

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE MARCH 26, 2009

SENATE BILL

No. 216

Introduced by Senator Liu

February 23, 2009

An act to amend Section 66406 of the Education Code, relating to college instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 216, as amended, Liu. Public postsecondary education: textbooks.

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 specific 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 revise that provision affecting textbook publishers to encourage publishers to take, at a minimum, those specified actions aimed at reducing the amounts that students currently pay for textbooks. The bill would encourage publishers, in providing lists and prices of different products they sell, to include products they have sold.

This bill would require the California State University and the California Community Colleges, and would request the University of California, to post a list of required textbooks and the cost of the textbook on their respective Internet Web sites, at least 30 days prior to the first day of class for each term. For bundled materials, the bill would require the course instructor to confirm his or her intent to use each individual item sold as part of the bundled package before adoption of the material is finalized.

By imposing new duties on community college districts, this 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: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 66406 of the Education Code is amended
- 2 to read:
- 3 66406. (a) The Legislature finds and declares that the
- 4 production and pricing of college textbooks deserves a high level
- 5 of attention from educators and lawmakers because they impact
- 6 the quality and affordability of higher education.
- 7 (b) The State of California encourages textbook publishers to
- 8 do, at a minimum, all of the following:

1 (1) “Unbundle” the instructional materials to give students the
2 option of buying textbooks, CD-ROMs, and workbooks “à la carte”
3 or without additional materials.

4 (2) Provide all of the following information to faculty and
5 departments when they are considering what textbooks to order,
6 and post both of the following types of information on publishers’
7 Internet Web sites where it is easily accessible:

8 (A) A list of all of the different products they sell, or have sold,
9 including both bundled and unbundled options, and the net price
10 of each product.

11 (B) An explanation of how the newest edition is different from
12 previous editions.

13 (3) Give preference to paper or online supplements to current
14 editions rather than producing entirely new editions.

15 (4) Disclose to faculty the length of time they intend to produce
16 the current edition so that professors know how long they can use
17 the same book.

18 (5) Provide to faculty a free copy of each textbook selected by
19 faculty for use in the classroom for placement on reserve in the
20 campus library.

21 (c) The Trustees of the California State University and the Board
22 of Governors of the California Community Colleges shall, and the
23 Regents of the University of California are requested to, accomplish
24 all of the following:

25 (1) Work with the academic senates of each respective segment
26 to do all of the following:

27 (A) Encourage faculty to give consideration to the least costly
28 practices in assigning textbooks, varying by discipline, such as
29 adopting the least expensive edition when the educational content
30 is equal, and using a selected textbook as long as it is educationally
31 sound, as determined by the appropriate faculty.

32 (B) Encourage faculty to disclose both of the following to
33 students:

34 (i) How new editions of textbooks are different from the
35 previous editions.

36 (ii) The cost to students for textbooks selected for use in each
37 course.

38 (C) Review procedures for faculty to inform college and
39 university bookstores of textbook selections to ensure that textbook
40 adoptions are made with sufficient lead time to allow bookstores

1 to confirm availability of the requested materials and, where
2 possible, ensure maximum availability of used books.

3 (D) Encourage faculty to work closely with publishers and
4 college and university bookstores in creating bundles and packages
5 if they are economically sound and deliver cost savings to students,
6 and if bundles and packages have been requested by faculty. The
7 course instructor or the academic department offering the course
8 shall confirm the intent to use each individual item sold as part of
9 the bundled package before the adoption of the material is finalized.
10 Students should have the option of purchasing textbooks and other
11 instructional materials that are “unbundled.”

12 (2) Require college and university bookstores to work with the
13 academic senates of each respective campus to do both of the
14 following:

15 (A) Review issues relative to timelines and processes involved
16 in ordering and stocking selected textbooks.

17 (B) Work closely with faculty or publishers, or both, to create
18 bundles and packages that are economically sound and deliver cost
19 savings to students.

20 (3) Encourage college and university bookstores to disclose
21 retail textbook costs, on a per course basis, to faculty, and make
22 this information otherwise publicly available.

23 (4) Encourage campuses to provide as many forums for students
24 to have access to as many used books as possible, including, but
25 not necessarily limited to, all of the following:

26 (A) Implementing campus-sponsored textbook rental programs.

27 (B) Encouraging students to consider on-campus and online
28 book swaps so that students may buy and sell used books and set
29 their own prices.

30 (C) Encouraging students to consider student book lending
31 programs.

32 (D) Encouraging college and university bookstores that offer
33 book buyback programs to actively promote and publicize these
34 programs.

35 (E) Encouraging the establishment of textbook rental programs
36 and any other appropriate approaches to providing high-quality
37 materials that are affordable to students.

38 (5) ~~Post~~ *Beginning on July 1, 2010, post* on the Internet Web
39 site of each respective segment, as early as is feasible, but not less
40 than 30 days prior to the first day of class for each term, a list of

1 each textbook required for each course offered at the institution
2 during the upcoming term. The posted list shall include the
3 International Standard Book Number (ISBN) for each required
4 textbook or other identifying information, which shall include, at
5 a minimum, all of the following: the title, ~~all authors listed,~~
6 ~~publishers, edition number, copyright date, publication date~~ *the*
7 *primary author, publisher, copyright, or publication year*, and
8 other relevant information necessary to identify the specific
9 textbook or textbooks required for each course. The list shall also
10 include the price charged to students by the campus bookstore of
11 the institution for each required textbook. Limited exceptions to
12 this requirement may be made for classes added to the academic
13 calendar after the notification deadline.

14 (d) It is the intent of the Legislature to encourage private
15 colleges and universities to work with their respective academic
16 senates and to encourage faculty to consider practices in selecting
17 textbooks that will result in the lowest costs to students.

18 SEC. 2. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.