

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 327, 1149, and 3254**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

ADOPTED JUNE 18, 2018

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**Assemblyman Karabinchak, Assemblywomen Mosquera, Downey and**

**Assemblyman Calabrese**

**SYNOPSIS**

Requires institutions of higher education to develop open textbook plan.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Higher Education Committee.

(Sponsorship Updated As Of: 3/26/2019)

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

3

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

6

7 1. As used in this act:

8 “Open educational resource” means an educational resource that  
9 is licensed under an open license and made freely available online  
10 to the public.

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

17 “Open textbook” means an open educational resource or set of  
18 open educational resources that either is a textbook or can be used  
19 in place of a textbook for a postsecondary course at an institution of  
20 higher education.

21

22 2. a. Within one year of the effective date of P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill), an  
24 institution of higher education, after consultation with faculty  
25 members at the institution, shall submit a plan to the Secretary of  
26 Higher Education to expand the use of open textbooks and  
27 commercial digital learning materials in order to achieve savings  
28 for students enrolled in the institution. The plan may include  
29 strategies employed by the institution during the last academic year.

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

32 (1) achieve the highest level of savings for students through the  
33 sustainable expanded use of open textbooks in courses offered by  
34 the institution;

35 (2) produce the highest quality open textbooks that can be most  
36 easily utilized and adapted by faculty members at the institution,  
37 and correspond to the highest enrollment courses at the institution;

38 (3) ensure that the full and complete digital content of each open  
39 textbook created or adapted in accordance with the plan is made  
40 available to students enrolled in the institution:

41 (a) on the institution’s college bookstore website in an easily  
42 accessible location; and

43 (b) in a machine readable, digital format that a student can  
44 download;

45 (4) ensure that the institution is making a good faith effort to  
46 provide open textbooks to students; and

1 (5) provide for the implementation of programs which reduce  
2 the cost of commercial digital learning materials pursuant to 34  
3 C.F.R. s.668.164(c)(2).

4  
5 3. The Secretary of Higher Education shall submit a report by  
6 July 1 of each academic year to the Governor, and to the Legislature  
7 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that  
8 provides information on which institutions of higher education are  
9 offering open textbooks.

10  
11 4. This act shall take effect immediately.