SYNOPSIS
Requires institutions of higher education to offer open textbooks.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT concerning college textbooks and supplementing chapter 3B of Title 18A of the New Jersey Statutes.

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

1. As used in this act:
   “Open educational resource” means an educational resource that is licensed under an open license and made freely available online to the public.
   “Open license” means a world-wide, royalty-free, non-exclusive, perpetual, irrevocable copyright license granting the public permission to access, reproduce, publicly perform, publicly display, adapt, distribute, and otherwise use the work and adaptations of the work for any purpose, conditioned only on the requirement that attribution be given to authors as designated.
   “Open textbook” means an open educational resource or set of open educational resources that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

2. a. Within 90 days of the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), an institution of higher education, after consultation with faculty members at the institution, shall submit a plan to the Secretary of Higher Education to make open textbooks and commercial digital learning materials available to students enrolled in the institution in order to achieve savings for those students. The plan may include strategies employed by the institution during the last academic year.
   b. The secretary shall review the plan submitted by an institution within 30 days of its submission to ensure that the plan has the potential to:
      (1) achieve the highest level of savings for students through the sustainable expanded use of open textbooks in courses offered by the institution;
      (2) produce the highest quality open textbooks that can be most easily utilized and adapted by faculty members at the institution, and correspond to the highest enrollment courses at the institution;
      (3) ensure that the full and complete digital content of each open textbook created or adapted in accordance with the plan is made available to students enrolled in the institution:
         (a) on the institution’s college bookstore website in an easily accessible location; and
         (b) in a machine readable, digital format that a student can download; and
      (4) provide for the implementation of programs which reduce the cost of commercial digital learning materials pursuant to 34 C.F.R. s.668.164(c)(2).
c. (1) If the secretary approves the plan submitted by an institution pursuant to this section, the institution shall make open textbooks and commercial digital learning materials available to students enrolled in the institution by the first day of the next academic semester; except that if the first day of the next academic semester is less than 30 days following the secretary’s approval of the plan, open textbooks and digital learning materials shall be made available to students by the first day of the second subsequent semester.

(2) If the secretary does not approve the plan submitted by an institution pursuant to this section, the institution shall submit a revised plan to the secretary within 30 days of the secretary’s disapproval of the original plan. Upon the secretary’s final approval of the plan, the institution shall provide open textbooks and commercial digital learning materials as required pursuant to paragraph (1) of this subsection.

3. The Secretary of Higher Education shall submit a report by July 1 of each academic year to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that provides information on which institutions of higher education are offering open textbooks and commercial digital learning materials at the time of the submission of the report, and an estimate of when each of the remaining institutions will be offering such textbooks and materials.

4. This act shall take effect immediately.

STATEMENT

This bill provides that within 90 days of the bill’s effective date, each institution of higher education, after consultation with faculty members, must submit a plan to the Secretary of Higher Education to make open textbooks and commercial digital learning materials available to students enrolled in the institution in order to achieve savings for those students. An open textbook is an open educational resource that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

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 to students enrolled in the institution; and 4) provide for the implementation of programs
which reduce the cost of commercial digital learning materials pursuant to federal regulations at 34 C.F.R. s.668.164(c)(2). These federal regulations allow an institution of higher education to apply a student’s federal funds under Title IV of the “Higher Education Act of 1965” to books and supplies, including digital or electronic course materials, under conditions that the publisher arranges for use of these materials at below competitive market rates.

The secretary will have 30 days to review the plan submitted by an institution. If the secretary approves the plan, the institution must make open textbooks and commercial digital learning materials available to students by the first day of the next academic semester. If the first day of the next academic semester is less than 30 days following the secretary’s approval of the plan, open textbooks and commercial digital learning materials will then be made available to students by the first day of the second subsequent semester. If the secretary disapproves the submitted plan, the institution must submit a revised plan within 30 days of the secretary’s disapproval of the original plan.

The bill requires the secretary to submit a report by July 1 of each academic year to the Governor and the Legislature that provides information on which institutions of higher education are offering open textbooks and commercial digital learning materials at the time of the submission of the report, and an estimate of when all other institutions of higher education will be offering such textbooks and materials.

This bill implements a recommendation of the College Affordability Study Commission included in its September 2016 final report.