

ASSEMBLY BILL

No. 2471

Introduced by Assembly Member Lara

February 24, 2012

An act to add Section 66409.5 to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2471, as introduced, Lara. Postsecondary education: e-textbooks.

(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 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 cost savings to students.

This bill would require the trustees and the governing board of each community college district, and urge the regents and the governing body of each private postsecondary educational institution that offers a baccalaureate degree, to develop and adopt rules, regulations, and procedures that would prohibit the assignment of an e-textbook, as defined, as required or recommended reading in a course offered at the postsecondary educational institution unless that e-textbook complies with specified requirements. These requirements include: pricing tiers reflecting consumer access rights over period of time, as specified; cloud storage, as defined; and a refund policy, as prescribed.

Because the bill would impose new duties on community college districts, it 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 66409.5 is added to the Education Code,
2 to read:
3 66409.5. (a) The Trustees of the California State University
4 and the governing board of each community college district shall,
5 and the Regents of the University of California and the governing
6 body of each private postsecondary educational institution that
7 offers a baccalaureate degree are urged to, develop and adopt rules,
8 regulations, and procedures that would prohibit the assignment of
9 an e-textbook as required or recommended reading in a course
10 offered at the postsecondary educational institution unless that
11 e-textbook complies with all of the requirements of subdivision
12 (b).

1 (b) An e-textbook assigned as required or recommended reading
2 in a course offered at the postsecondary educational institution
3 shall comply with all of the following:

4 (1) The e-textbook shall be offered with pricing tiers that reflect
5 consumer access rights over periods of time. At a minimum, both
6 a “rental” price and a “lifetime purchase” price shall be listed by
7 the publisher, clearly noting consumer access to the e-textbook
8 over periods of time.

9 (2) The e-textbook shall be offered with cloud storage, and shall
10 be housed by copyright publishers for access by consumers.

11 (3) The publisher shall make available to the consumer a clear
12 and explicit refund policy allowing a full refund for a purchased
13 e-textbook for up to 14 days from the date of purchase or for up
14 to 50 pages of the e-textbook read by the consumer.

15 (c) As used in this section:

16 (1) “Cloud storage” means a model of networked online storage
17 where data is stored in virtualized pools of storage that can be
18 accessed through a Web service application programming interface
19 (API) or through a Web-based user interface. Cloud storage access
20 shall be consistent with purchased price tier, including indefinitely.

21 (2) “E-textbook” means an electronic text, image, or interactive
22 modular-based publication in digital form produced on, published
23 by, and readable on, computers or other digital devices.
24 “E-textbook” includes enhancement components, including
25 multimedia.

26 (3) “Lifetime purchase” means a price that allows access to
27 e-textbook material in perpetuity. A feature that is available at the
28 time of purchase shall be available to the consumer indefinitely.

29 (4) “Multimedia” includes, but is not necessarily limited to,
30 sound, images, video, animated graphics, and interactive features.

31 (5) “Rental” means a price that allows access to an e-textbook
32 for an explicit, set amount of time, with the expiration date for the
33 e-textbook clearly noted to the consumer.

34 SEC. 2. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

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