

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 798

Introduced by Assembly Member Bonilla

February 26, 2015

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

AB 798, as amended, Bonilla. ~~Postsecondary education: course materials.~~ College Textbook Affordability Act of 2015.

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.~~

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

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

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

3
4 PART 40.1. COLLEGE TEXTBOOK AFFORDABILITY ACT OF
5 2015
6

7 67420. This part shall be known, and may be cited, as the
8 College Textbook Affordability Act of 2015.

9 67421. (a) The College Textbook Affordability Act of 2015 is
10 hereby established to reduce costs for college students by
11 encouraging faculty to accelerate the adoption of lower cost,
12 high-quality, open educational resources. Faculty development
13 shall be a key component of this acceleration initiative.

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

16 67422. (a) The Open Educational Resources Adoption
17 Incentive Fund is hereby created in the State Treasury to provide
18 incentives and reward campus and faculty efforts to accelerate
19 adoption of open educational resources for the purpose of reducing
20 students' costs and improving access to quality materials.

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

28 67423. (a) As used in this part, "fund" shall mean the Open
29 Educational Resources Adoption Incentive Fund.

30 (b) As used in this part, "open educational resources" mean
31 high-quality teaching, learning, and research resources that reside
32 in the public domain or have been released under an intellectual
33 property license that permits their free use and repurposing by
34 others. "Open educational resources" includes, but is not limited
35 to, full courses, course materials, modules, textbooks, streaming

1 videos, tests, software, and any other tools, materials, or techniques
2 used to support access to knowledge.

3 67424. (a) The local academic senate of a campus of the
4 University of California, the California State University, or the
5 California Community Colleges may adopt a local campus
6 resolution, in collaboration with students and the administration,
7 stating its intent to increase student access to high-quality open
8 educational resources.

9 (b) Upon adoption of the local campus resolution, the campus
10 may submit the resolution to the respective segment office for an
11 initial grant from the fund to establish a plan and strategy for
12 accelerating adoption of high-quality open educational resources
13 on its campus, and developing the accompanying professional
14 development.

15 (1) The creation of the plan and strategy shall be a collaboration
16 between the campus academic senate and the recognized campus
17 student body organization.

18 (2) The strategy shall include continued access to a hard copy
19 of materials through the local campus bookstore and ensure access
20 to materials offline for students.

21 (3) (A) Each plan shall include three benchmarks, focusing on
22 reducing costs for students and increasing the adoption of
23 high-quality open educational resources consisting of a year one
24 goal, a year two goal, and a year three goal.

25 (B) Each local campus shall determine its own benchmarks.

26 (C) Oversight of these benchmarks shall be provided when the
27 grants are approved by the respective segment office.

28 (c) The respective segment office shall review and, if it meets
29 the requirements of this part, approve the resolution, and the initial
30 grant shall be administered by the designated segment office in
31 collaboration with the campus president, provost, or chief
32 academic officer and the recognized campus student body
33 organization.

34 (1) The designated segment office for the California Community
35 Colleges may be the Success Center for California Community
36 Colleges or another appropriate office.

37 (2) The designated segment office for the California State
38 University may be the Academic Technology Services or another
39 appropriate office.

1 (3) *The initial grant shall be approved for not more than ____*
2 *dollars (\$____).*

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

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

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

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

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

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

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

35 67425. *This part shall become inoperative on July 1, 2020,*
36 *and, as of January 1, 2021, is repealed, unless a later enacted*
37 *statute, that becomes operative on or before January 1, 2021,*
38 *deletes or extends the dates on which it becomes inoperative and*
39 *is repealed.*

1 SECTION 1. Section 66409.5 is added to the Education Code,
2 to read:
3 66409.5. ~~(a) The Board of Governors of the California~~
4 ~~Community Colleges and the Trustees of the California State~~
5 ~~University shall, and the Regents of the University of California~~
6 ~~and each governing body of an accredited private postsecondary~~
7 ~~educational institution are requested to, support the development,~~
8 ~~use, accessibility, and ongoing maintenance of course materials,~~
9 ~~including open textbooks and other open educational resources,~~
10 ~~that can help students receive the full value of their educational~~
11 ~~investment.~~
12 ~~(b) Notwithstanding Section 10231.5 of the Government Code,~~
13 ~~the trustees and the board of governors shall, and the regents and~~
14 ~~each governing body of an accredited private postsecondary~~
15 ~~educational institution are requested to, submit an annual report~~
16 ~~to the Legislature, on or before July 31, 2017, and on or before~~
17 ~~each July 31 thereafter, on the implementation, progress, and~~
18 ~~administration of this section at their respective institutions.~~
19 ~~(c) A report to be submitted pursuant to subdivision (b) shall~~
20 ~~be submitted in compliance with Section 9795 of the Government~~
21 ~~Code.~~