

AMENDED IN SENATE AUGUST 28, 2007

AMENDED IN SENATE AUGUST 1, 2007

AMENDED IN SENATE JULY 18, 2007

AMENDED IN SENATE JULY 3, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1548

**Introduced by Assembly Member Solorio
(Coauthors: Assembly Members Beall, DeVore, Salas, and Wolk)**

February 23, 2007

An act to add Section 66406.7 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1548, as amended, Solorio. Public postsecondary education: College Textbook Transparency Act.

(1) The Donahoe Higher Education Act authorizes the activities of the 4 segments of the postsecondary education system in the state. These segments include the 3 public postsecondary segments: the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. Private and independent

postsecondary ~~education~~ *educational* institutions constitute the other segment.

Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.

Existing law urges textbook publishers to take specified actions aimed at reducing the amounts that students currently pay for textbooks. Existing law requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, among other things, to work with the academic senates of each respective segment to encourage faculty to give consideration to the least costly practices in assigning textbooks, to encourage faculty to disclose to students how new editions of textbooks are different from previous editions and the cost to students for textbooks selected, to review procedures for faculty to inform college and university bookstores of textbook selections, and to encourage faculty to work closely with publishers and college and university bookstores in creating bundles and packages that are economically sound and deliver cost savings to students.

Existing law expresses the intent of the Legislature to encourage private colleges and universities to work with their respective academic senates, and to encourage faculty to consider practices in selecting textbooks that will result in the lowest costs to students.

This bill would add the College Textbook Transparency Act to the Donahoe Higher Education Act.

This bill would require the publisher, as defined, of a textbook to print certain information on the outer cover of, or within, a textbook, as defined, on or after January 1, 2010.

This bill would require, beginning January 1, 2010, a publisher, or agent or employee of a publisher, of textbooks intended for use at a postsecondary educational institution to respond to a request from an adopter, as defined, for specified information.

This bill would require a public postsecondary education institution to institute practices that encourage adopters, with course material selection responsibilities ~~and responsibilities~~ to place their orders with sufficient lead time, whenever possible, to enable the university-managed bookstore or contract-managed bookstore to confirm the availability of the requested materials. The bill, except as specified, would prohibit an adopter at an institution of higher education from demanding or receiving anything of value, including the donation of

equipment or goods, any payment, loan, advance, or deposit of money, present or promised, for adopting specific course materials required for coursework or instruction.

This bill would prohibit a publisher or campus bookstore from soliciting faculty for the purpose of the sale of instructor copies or complimentary ~~teacher's~~ *teacher* editions of textbooks that have been provided by a publisher at no charge to a faculty member or other employee.

Pursuant to existing law, the bill would apply to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable. Because the bill would impose new duties on community college districts, the bill would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66406.7 is added to the Education Code,
2 to read:

3 66406.7. (a) This section shall be known and may be cited as
4 the College Textbook Transparency Act.

5 (b) As used in this section, the following terms have the
6 following meanings:

7 (1) "Adopter" means any faculty member or academic
8 department or other adopting entity at an institution of higher
9 education responsible for considering and choosing course
10 materials to be used in connection with the accredited courses
11 taught at that institution.

12 (2) "Complimentary copies" or "review course materials" only
13 includes books that in all appearances are the same as the regular
14 student edition of the textbook, and contain no material other than
15 that found in the regular student edition of the textbook.

1 (3) “Instructor copies” or “complimentary teacher editions”
2 means books with information that is meant to be for the exclusive
3 use of teachers and not for students. These books contain answers
4 and solutions, test questions, and pedagogical techniques, and are
5 often labeled—~~instructors~~ *instructor’s* edition or—~~instructors~~
6 *instructor’s* manuals.

7 (4) “New edition of textbook” means a subsequent version of
8 an earlier standard textbook. A standard textbook is the primary,
9 full, and unabridged edition of a textbook. An abridged, alternate
10 format, or alternate version of a standard textbook shall not be
11 considered a new edition.

12 (5) “Publisher” means any publishing house, publishing firm,
13 or publishing company that publishes textbooks or other course
14 materials, specifically designed for postsecondary instruction.

15 (6) “Textbook” means a book that contains printed material and
16 is intended for use as a source of study material for a class or group
17 of students, a copy of which is expected to be available for the use
18 of each of the students in that class or group. “Textbook” does not
19 include a novel.

