An act to add Section 66409.5 to and repeal Part 40.1 (commencing with Section 67420) of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST


Existing law establishes the segments of the postsecondary education system in the state, including the University of California, administered by the Regents of the University of California, the California State University, administered by the Trustees of the California State University, and the California Community Colleges, administered by the Board of Governors of the California Community Colleges.

This bill would establish the College Textbook Affordability Act of 2015 to reduce costs for college students by encouraging faculty to accelerate the adoption of lower cost, high-quality open educational resources, as defined. The bill would provide that funding for this act is to be provided in the annual Budget Act.

The bill would create the Open Educational Resources Adoption Incentive Fund in the State Treasury to provide incentives and reward campus and faculty efforts to accelerate the adoption of open educational resources. The bill would require that moneys in the fund be used by campuses to create and support faculty professional development, open educational resource curation activities, or
technology support for the faculty, as specified. The bill would authorize the local academic senate of a campus to adopt a local campus resolution, in collaboration with students and the administration, stating its intent to increase student access to high-quality open educational resources. The bill would require the respective segment office to review and approve the resolution and an initial grant to a local campus from the fund for an unspecified amount for the purpose of establishing a plan and strategy, as specified. The bill would require additional bonus grants of unspecified amounts to be distributed to participating campuses if certain benchmarks are met. The bill would require a grant recipient to report to its respective segment office as to whether its benchmarks have been reached and it is eligible for the bonus grants. The bill would also require the Chancellor of the California Community Colleges, the Chancellor of the California State University, and the President of the University of California to report to the Legislature before July 1 of each year as to whether the grants are increasing the rate of adoption of open educational resources and decreasing textbook costs for college students.

The bill would make these provisions inoperative on July 1, 2020, and would repeal them as of January 1, 2021.

The Donahoe Higher Education Act sets forth the missions and functions of the segments of the higher education system in the state. These segments include the University of California, administered by the Regents of the University of California, the California State University, administered by the Trustees of the California State University, and the California Community Colleges, administered by the Board of Governors of the California Community Colleges, and private and independent institutions of higher education.

Provisions of the act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.

This bill would amend the act to require the board of governors and the trustees, and request the regents and each governing body of an accredited private postsecondary educational institution, to support the development, use, accessibility, and ongoing maintenance of course materials, including open textbooks and other open educational resources, and submit an annual report to the Legislature, on or before July 31, 2017, and on or before each July 31 thereafter, on the implementation, progress, and administration of those efforts at their respective institutions.
The people of the State of California do enact as follows:

SECTION 1. Part 40.1 (commencing with Section 67420) is added to Division 5 of Title 3 of the Education Code, to read:

PART 40.1. COLLEGE TEXTBOOK AFFORDABILITY ACT OF 2015

67420. This part shall be known, and may be cited, as the College Textbook Affordability Act of 2015.

67421. (a) The College Textbook Affordability Act of 2015 is hereby established to reduce costs for college students by encouraging faculty to accelerate the adoption of lower cost, high-quality, open educational resources. Faculty development shall be a key component of this acceleration initiative.

(b) Funding for this act shall be provided in the annual Budget Act.

67422. (a) The Open Educational Resources Adoption Incentive Fund is hereby created in the State Treasury to provide incentives and reward campus and faculty efforts to accelerate adoption of open educational resources for the purpose of reducing students’ costs and improving access to quality materials.

(b) Moneys in the fund shall be used by community college, California State University, and University of California campuses to create and support faculty professional development, open educational resource curation activities, technology support for the faculty, or some combination thereof. Moneys in the fund shall not be used for direct compensation for faculty members who adopt open educational resources.

67423. (a) As used in this part, “fund” shall mean the Open Educational Resources Adoption Incentive Fund.

(b) As used in this part, “open educational resources” mean high-quality teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and repurposing by others. “Open educational resources” includes, but is not limited to, full courses, course materials, modules, textbooks, streaming...
videos, tests, software, and any other tools, materials, or techniques
used to support access to knowledge.

67424. (a) The local academic senate of a campus of the
University of California, the California State University, or the
California Community Colleges may adopt a local campus
resolution, in collaboration with students and the administration,
stating its intent to increase student access to high-quality open
educational resources.
(b) Upon adoption of the local campus resolution, the campus
may submit the resolution to the respective segment office for an
initial grant from the fund to establish a plan and strategy for
accelerating adoption of high-quality open educational resources
on its campus, and developing the accompanying professional
development.
(1) The creation of the plan and strategy shall be a collaboration
between the campus academic senate and the recognized campus
student body organization.
(2) The strategy shall include continued access to a hard copy
of materials through the local campus bookstore and ensure access
to materials offline for students.
(3) (A) Each plan shall include three benchmarks, focusing on
reducing costs for students and increasing the adoption of
high-quality open educational resources consisting of a year one
goal, a year two goal, and a year three goal.
(B) Each local campus shall determine its own benchmarks.
(C) Oversight of these benchmarks shall be provided when the
grants are approved by the respective segment office.
(c) The respective segment office shall review and, if it meets
the requirements of this part, approve the resolution, and the initial
grant shall be administered by the designated segment office in
collaboration with the campus president, provost, or chief
academic officer and the recognized campus student body
organization.
(1) The designated segment office for the California Community
Colleges may be the Success Center for California Community
Colleges or another appropriate office.
(2) The designated segment office for the California State
University may be the Academic Technology Services or another
appropriate office.
(3) The initial grant shall be approved for not more than ____ dollars ($___).

(d) (1) Each year after a campus receives an initial grant, for up to three years, the campus shall receive a bonus grant from the fund for meeting established performance benchmarks for accelerating usage of open educational resources in courses, according to the following schedule:

(A) A campus shall receive a bonus grant of up to ____ dollars ($____) for reaching its first benchmark in using open educational resources on campus and decreasing textbook costs for students in the first year of implementation.

(B) A campus shall receive a bonus grant of up to ____ dollars ($____) for reaching its second benchmark in using open educational resources on campus and decreasing textbook costs for students in the second year of implementation.

(C) A campus shall receive a bonus grant of up to ____ dollars ($____) for reaching its third benchmark in using open educational resources on campus and decreasing textbook costs for students in the third year of implementation.

(2) The bonus grants shall be used for faculty professional development, open educational resource curation activities, technology support for the faculty, or some combination thereof, administered by the local academic senate in collaboration with the campus president, provost, or chief academic officer and the recognized campus student body organization.

(e) A grant recipient shall report to its respective segment office as to whether its benchmarks have been reached and it is eligible for bonus grants pursuant to paragraph (1) of subdivision (d).

(f) The Chancellor of the California Community Colleges, the Chancellor of the California State University, and the President of the University of California shall report to the Legislature before July 1 each year as to whether the grants are increasing the rate of adoption of open educational resources and decreasing textbook costs for college students.

67425. This part shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.
SECTION 1.—Section 66409.5 is added to the Education Code, to read:

66409.5. (a) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California and each governing body of an accredited private postsecondary educational institution are requested to, support the development, use, accessibility, and ongoing maintenance of course materials, including open textbooks and other open educational resources, that can help students receive the full value of their educational investment.

(b) Notwithstanding Section 10231.5 of the Government Code, the trustees and the board of governors shall, and the regents and each governing body of an accredited private postsecondary educational institution are requested to, submit an annual report to the Legislature, on or before July 31, 2017, and on or before each July 31 thereafter, on the implementation, progress, and administration of this section at their respective institutions.

(c) A report to be submitted pursuant to subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.