

AMENDED IN SENATE MAY 29, 2012

**SENATE BILL**

**No. 1052**

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**Introduced by Senators Steinberg and Alquist**  
**(Principal coauthors: Senators De León, Liu, Pavley, and Yee)**  
(Principal coauthors: Assembly Members Blumenfield and Solorio)

February 8, 2012

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An act to add Section 66409 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1052, as amended, Steinberg. Public postsecondary education: California Open Education Resources Council.

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 express legislative findings and declarations relating to the cost of college and university textbooks. The bill would add provisions to the Donahoe Higher Education Act to establish the California Open Education Resources Council *under the administration of the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges, or a successor group*. The bill would specify that the council would have 9 members, including 3 faculty members from each of the public postsecondary segments, selected by the respective faculty senates of each segment.

The bill would require the California Open Education Resources Council to determine a list of the 50 most widely taken lower division courses in the public postsecondary segments. The bill would also require the council to review and approve developed open source materials and to promote strategies for production, access, and use of open source textbooks to be placed on reserve at campus libraries in accordance with this section.

The bill would require that the council, as a condition for the purchase of these textbooks by a bookstore on a campus of the University of California, the California State University, or the California Community Colleges, require a publisher of a textbook that is to be placed on reserve pursuant to this section to provide each campus of the University of California, the California State University, or the California Community Colleges at which the textbook is used with at least 3 copies of that textbook, at no cost, for placement on reserve at a campus library.

The bill would require the council to establish a competitive request-for-proposal process in which faculty members, publishers, and other interested parties would apply for funds to produce, in 2013, 50 high-quality, affordable, digital open source textbooks and related materials, meeting specified requirements.

*These provisions would become operative only if sufficient funding for the purposes of this bill is provided in the annual Budget Act or another statute, or through federal or private funds, or through a combination of state, federal, and private funds.*

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) The cost of attending California’s public colleges and  
4 universities has skyrocketed in recent years. While fees often tend  
5 to be the most visible cost, other non-tuition-related costs, like the  
6 cost of textbooks, significantly burden both students and their  
7 families.

8 (2) For example, the average annual student budget for textbooks  
9 at California’s community colleges can be almost 150 percent of  
10 the cost of tuition. Recent studies show that, due to the cost of  
11 textbooks, many students forego purchasing them altogether. For  
12 many students receiving the Cal Grant B stipend intended for books  
13 and other living expenses, such as transportation, rent, and food,  
14 their entire stipend may be spent on textbooks alone.

15 (3) Through a \$25 million, state-led strategic investment in  
16 Open Education Resources (OER), California can offer students  
17 in the 50 most widely taken lower division courses the highest  
18 quality textbooks and related materials for free online or for about  
19 \$20 per hardcopy.

20 (4) This move will bring California’s college and university  
21 experience into the 21st century while providing students and their  
22 families sorely needed financial relief, and while providing faculty  
23 more flexible and dynamic tools to enhance student success.

24 (b) It is, therefore, the intent of the Legislature to produce 50  
25 high-quality, affordable, digital open source textbooks and related  
26 material for use at the University of California, the California State  
27 University, and the California Community Colleges.

28 SEC. 2. Section 66409 is added to the Education Code, to read:

29 66409. (a) The California Open Education Resources Council  
30 is hereby established. The council shall be composed of faculty  
31 leaders from the *three segments of public postsecondary education,*  
32 *and shall be administered by the Intersegmental Committee of the*  
33 *Academic Senates of the University of California, the California*  
34 *State University, and the California Community Colleges, or a*  
35 *successor group.*

1 (b) The council shall have nine members: three members shall  
2 be faculty of the University of California, selected by the Academic  
3 Senate, University of California; three members shall be faculty  
4 of the California State University, selected by the Academic Senate  
5 of the California State University; and three members shall be  
6 community college faculty, selected by the Academic Senate for  
7 California Community Colleges.

8 (c) The council shall be responsible for accomplishing all of  
9 the following:

10 (1) Development of a list of the 50 most widely taken lower  
11 division courses in the public postsecondary segments.

12 (2) Creation and administration of a standardized, rigorous  
13 review and approval process for open source materials developed  
14 pursuant to this section.

15 (3) Promotion of strategies for production, access, and use of  
16 open source materials.

17 (4) For the 50 most widely taken lower division courses in the  
18 public postsecondary segments, as a condition for the purchase of  
19 textbooks for those courses by a bookstore on a campus of the  
20 University of California, the California State University, or the  
21 California Community Colleges, requiring that the publisher  
22 provide the campus with at least three copies of the textbook at no  
23 cost, for placement on reserve at the campus library.

24 (d) The council shall establish a competitive request for proposal  
25 process in which faculty members, publishers, and other interested  
26 parties may apply for funds to produce the 50 high-quality,  
27 affordable, digital open source textbooks and related materials in  
28 2013.

29 (e) The textbooks and other materials produced pursuant to this  
30 section shall comply with all of the following requirements:

31 (1) The textbooks and other materials are placed under a creative  
32 commons attribution license that allows others to use, distribute,  
33 and create derivative works based upon the digital material while  
34 still allowing the authors or creators to receive credit for their  
35 efforts.

36 (2) The textbooks and other materials are modular in order to  
37 allow easy customization, and are encoded in an ~~XML (Extensible~~  
38 ~~Markup Language)~~ *Extensible Markup Language (XML)* format,  
39 or other appropriate successor format, so that the materials can be  
40 made available on the widest possible range of platforms, such as

1 the Internet, tablets, smartphones, print, or other platforms, and so  
2 that they are accessible by persons with disabilities.

3 (3) The textbooks and other materials are submitted to, and  
4 housed within, the California Open Source Digital Library, when  
5 and if that library is established pursuant to statute.

6 *SEC. 3. Sections 1 and 2 of this act shall become operative*  
7 *only if sufficient funding for the purposes of this act is provided*  
8 *in an appropriation in the annual Budget Act or another statute,*  
9 *or through federal or private funds, or through a combination of*  
10 *state, federal, and private funds.*