

AMENDED IN ASSEMBLY JUNE 26, 2012

AMENDED IN SENATE MAY 25, 2012

AMENDED IN SENATE APRIL 18, 2012

SENATE BILL

No. 1328

Introduced by Senator De León

February 23, 2012

An act to add ~~Section~~ *Sections 66407.5, 66407.6, and 66407.8* to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1328, as amended, De León. Postsecondary education: textbooks.

The Donahoe Higher Education Act authorizes the activities of the 4 segments of the higher education system in the state. These segments include the 3 public 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 institutions of higher education 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 postsecondary education 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 require a publisher that supplies textbooks or other instructional material to a postsecondary educational institution, as defined to include both public and private postsecondary educational institutions, or to a faculty member of a postsecondary educational institution, to provide information about that textbook or item of instructional material in a specified order using a standard XML or comma-delimited format.

This bill would encourage a postsecondary educational institution to provide a textbook adoption search engine, as specified, for purposes of discovery, evaluation, and selection of course materials that allows faculty or course coordinators to view, compare, and contrast textbooks and other course materials and to communicate adoption choices to the appropriate procurement staff and colleagues. The bill would, for a postsecondary educational institution that provides the faculty textbook adoption search engine, require an institutional bookstore, as defined, to provide course and adoption information in an open protocol, as defined and specified, to allow an outside organization or company full and free access to specified information. The bill also would encourage a postsecondary educational institution that currently provides a faculty textbook adoption search engine to comply with the specified requirements.

This bill would require an institutional bookstore to provide a student textbook comparison engine, as defined, on its Internet Web site to demonstrate the price difference between a textbook purchased through the bookstore and the same textbook purchased through an online competitor, which will enable students to ensure that they are purchasing needed textbooks at the best price. The bill would encourage,

but not require, institutional bookstores at the University of California to comply with these provisions.

To the extent new requirements would be placed on community college districts, the 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.

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

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

- 1 SECTION 1. Section 66407.5 is added to the Education Code,
2 to read:
3 66407.5. (a) A publisher that supplies textbooks or other
4 instructional material to a postsecondary educational institution
5 or to a faculty member of a postsecondary educational institution
6 shall provide the following information about that textbook or item
7 of instructional material using a standard XML or comma-delimited
8 format, or both, in the order listed below:
9 (1) Book title.
10 (2) Author.
11 (3) Publisher.
12 (4) ISBN.
13 (5) Retail price.
14 (6) Edition.
15 (7) Copyright date.
16 (b) As used in this section:
17 (1) “Comma-delimited” means a type of data format in which
18 each piece of data is separated by a comma.
19 (2) “ISBN” means the International Standard Book Number, a
20 numeric commercial book identifier.
21 (3) “Postsecondary educational institution” includes both private
22 and public postsecondary educational institutions.

1 (4) “XML” means Extensible Markup Language, which is
2 designed to transport and store data.

3 *SEC. 2. Section 66407.6 is added to the Education Code, to*
4 *read:*

5 *66407.6. A postsecondary educational institution, as defined*
6 *in Section 66407.5, is encouraged to provide a faculty textbook*
7 *adoption search engine for purposes of discovery, evaluation, and*
8 *selection of course materials that allows faculty or course*
9 *coordinators to view, compare, and contrast textbooks and other*
10 *course materials within a given subject area and to communicate*
11 *their adoption choices to the appropriate procurement staff and*
12 *colleagues.*

13 *(a) A postsecondary educational institution that provides a*
14 *faculty textbook adoption search engine shall do all of the*
15 *following:*

16 *(1) Seek out a third-party entity that will create and implement*
17 *the faculty textbook adoption search engine free of charge to the*
18 *postsecondary educational institution.*

19 *(2) Ensure that the faculty textbook adoption search engine*
20 *includes all of the following:*

21 *(A) An automated warning system that provides faculty and*
22 *course coordinators with information on both of the following:*

23 *(i) Textbook adoption deadlines and the potential costs to*
24 *students stemming from late adoption.*

25 *(ii) Potential consequences related to textbook bundling and*
26 *customization that may impact student buyback or resale options.*

27 *(B) The ability to produce reports that include, but are not*
28 *limited to, a cost index by subject area, each faculty member’s*
29 *place within the cost index, and the timeliness and average on-time*
30 *rating for faculty adoption submissions. Upon approval of the*
31 *faculty, the reports may be accessible to department chairs, school*
32 *administrators, and state officials.*

33 *(3) Ensure that the institutional bookstore, as defined in Section*
34 *66407.8, provides the course and adoption information pursuant*
35 *to subdivision (a) in an open protocol, using either a comma*
36 *delimited format, as defined in Section 66407.5, or an application*
37 *programming interface format (API), that allows an outside*
38 *organization or company full and free access to the information,*
39 *including, but not limited to, the department, course names, course*
40 *sections, teachers of the courses, and the title and ISBN, as defined*

1 in Section 66407.5, of each book or material required for each
2 course.

3 (A) An institutional bookstore shall provide written instructions
4 for an outside organization or company to access the course and
5 adoption information and post the instructions on the institutional
6 bookstore's Internet Web site.

7 (B) Information collected by the institutional bookstore shall
8 be made available to other parties at the same time as provided
9 to the bookstore and shall be posted on the bookstore premises or
10 on the bookstore's Internet Web site.

11 (b) A postsecondary educational institution that instituted a
12 faculty textbook adoption search engine prior to January 1, 2013,
13 is encouraged to comply with the requirements set forth in
14 paragraphs (2) and (3) of subdivision (a).

15 (c) The following definitions apply to this section:

16 (1) "Application programming interface" or "API" means a
17 type of data format that allows software components to
18 communicate with each other.

19 (2) "Open protocol" means a standard way to exchange
20 requests and responses that is publicly available and has various
21 rights of use associated with it.

22 SEC. 3. Section 66407.8 is added to the Education Code, to
23 read:

24 66407.8. (a) An institutional bookstore shall provide a student
25 textbook price comparison engine on its Internet Web site to
26 demonstrate the price difference between a textbook purchased
27 through the bookstore and the same textbook purchased through
28 an online competitor, which will enable students to ensure that
29 they are purchasing needed textbooks at the best price.

30 (b) The following definitions apply to this section:

31 (1) "Institutional bookstore" means a bookstore that is the
32 official bookstore of a public or private postsecondary educational
33 institution in the state. The institutional bookstore may be owned
34 and operated by the institution, or operated in a space that is
35 leased by the institution to a bookstore management company.

36 (2) "Student textbook price comparison engine" means an online
37 tool that displays the price difference between a textbook offered
38 by an institutional bookstore and by online competitors and that
39 provides a link through which a student may purchase a textbook
40 from an online competitor if he or she desires to do so. The student

1 *textbook price comparison engine shall include at least two online*
2 *competitors for each textbook offered by the institutional bookstore,*
3 *or a lesser number if two online competitors do not exist.*

4 *(c) Institutional bookstores at the University of California are*
5 *encouraged, but not required, to comply with this section.*

6 *SEC. 4. If the Commission on State Mandates determines that*
7 *this act contains costs mandated by the state, reimbursement to*
8 *local agencies and school districts for those costs shall be made*
9 *pursuant to Part 7 (commencing with Section 17500) of Division*
10 *4 of Title 2 of the Government Code.*