20 (7) “Unsolicited complimentary copies” means all items
21 described in paragraph (2) and that were not requested by faculty
22 but are sent by the publisher unsolicited by a faculty or staff
23 member.

24 (c) (1) Adopters are encouraged to consider cost in the adoption
25 of textbooks.

26 (2) Publishers shall facilitate the work done by adopters by
27 providing transparency in the adoption process and shall be
28 responsive in a timely manner to requests for information on
29 textbook cost and content, and the full range of options.

30 (d) (1) On or after January 1, 2010, the publisher of a textbook
31 shall print on the outer cover of, or within, the standard textbook,
32 both of the following items:

33 (A) For any new editions of textbooks initially published on
34 or after January 1, 2010, a summary of the substantive content
35 differences between the new edition and the prior edition.

36 (B) The copyright date of the previous edition of the textbook.

37 (2) For instructor copies or complimentary teacher editions, it
38 shall be noted on the exterior of the book that the book is an
39 instructor’s copy and is not for resale.

1 (e) (1) A publisher, or agent or employee of a publisher, of
2 textbooks intended for use at a postsecondary educational
3 institution shall respond to a request from an adopter for any of
4 the following:

5 (A) A list of the products offered for sale by that publisher that
6 are relevant to the needs and interests of adopters.

7 (B) The price at which the new book is available from the
8 publisher.

9 ~~(C) For each product listed pursuant to subparagraph (A), the~~
10 ~~wholesale price of that product.~~

11 (C) *The copyright date of any prior edition of a textbook, if*
12 *available.*

13 (D) A list of the substantial content differences or changes made
14 between the current edition initially published on or after January
15 1, 2010, and the previous edition of the textbook, including, but
16 not necessarily limited to, new chapters, additional eras of time,
17 new themes, or new subject matter.

18 (2) The information described in this subdivision shall be
19 available in print or electronically to the adopter.

20 (f) Each campus bookstore at any public postsecondary
21 ~~education~~ *educational* institution shall post in its store or on its
22 Internet Web site a disclosure of its retail pricing policy on new
23 and used textbooks.

24 (g) Each public postsecondary education institution shall
25 institute practices that encourage adopters with course material
26 selection ~~responsibilities and~~ responsibilities to place their orders
27 with sufficient lead time, whenever possible, to enable the
28 university-managed bookstore or contract-managed bookstore to
29 confirm the availability of the requested materials.

30 (h) This section does not limit the authority of faculty over
31 decisions relating to the selection of textbooks.

32 (i) An adopter at an institution of higher education shall not
33 demand or receive anything of value, including the donation of
34 equipment or goods, any payment, loan, advance, or deposit of
35 money, present or promised, for adopting specific course materials
36 required for coursework or instruction, except that an employee
37 may receive any of the following:

38 (1) Complimentary copies, review course materials, or instructor
39 copies. The adopters shall not sell instructor copies.

1 (2) Royalties or other compensation from sales of course
2 materials that include the instructor's writing or other work. Receipt
3 of these royalties or compensation is subject to the employer's
4 standing policies or collective bargaining agreements relating to
5 employee conflicts of interest.

6 (3) Honoraria for academic peer review of course materials.
7 Receipt of honoraria is subject to the employer's standing policies
8 relating to employee conflicts of interest.

9 (4) Training in the use of course materials and course
10 technologies. Payment for travel and lodging and or meals shall
11 be subject to the employer's standing policies relating to employee
12 conflicts of interest and compensation.

13 (j) A publisher or campus bookstore shall not solicit faculty for
14 the purpose of the sale of instructor copies or complimentary
15 teachers editions of textbooks that have been provided by a
16 publisher at no charge to a faculty member or other employee.
17 This subdivision does not apply to unsolicited complimentary
18 copies.

19 (k) A campus bookstore shall not engage in any trade of any
20 course material marked, or otherwise identified, as instructor copies
21 or complementary teachers editions of textbooks.

22 (l) Any self-published textbook by an instructor for use with
23 that instructor's class shall be exempt from this section, if the
24 instructor discloses the publishing and use of those materials to
25 his employer institution.

26 SEC. 2. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.