

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1914

Introduced by Assembly Member Bonilla

February 11, 2016

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~~

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~~ *respective academic senates of campuses of the California State University and the University of California, in collaboration with students and campus administrators, to develop policies regarding required academic materials in order to encourage efforts to reduce redundancy in the delivery of 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 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, guidelines prioritizing the use of ancillary and additional academic platforms and materials, not including textbooks, already available to enrolled students that are determined by faculty to serve the requirements of a course of study at no additional cost to enrolled students on their campuses or to the campus itself, a requirement that the total cost of academic materials from the immediately preceding academic year current semester or quarter 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, the establishment, in consultation with the campus bookstore, of deadlines by the campus for a faculty member or academic department to notify the campus bookstore of required and recommended textbooks and other instructional materials, as specified, and a determination, in consultation with the campus bookstore, of approved descriptors to post next to academic materials offered for sale at the campus bookstore, as specified.*

The bill would require the trustees, and request the regents, to review and adopt the policies developed pursuant to the bill for their respective campuses.

The bill would express the intent of the Legislature that the faculty of the public postsecondary segments be encouraged to ~~consider~~ *continue their commitment to making academic materials affordable*

by considering free or inexpensive options options, including open access 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.

In accordance with an existing provision of the Donahoe Higher Education Act, no provision of this bill would apply to the University of California except to the extent that the regents act, by appropriate resolution, to make that provision applicable.

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

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~~
6 ~~to, adopt policies for their respective segments regarding when it~~
7 ~~is acceptable for a faculty member to require students to purchase~~
8 ~~respective academic senates of campuses of the California State~~
9 ~~University and the University of California, in collaboration with~~
10 ~~students and campus administrators, shall develop policies~~
11 ~~regarding required academic materials in order to encourage~~
12 ~~efforts to reduce redundancy in the delivery of academic materials,~~
13 ~~including, but not necessarily limited to, textbooks and access~~
14 ~~codes. The policies adopted pursuant to this section shall include,~~
15 ~~but not necessarily be limited to, all of the following:~~
16 ~~(1) A prohibition of any requirement that students be required~~
17 ~~to purchase any academic materials for purposes of accessing~~
18 ~~resources that are otherwise available to these students or for~~

1 performing functions that can be otherwise accomplished at no
2 cost to these students on their campuses.

3 (1) *Guidelines prioritizing the use of ancillary and additional*
4 *academic platforms and materials, not including textbooks, already*
5 *available to enrolled students that are determined by faculty to*
6 *serve the requirements of a course of study at no additional cost*
7 *to enrolled students on their campuses or to the campus itself.*

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

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

22 (3) *The establishment, in consultation with the campus*
23 *bookstore, of deadlines by the campus for a faculty member or*
24 *academic department to notify the campus bookstore of required*
25 *and recommended textbooks and other instructional materials so*
26 *that the bookstore may verify availability, source, and lower cost*
27 *options when practicable, and provide this information to faculty*
28 *for consideration when exploring alternatives.*

29 (4) A determination, in consultation with the campus bookstore,
30 of approved descriptors to post next to academic materials offered
31 for sale at the campus bookstore, including a requirement that the
32 bookstore clearly identify any recommended course materials that
33 are suggested by the bookstore but not by the faculty member who
34 assigned the materials.

35 (b) *The Trustees of the California State University shall, and*
36 *the Regents of the University of California are requested to, review*
37 *and adopt the policies developed pursuant to subdivision (a) for*
38 *their respective campuses.*

39 (b)

1 (c) It is the intent of the Legislature that the faculty of the public
2 postsecondary segments be encouraged to ~~consider~~ *continue their*
3 *commitment to making academic materials affordable by*
4 *considering* free or inexpensive ~~options~~ *options, including open*
5 *access options*, in selecting academic materials to assign to their
6 students.

7 (e)

8 (d) As used in this section:

9 (1) "Access code" means an identification number or password,
10 or both, that is used to gain access to digital content.

11 (2) ~~"Function" includes, but is not necessarily limited to, the~~
12 ~~submission of assignments, collection of grades, and~~
13 ~~communication between faculty members and students.~~

14 (3)

15 (2) "Textbook" has the same meaning as defined in Section
16 66406.7.

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