

# ASSEMBLY, No. 327

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

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**District 18 (Middlesex)**

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**District 27 (Essex and Morris)**

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**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblyman Mukherji**

**SYNOPSIS**

Requires institutions of higher education to develop open textbooks available to students at no charge and requires buyback of used textbooks at 50 percent of purchase price.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 6/15/2018)**

1 AN ACT concerning college textbooks and supplementing chapter  
2 3B of Title 18A of the New Jersey Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. This act shall be know and may be cited as the “Affordable  
8 College Textbook Act.”

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10 2. The Legislature finds and declares that:

11 a. The high cost of college textbooks continues to be a barrier  
12 for many students in achieving a higher education;

13 b. According to the College Board, during the 2012-2013  
14 academic year, the average student budget for college books and  
15 supplies was \$1,200;

16 c. The Government Accountability Office found that new  
17 textbook prices increased 82 percent over the last decade;

18 d. The growth of the Internet has enabled the creation and  
19 sharing of digital content, including open educational resources that  
20 can be freely used by students, teachers, and members of the public;  
21 and

22 e. Using open educational resources in place of traditional  
23 materials in large-enrollment college courses can reduce textbook  
24 costs by 80 to 100 percent.

25

26 3. As used in this act:

27 “Open educational resource” means an educational resource that  
28 is licensed under an open license and made freely available online  
29 to the public.

30 “Open license” means a world-wide, royalty-free, non-exclusive,  
31 perpetual, irrevocable copyright license granting the public  
32 permission to access, reproduce, publicly perform, publicly display,  
33 adapt, distribute, and otherwise use the work and adaptations of the  
34 work for any purpose, conditioned only on the requirement that  
35 attribution be given to authors as designated.

36 “Open textbook” means an open educational resource or set of  
37 open educational resources that either is a textbook or can be used  
38 in place of a textbook for a postsecondary course at an institution of  
39 higher education.

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41 4. a. Within 180 days of the effective date of this act, a four-  
42 year public or independent institution of higher education, after  
43 consultation with faculty members at the institution, shall submit a  
44 plan to the Secretary of Higher Education to expand the use of open  
45 textbooks in order to achieve savings for students enrolled in the  
46 institution.

47 b. The secretary shall review the plan submitted by an  
48 institution to ensure that the plan has the potential to:

- 1 (1) achieve the highest level of savings for students through the  
2 sustainable expanded use of open textbooks in courses offered by  
3 the institution;
- 4 (2) produce the highest quality open textbooks that can be most  
5 easily utilized and adapted by faculty members at the institution,  
6 and correspond to the highest enrollment courses at the institution;
- 7 (3) ensure that the full and complete digital content of each open  
8 textbook created or adapted in accordance with the plan is made  
9 available free-of-charge to student's enrolled in the institution:
  - 10 (a) on the institution's college bookstore website in an easily  
11 accessible location; and
  - 12 (b) in a machine readable, digital format that a student can  
13 download; and
- 14 (4) ensure that open textbooks are available to students by July  
15 1, 2020.
  - 16 c. The provisions of this section shall not be applicable to an  
17 independent institution of higher education having a total  
18 endowment of more than \$1,000,000,000.  
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- 20 5. a. The bookstore of a four-year public or independent  
21 institution of higher education, whether operated directly by the  
22 institution or by an auxiliary organization established pursuant to  
23 P.L.1982, c.16 (C.18A:64-26 et seq.), or by any other entity, shall  
24 buy back a used book from the student who purchased the book  
25 from the bookstore, whether originally purchased as a new book or  
26 as a used book, at 50 percent of the amount the student paid for the  
27 book provided that the student has proof of purchase and the book  
28 is deemed to be in good condition. Any dispute in regard to good  
29 condition or the buyback price shall be resolved by the institution's  
30 Office of Student Affairs or such similar office as determined by  
31 the institution.
- 32 b. The provisions of this section shall not be applicable to an  
33 independent institution of higher education having a total  
34 endowment of more than \$1,000,000,000.  
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- 36 6. No later than July 1, 2020, the secretary shall prepare and  
37 submit a report to the Senate Higher Education Committee and the  
38 Assembly Higher Education Committee, or their successor  
39 committees, detailing:
  - 40 a. the open textbooks created or adapted by the institutions of  
41 higher education;
  - 42 b. the extent to which open textbooks are used at the  
43 institutions of higher education;
  - 44 c. the savings generated by open textbooks and the buyback of  
45 used textbooks for students enrolled in the institutions; and
  - 46 d. the impact of open textbooks on the cost of textbooks  
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- 48 7. This act shall take effect immediately.

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STATEMENT

This bill provides that within 180 days of the bill’s effective date, each four-year public and independent institution of higher education, after consultation with faculty members, must submit a plan to the Secretary of Higher Education to expand the use of open textbooks in order to achieve savings for students enrolled in the institution. An open textbook is an educational resource that is licensed under an open license and made freely available online to the public.

Under the bill, the secretary will review the plan to ensure that the plan has the potential to: 1) achieve the highest level of savings for students through the expanded use of open textbooks in courses offered by the institution; 2) produce the highest quality open textbooks that can be easily utilized and adapted by faculty members; 3) ensure that the full and complete digital content of each open textbook is made available free-of-charge to students enrolled in the institution; and 4) ensure that open textbooks are available to students by July 1, 2020.

The bill also requires a college bookstore at a public or independent institution of higher education to buy back a used book from the student who purchased the book, whether originally purchased as a new book or a used book, at 50 percent of the amount the student paid for the book provided that the student has proof of purchase and the book is deemed to be in good condition.

Finally, the bill requires the secretary to prepare and submit a report no later than July 1, 2020 to the Senate and General Assembly Higher Education Committees providing detailed information on the open textbook and buyback requirements established under the bill.

The bill excludes an independent institution of higher education that has a total endowment of \$1 billion or more.