a course and/or program requirements;
2. Listed on a course syllabus or other written format used to describe course; or
3. Identified by agreement between instructor and student as essential for completing a program requirement not part of a specific course, such as an independent research project.

19 TAC 4.205(a)

Request for
Materials

Students who qualify to receive instructional materials under this provision will submit their request to the publisher or manufacturer through their institution. To assist the institution in producing special instructional material, a publisher or manufacturer of instructional material assigned by an institution of higher education for use by students in connection with a course at the institution shall provide to the institution, on the institution's request in accordance with this section, a copy in an electronic format of the instructional material. The publisher or manufacturer, as applicable, shall provide the electronic copy not later than the 15th business day after

the date of receipt of the request or 15th business day after publication of the material, whichever comes later.

A request made by an institution of higher education must:

1. Certify that for each blind or visually impaired student or student with dyslexia who will use specialized instructional material based on the requested copy of the material in an electronic format for a course in which the student is enrolled at the institution, either the institution or the student has purchased a printed copy of the instructional material;
2. Be signed by the person at the institution with primary responsibility for services for students with disabilities; and
3. Include all available identifying information related to the material, to include but not be limited to ISBN number.

Education Code 51.970(c)–(d); 19 TAC 4.206(a)–(b)

A publisher or manufacturer may require that a request made by an institution of higher education include from each student for whom the institution is making the request a signed statement described in 19 Administrative Code 4.206(c). *Education Code 51.970(e); 19 TAC 4.206(c)*

In order to facilitate students getting their materials in a timely manner, instructors and academic departments shall comply with their institution's procedures for turning in materials and reading lists by the established deadlines. *19 TAC 4.205(b)*

Electronic Copies

Each electronic copy of instructional material must:

1. Be in a format that contains all of the information that is in the instructional material, including any text, sidebar, table of contents, chapter headings, chapter subheadings, footnotes, index, glossary, and bibliography, and is approved by the publisher or manufacturer, as applicable, and the institution of higher education as a format that will contain that material; and is compatible with commonly used Braille translation and speech synthesis software; and
2. Include any correction or revision available at the time the electronic copy is provided.

If the publisher or manufacturer and the institution of higher education are not able to agree on a format, the publisher or manufacturer, as applicable, shall provide the electronic copy of the instructional material in a format that can be read by a word processing application and that contains as much of the material specified by that subsection as is practicable.

Education Code 51.970(f)–(g); 19 TAC 4.206(d)

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EDA
(LEGAL)

Repository of
Electronic Formats

The manufacturer or publisher has the sole discretion to allow an institution to maintain a repository of electronic formats of previously requested instructional materials for re-use in order to comply with this section. An institution that is authorized to re-use previously requested instructional materials must comply with provisions in 19 Administrative Code 4.206(b) and (c) related to requesting instructional material and all other provisions outlined in this section. *19 TAC 4.206(g)*