

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1914**

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### Introduced by Assembly Member Bonilla

February 11, 2016

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

#### LEGISLATIVE COUNSEL'S DIGEST

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

(1) 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 trustees and the board of governors, and requests the regents, to adopt policies for their respective segments regarding when it is acceptable for a faculty member to require students to purchase ~~an access code~~, *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, a prohibition of any requirement that students be required to purchase ~~an access code~~ *academic materials* for purposes of accessing resources that are otherwise available to these students or for performing functions, as defined, that can be otherwise accomplished at no cost to these students on their ~~campuses~~. ~~The campuses, a requirement that the total cost of academic materials from the immediately preceding academic year be provided to faculty as specified, and a requirement for the provision of a summary of the descriptors the campus bookstore may post next to the academic materials offered for sale, as specified.~~

The bill would express the intent of the Legislature that the faculty of the public postsecondary segments be encouraged to consider free or inexpensive options in selecting academic materials to assign to their students.

To the extent that the implementation of the policies adopted by the board of governors would impose new duties on community college districts, this bill 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 66407.5 is added to the Education Code,
- 2 to read:
- 3 66407.5. (a) The Trustees of the California State University
- 4 and the Board of Governors of the California Community Colleges
- 5 shall, and the Regents of the University of California are requested

to, adopt policies for their respective segments regarding when it is acceptable for a faculty member to require students to purchase ~~an access code~~ 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, ~~a~~ all of the following:

(1) A prohibition of any requirement that students be required to purchase ~~an access code~~ any academic materials for purposes of accessing resources that are otherwise available to these students or for performing functions that can be otherwise accomplished at no cost to these students on their campuses. ~~It~~

(2) A requirement that the total cost of academic materials from the immediately preceding academic year be provided to faculty members by the campus bookstore when academic materials are being chosen for an upcoming academic term or, if the cost of academic materials has not been determined for the immediately preceding academic year, as soon as is practicable.

(3) A requirement for the provision of a summary of the descriptors the campus bookstore may post next to the academic materials offered for sale. The campus bookstore shall not post “required material” next to academic materials it offers for sale unless it has received consent from the faculty member who assigned the material or from a staff member of the appropriate department.

(b) It is the intent of the Legislature that the faculty of the public postsecondary segments be encouraged to consider free or inexpensive options in selecting academic materials to assign to their students.

~~(b)~~

(c) 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) “Function” includes, but is not necessarily limited to, the submission of assignments, collection of grades, and communication between faculty members and students.

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

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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