An act to amend Section 66406 of the Education Code, relating to college instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 216, as amended, Liu. Public postsecondary education: textbooks. 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 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 pay for textbooks, including providing to faculty and departments considering textbook orders a list of all the different products the publisher sells. 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, to take specific actions with their respective academic senates, college and university bookstores,
and faculty to promote the selection of textbooks that will result in the cost savings to students.

This bill would revise that provision affecting textbook publishers to encourage publishers to take, at a minimum, those specified actions aimed at reducing the amounts that students currently pay for textbooks. The bill would encourage publishers, in providing lists and prices of different products they sell, to include products they have sold.

This bill would require the California State University and the California Community Colleges, and would request the University of California, to post a list of required textbooks and the cost of the textbook on their respective Internet Web sites, at least 30 days prior to the first day of class for each term. For bundled materials, the bill would require the course instructor to confirm his or her intent to use each individual item sold as part of the bundled package before adoption of the material is finalized.

By imposing new duties on community college districts, this bill would impose a state-mandated local program.

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 of the Education Code is amended to read:

(a) The Legislature finds and declares 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.

(b) The State of California encourages textbook publishers to do, at a minimum, all of the following:
(1) “Unbundle” the instructional materials to give students the option of buying textbooks, CD-ROMs, and workbooks “à la carte” or without additional materials.

(2) Provide all of the following information to faculty and departments when they are considering what textbooks to order, and post both of the following types of information on publishers’ Internet Web sites where it is easily accessible:

(A) A list of all of the different products they sell, or have sold, including both bundled and unbundled options, and the net price of each product.

(B) An explanation of how the newest edition is different from previous editions.

(3) Give preference to paper or online supplements to current editions rather than producing entirely new editions.

(4) Disclose to faculty the length of time they intend to produce the current edition so that professors know how long they can use the same book.

(5) Provide to faculty a free copy of each textbook selected by faculty for use in the classroom for placement on reserve in the campus library.

(c) The Trustees of the California State University and the Board of Governors of the California Community Colleges shall, and the Regents of the University of California are requested to, accomplish all of the following:

(1) Work with the academic senates of each respective segment to do all of the following:

(A) Encourage faculty to give consideration to the least costly practices in assigning textbooks, varying by discipline, such as adopting the least expensive edition when the educational content is equal, and using a selected textbook as long as it is educationally sound, as determined by the appropriate faculty.

(B) Encourage faculty to disclose both of the following to students:

(i) How new editions of textbooks are different from the previous editions.

(ii) The cost to students for textbooks selected for use in each course.

(C) Review procedures for faculty to inform college and university bookstores of textbook selections to ensure that textbook adoptions are made with sufficient lead time to allow bookstores
to confirm availability of the requested materials and, where possible, ensure maximum availability of used books.

(D) Encourage faculty to work closely with publishers and college and university bookstores in creating bundles and packages if they are economically sound and deliver cost savings to students, and if bundles and packages have been requested by faculty. The course instructor or the academic department offering the course shall confirm the intent to use each individual item sold as part of the bundled package before the adoption of the material is finalized. Students should have the option of purchasing textbooks and other instructional materials that are “unbundled.”

(2) Require college and university bookstores to work with the academic senates of each respective campus to do both of the following:

(A) Review issues relative to timelines and processes involved in ordering and stocking selected textbooks.

(B) Work closely with faculty or publishers, or both, to create bundles and packages that are economically sound and deliver cost savings to students.

(3) Encourage college and university bookstores to disclose retail textbook costs, on a per course basis, to faculty, and make this information otherwise publicly available.

(4) Encourage campuses to provide as many forums for students to have access to as many used books as possible, including, but not necessarily limited to, all of the following:

(A) Implementing campus-sponsored textbook rental programs.

(B) Encouraging students to consider on-campus and online book swaps so that students may buy and sell used books and set their own prices.

(C) Encouraging students to consider student book lending programs.

(D) Encouraging college and university bookstores that offer book buyback programs to actively promote and publicize these programs.

(E) Encouraging the establishment of textbook rental programs and any other appropriate approaches to providing high-quality materials that are affordable to students.

(5) Post on the Internet Web site of each respective segment, as early as is feasible, but not less than 30 days prior to the first day of class for each term, a list of each textbook required for each
course offered at the institution during the upcoming term. The posted list shall include the International Standard Book Number (ISBN) for each required textbook or other identifying information, which shall include, at a minimum, all of the following: the title, all authors listed, publishers, edition number, copyright date, publication date, and other relevant information necessary to identify the specific textbook or textbooks required for each course. The list shall also include the price charged to students by the campus bookstore of the institution for each required textbook. Limited exceptions to this requirement may be made for classes added to the academic calendar after the notification deadline.

(d) It is 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.

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.