

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1359

Introduced by Senator Block

February 19, 2016

An act to add Section 66406.9 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1359, as amended, Block. Public postsecondary education: course materials.

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 specified 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 require each campus of the California Community Colleges and the California State University, and would request each campus of the University of California, to identify in the online version of the campus course schedule its courses that *exclusively* use ~~at least in part~~ digital course materials, as specified, and communicate to students that ~~some or all~~ the course materials for these courses are free of charge and therefore not required to be purchased. By imposing new duties on community college districts, this bill would impose a state-mandated local program. *The bill would become operative on January 1, 2018.*

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: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 66406.9 is added to the Education Code,
2 to read:
3 66406.9. (a) Each campus of the California Community
4 Colleges and the California State University shall, and each campus
5 of the University of California is requested to, do both of the
6 following:
7 (1) (A) Clearly highlight, by means that may include a symbol
8 or logo in a conspicuous place on the online campus course
9 schedule, the courses that ~~at least in part~~ *exclusively* use digital
10 course materials that are free of charge to students and *may* have
11 a low-cost option for print versions.

1 (B) The course materials described in subparagraph (A) may
2 include open educational resources, institutionally licensed campus
3 library materials that all students enrolled in the course have access
4 to use, and other properly licensed and adopted materials. *Each*
5 *campus of the California State University, each participating*
6 *campus of the University of California, and each community*
7 *college district shall ensure that these materials comply with the*
8 *federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.*
9 *12101 et seq.) and the federal Copyright Act of 1976 (Public Law*
10 *94-553).*

11 (2) Clearly communicate to students that ~~some~~ *or all* the course
12 materials used for the courses identified pursuant to paragraph (1)
13 are free of charge and therefore not required to be purchased.

14 (b) For purposes of this section, the following terms have the
15 following meanings:

16 (1) “Course schedule” is a collection of available classes, course
17 sections, or both, published electronically, before the start of an
18 academic term.

19 (2) “Open educational resources” are high-quality teaching,
20 learning, and research resources that reside in the public domain
21 or have been released under an intellectual property license, such
22 as a Creative Commons license, that permits their free use and
23 repurposing by others, and may include other resources that are
24 legally available and free of cost to students. “Open educational
25 resources” include, but are not limited to, full courses, course
26 materials, modules, textbooks, faculty-created content, streaming
27 videos, tests, software, and any other tools, materials, or techniques
28 used to support access to knowledge.

29 (c) *This section shall become operative on January 1, 2018.*

30 SEC. 2. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.