An act to add Section 66409 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST

SB 1052, as amended, Steinberg. Public postsecondary education: California Open Education Resources Council.

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 express legislative findings and declarations relating to the cost of college and university textbooks. The bill would add provisions to the Donahoe Higher Education Act to establish the California Open Education Resources Council under the administration of the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges, or a successor group. The bill would specify that the council would have 9 members, including 3 faculty members from each of the public postsecondary segments, selected by the respective faculty senates of each segment.

The bill would require the California Open Education Resources Council to determine a list of the 50 most widely taken lower division courses in the public postsecondary segments. The bill would also require the council to review and approve developed open source materials and to promote strategies for production, access, and use of open source textbooks to be placed on reserve at campus libraries in accordance with this section.

The bill would require that the council, as a condition for the purchase of these textbooks by a bookstore on a campus of the University of California, the California State University, or the California Community Colleges, require a publisher of a textbook that is to be placed on reserve pursuant to this section to provide each campus of the University of California, the California State University, or the California Community Colleges at which the textbook is used with at least 3 copies of that textbook, at no cost, for placement on reserve at a campus library.

The bill would require the council to establish a competitive request-for-proposal process in which faculty members, publishers, and other interested parties would apply for funds to produce, in 2013, 50 high-quality, affordable, digital open source textbooks and related materials, meeting specified requirements.

These provisions would become operative only if sufficient funding for the purposes of this bill is provided in the annual Budget Act or another statute, or through federal or private funds, or through a combination of state, federal, and private funds.
The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:
(1) The cost of attending California’s public colleges and universities has skyrocketed in recent years. While fees often tend to be the most visible cost, other non-tuition-related costs, like the cost of textbooks, significantly burden both students and their families.
(2) For example, the average annual student budget for textbooks at California’s community colleges can be almost 150 percent of the cost of tuition. Recent studies show that, due to the cost of textbooks, many students forego purchasing them altogether. For many students receiving the Cal Grant B stipend intended for books and other living expenses, such as transportation, rent, and food, their entire stipend may be spent on textbooks alone.
(3) Through a $25 million, state-led strategic investment in Open Education Resources (OER), California can offer students in the 50 most widely taken lower division courses the highest quality textbooks and related materials for free online or for about $20 per hardcopy.
(4) This move will bring California’s college and university experience into the 21st century while providing students and their families sorely needed financial relief, and while providing faculty more flexible and dynamic tools to enhance student success.
(b) It is, therefore, the intent of the Legislature to produce 50 high-quality, affordable, digital open source textbooks and related material for use at the University of California, the California State University, and the California Community Colleges.

SEC. 2. Section 66409 is added to the Education Code, to read:
(a) The California Open Education Resources Council is hereby established. The council shall be composed of faculty leaders from the three segments of public postsecondary education, and shall be administered by the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges, or a successor group.
(b) The council shall have nine members: three members shall be faculty of the University of California, selected by the Academic Senate, University of California; three members shall be faculty of the California State University, selected by the Academic Senate of the California State University; and three members shall be community college faculty, selected by the Academic Senate for California Community Colleges.

c) The council shall be responsible for accomplishing all of the following:

1. Development of a list of the 50 most widely taken lower division courses in the public postsecondary segments.
2. Creation and administration of a standardized, rigorous review and approval process for open source materials developed pursuant to this section.
3. Promotion of strategies for production, access, and use of open source materials.
4. For the 50 most widely taken lower division courses in the public postsecondary segments, as a condition for the purchase of textbooks for those courses by a bookstore on a campus of the University of California, the California State University, or the California Community Colleges, requiring that the publisher provide the campus with at least three copies of the textbook at no cost, for placement on reserve at the campus library.

(d) The council shall establish a competitive request for proposal process in which faculty members, publishers, and other interested parties may apply for funds to produce the 50 high-quality, affordable, digital open source textbooks and related materials in 2013.

e) The textbooks and other materials produced pursuant to this section shall comply with all of the following requirements:

1. The textbooks and other materials are placed under a creative commons attribution license that allows others to use, distribute, and create derivative works based upon the digital material while still allowing the authors or creators to receive credit for their efforts.
2. The textbooks and other materials are modular in order to allow easy customization, and are encoded in an XML (Extensible Markup Language) format, or other appropriate successor format, so that the materials can be made available on the widest possible range of platforms, such as
the Internet, tablets, smartphones, print, or other platforms, and so
that they are accessible by persons with disabilities.

(3) The textbooks and other materials are submitted to, and
housed within, the California Open Source Digital Library, when
and if that library is established pursuant to statute.

SEC. 3. Sections 1 and 2 of this act shall become operative
only if sufficient funding for the purposes of this act is provided
in an appropriation in the annual Budget Act or another statute,
or through federal or private funds, or through a combination of
state, federal, and private funds.