An act relating to postsecondary education. An act to amend Section 66406.7 of the Education Code, relating to college textbooks.

LEGISLATIVE COUNSEL'S DIGEST


Existing

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as the 3 segments of public postsecondary education in this state.

Existing law expresses the finding and declaration of the Legislature that the production and pricing of college textbooks deserves a high level of attention from educators and lawmakers because they impact the quality and affordability of higher education. 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 require college and university bookstores to work with the academic senates of each respective campus to pursue prescribed policies aimed at making textbooks more affordable for students.
This bill would express the intent of the Legislature to enact legislation that will make textbooks more affordable for California college students.

Existing law, the College Textbook Transparency Act, encourages faculty members and academic departments that select course materials at institutions of higher education to consider cost in the adoption of textbooks, and prohibits those persons and departments from demanding or receiving anything of value for adopting course materials, with specified exceptions. The act also requires each campus bookstore at a public postsecondary educational institution to post in its store, or on its Internet Web site, a disclosure of its retail pricing policy on new and used textbooks.

This bill would require each faculty member or academic department that selects course materials, and each campus bookstore at a public postsecondary educational institution, to provide the Internet address of a college open textbook Internet Web site, as defined. Because this 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.


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

SECTION 1. Section 66406.7 of the Education Code is amended to read:
66406.7. (a) This section shall be known and may be cited as the College Textbook Transparency Act.
(b) As used in this section, the following terms have the following meanings:
(1) “Adopter” means any faculty member or academic department or other adopting entity at an institution of higher education responsible for considering and choosing course
materials to be used in connection with the accredited courses
taught at that institution.

(2) “College open textbook Internet Web site” means
www.collegeopentextbooks.org.

(3) “Complimentary copies” or “review course materials” only
includes books that in all appearances are the same as the regular
student edition of the textbook, and contain no material other than
that found in the regular student edition of the textbook.

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

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

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

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

(8) “Unsolicited complimentary copies” means all items
described in paragraph (2) (3) and that were not requested by
faculty but are sent by the publisher unsolicited by a faculty or
staff member.

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

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

(d) (1) On or after January 1, 2010, the publisher of a textbook
shall print on the outer cover of, or within, the standard textbook,
both of the following items:
(A) For any new editions of textbooks initially published on
or after January 1, 2010, a summary of the substantive content
differences between the new edition and the prior edition.
(B) The copyright date of the previous edition of the textbook.
(2) For instructor copies or complimentary teacher editions, it
shall be noted on the exterior of the book that the book is an
instructor’s copy and is not for resale.

(e) (1) A publisher, or agent or employee of a publisher, of
textbooks intended for use at a postsecondary educational
institutions shall respond to a request from an adopter for any of
the following:
(A) A list of the products offered for sale by that publisher that
are relevant to the needs and interests of adopters.
(B) The price at which the new book is available from the
publisher.
(C) The copyright date of any prior edition of a textbook, if
available.
(D) A list of the substantial content differences or changes made
between the current edition initially published on or after January
1, 2010, and the previous edition of the textbook, including, but
not necessarily limited to, new chapters, additional eras of time,
new themes, or new subject matter.
(2) The information described in this subdivision shall be
available in print or electronically to the adopter.

(f) Each campus bookstore at any public postsecondary
educational institution shall post in its store or on its Internet Web
site a disclosure of its retail pricing policy on new and used
textbooks and the Internet address of a college open textbook
Internet Web site.

(g) Each public postsecondary educational institution shall
encourage adopters with course material selection 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.
(h) This section does not limit the authority of faculty over
decisions relating to the selection of textbooks.

(i) An adopter at an institution of higher education shall not
demand or receive 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, except that an employee
may receive any of the following:

1. Complimentary copies, review course materials, or instructor
copies. The adopters shall not sell instructor copies.
2. Royalties or other compensation from sales of course
materials that include the instructor’s writing or other work. Receipt
of these royalties or compensation is subject to the employer’s
standing policies or collective bargaining agreements relating to
employee conflicts of interest.
3. Honoraria for academic peer review of course materials.
Receipt of honoraria is subject to the employer’s standing policies
relating to employee conflicts of interest.
4. Training in the use of course materials and course
technologies. Payment for travel and lodging and or meals shall
be subject to the employer’s standing policies relating to employee
conflicts of interest and compensation.

(j) An adopter at an institution of higher education shall provide
the Internet address of a college open textbook Internet Web site
on any syllabus, course materials list, and any other related course
materials, including course materials that are available
electronically, that list the textbooks required for that course.

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

(l) A campus bookstore shall not engage in any trade of any
course material marked, or otherwise identified, as instructor copies
or complementary teachers editions of textbooks.
Any self-published textbook by an instructor for use with that instructor’s class shall be exempt from this section, if the instructor discloses the publishing and use of those materials to his or her employer institution.

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

SECTION 1. It is the intent of the Legislature to enact legislation that will make textbooks more affordable for California college students.