

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2471**

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**Introduced by Assembly Member Lara**

February 24, 2012

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An act to add Section 66409.5 to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2471, as amended, Lara. Postsecondary education: e-textbooks.

(1) 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 require the trustees and the governing board of each community college district, and urge the regents and the governing body of each private postsecondary educational institution that offers a baccalaureate degree, to develop and adopt rules, regulations, and procedures that would ~~prohibit the assignment of~~ *mandate that* an e-textbook, as defined, *that is assigned* as required or recommended reading in a course offered at the postsecondary educational institution ~~unless that e-textbook complies~~ *comply* with specified requirements. These requirements include: pricing tiers reflecting consumer access rights over ~~period~~ *periods* of time, as specified; cloud storage, as defined; ~~and digital rights management information, as specified;~~ a refund policy, as prescribed; *and unbundled electronic subscriptions to online services relating to the e-textbook.*

Because the bill would impose new duties on community college districts, it would constitute a state-mandated local program.

(2) 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 66409.5 is added to the Education Code,  
2 to read:  
3 66409.5. (a) The Trustees of the California State University  
4 and the governing board of each community college district shall,  
5 and the Regents of the University of California and the governing  
6 body of each private postsecondary educational institution that  
7 offers a baccalaureate degree are urged to, develop and adopt rules,  
8 regulations, and procedures that would ~~prohibit the assignment of~~  
9 *mandate that* an e-textbook *assigned* as required or recommended  
10 reading in a course offered at the postsecondary educational

1 institution ~~unless that e-textbook complies~~ *comply* with all of the  
2 requirements of subdivision (b).

3 (b) An e-textbook assigned as required or recommended reading  
4 in a course offered at the postsecondary educational institution  
5 shall comply with all of the following:

6 (1) ~~The~~ *For content licensed as proprietary copyright, the*  
7 e-textbook shall be offered with pricing tiers that reflect consumer  
8 access rights over periods of time. At a minimum, both a “rental”  
9 price and a “lifetime purchase” price shall be listed by the  
10 publisher, clearly noting consumer access to the e-textbook over  
11 periods of time.

12 (2) The e-textbook shall be offered with cloud storage, and shall  
13 be housed by copyright publishers for access by consumers.

14 (3) ~~The~~ *For content licensed as proprietary copyright, the*  
15 publisher shall make available to the consumer a clear and explicit  
16 refund policy allowing a full refund for a purchased e-textbook  
17 for up to 14 days from the date of purchase ~~or for up to 50 pages~~  
18 ~~of the e-textbook read by the consumer.~~

19 (4) *The publisher shall provide the consumer with explicit digital*  
20 *rights management information, including, but not limited to, all*  
21 *of the following:*

22 (A) *The percentage of the e-textbook that can be printed.*

23 (B) *The percentage of the e-textbook that can be copied and*  
24 *pasted outside of the electronic reading environment.*

25 (C) *The percentage of the e-textbook that can be exported*  
26 *outside of the electronic reading environment.*

27 (D) *The durability of any notes or highlights the consumer*  
28 *creates.*

29 (5) *The publisher shall offer electronic subscriptions to online*  
30 *services relating to the e-textbook that are not bundled with the*  
31 *e-textbook, to enable students with a hardcopy version of the*  
32 *textbook to purchase these electronic subscriptions without also*  
33 *purchasing the e-textbook.*

34 (c) As used in this section:

35 (1) “Cloud storage” means a model of networked online storage  
36 where data is stored in virtualized pools of storage that can be  
37 accessed through a Web service application programming interface  
38 (API) or through a Web-based user interface. Cloud storage access  
39 shall be consistent with purchased price tier, including indefinitely.

1 (2) “E-textbook” means an electronic text, image, or interactive  
2 modular-based publication in digital form, *licensed as either*  
3 *proprietary copyright or under applicable open license terms*  
4 *including creative commons*, produced on, published by, and  
5 readable on, computers or other digital devices. “E-textbook”  
6 includes enhancement components, including multimedia.

7 (3) “Lifetime purchase” means a price that allows access to  
8 e-textbook material in perpetuity. A feature that is available at the  
9 time of purchase shall be available to the consumer indefinitely.

10 (4) “Multimedia” includes, but is not necessarily limited to,  
11 sound, images, video, animated graphics, and interactive features.

12 (5) “Rental” means a price that allows access to an e-textbook  
13 for an explicit, set amount of time, with the expiration date for the  
14 e-textbook clearly noted to the consumer.

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