

## Assembly Bill No. 1914

### CHAPTER 261

An act to add Section 66407.5 to the Education Code, relating to public postsecondary education.

[Approved by Governor September 9, 2016. Filed with  
Secretary of State September 9, 2016.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1914, Bonilla. Public postsecondary education: academic materials: textbooks: access codes.

Existing law, known as the Donahoe Higher Education Act, sets forth the missions and functions of the segments of postsecondary education in this state. The California State University, under the administration of the Trustees of the California State University, the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and the University of California, under the administration of the Regents of the University of California, constitute the 3 segments of public postsecondary education in this state. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by appropriate resolution, to make those provisions applicable.

An existing chapter of the Donahoe Higher Education Act relates to the use of academic materials and provides that a court of competent jurisdiction is authorized to grant relief that is necessary to enforce the provisions of this chapter, including through the issuance of an injunction.

This bill would add to this chapter a provision that requires the respective academic senates of campuses of the California State University and the University of California, in collaboration with students and campus administrators, to develop policies regarding required academic materials in order to encourage efforts to reduce redundancy in the delivery of academic materials, including, but not necessarily limited to, textbooks, as defined, and access codes, as defined. The bill would require that the policies adopted pursuant to the bill include, but not necessarily be limited to, guidelines prioritizing the use of ancillary and additional academic platforms and materials, not including textbooks, already available to enrolled students that are determined by faculty to serve the requirements of a course of study at no additional cost to enrolled students on their campuses or to the campus itself, a requirement that the cost of academic materials from the current semester or quarter be provided to faculty as specified, the establishment, in consultation with the campus bookstore, of deadlines by the campus for a faculty member or academic department to notify the campus bookstore of required and recommended textbooks and other instructional materials,

as specified, and a determination, in consultation with the campus bookstore, of approved descriptors to post next to academic materials offered for sale at the campus bookstore, as specified.

The bill would require the campuses of the California State University, and request the campuses of the University of California, to submit the policies developed pursuant to the bill for their respective campuses to the trustees and the regents, as appropriate, for their review.

The bill would express the intent of the Legislature that the faculty of the public postsecondary segments be encouraged to continue their commitment to making academic materials affordable by considering free or inexpensive options, including open access options, in selecting academic materials to assign to their students.

In accordance with an existing provision of the Donahoe Higher Education Act, no provision of this bill would apply to the University of California except to the extent that the regents act, by appropriate resolution, to make that provision applicable.

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

SECTION 1. Section 66407.5 is added to the Education Code, to read:

66407.5. (a) The respective academic senates of the campuses of the California State University and the University of California, in collaboration with students and campus administrators, shall develop policies regarding required academic materials in order to encourage efforts to reduce redundancy in the delivery of academic materials, including, but not necessarily limited to, textbooks and access codes. The policies adopted pursuant to this section shall include, but not necessarily be limited to, all of the following:

(1) Guidelines prioritizing the use of ancillary and additional academic platforms and materials, not including textbooks, already available to enrolled students that are determined by faculty to serve the requirements of a course of study at no additional cost to enrolled students on their campuses or to the campus itself.

(2) A requirement that the cost of academic materials from the current semester or quarter be provided to faculty members by the campus bookstore when academic materials are being chosen for an upcoming academic term, if available.

(3) The establishment, in consultation with the campus bookstore, of deadlines by the campus for a faculty member or academic department to notify the campus bookstore of required and recommended textbooks and other instructional materials so that the bookstore may verify availability, source, and lower cost options when practicable, and provide this information to faculty for consideration when exploring alternatives.

(4) A determination, in consultation with the campus bookstore, of approved descriptors to post next to academic materials offered for sale at the campus bookstore, including a requirement that the bookstore clearly

identify any recommended course materials that are suggested by the bookstore but not by the faculty member who assigned the materials.

(b) The campuses of the California State University shall, and the campuses of the University of California are requested to, submit the policies developed pursuant to subdivision (a) to the Trustees of the California State University and the Regents of the University of California, as appropriate, for their review.

(c) It is the intent of the Legislature that the faculty of the public postsecondary segments be encouraged to continue their commitment to making academic materials affordable by considering free or inexpensive options, including open access options, in selecting academic materials to assign to their students.

(d) As used in this section:

(1) “Access code” means an identification number or password, or both, that is used to gain access to digital content.

(2) “Textbook” has the same meaning as defined in Section 66406.7.