

ASSEMBLY, No. 1149

STATE OF NEW JERSEY 218th LEGISLATURE

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SYNOPSIS

Requires institutions of higher education to offer open textbooks.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

30 b. The secretary shall review the plan submitted by an
31 institution within 30 days of its submission to ensure that the plan
32 has the potential to:

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

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

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

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

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

46 (4) provide for the implementation of programs which reduce
47 the cost of commercial digital learning materials pursuant to 34
48 C.F.R. s.668.164(c)(2).

1 c. (1) If the secretary approves the plan submitted by an
2 institution pursuant to this section, the institution shall make open
3 textbooks and commercial digital learning materials available to
4 students enrolled in the institution by the first day of the next
5 academic semester; except that if the first day of the next academic
6 semester is less than 30 days following the secretary's approval of
7 the plan, open textbooks and digital learning materials shall be
8 made available to students by the first day of the second subsequent
9 semester.

10 (2) If the secretary does not approve the plan submitted by an
11 institution pursuant to this section, the institution shall submit a
12 revised plan to the secretary within 30 days of the secretary's
13 disapproval of the original plan. Upon the secretary's final
14 approval of the plan, the institution shall provide open textbooks
15 and commercial digital learning materials as required pursuant to
16 paragraph (1) of this subsection
17

18 3. The Secretary of Higher Education shall submit a report by
19 July 1 of each academic year to the Governor, and to the Legislature
20 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that
21 provides information on which institutions of higher education are
22 offering open textbooks and commercial digital learning materials
23 at the time of the submission of the report, and an estimate of when
24 each of the remaining institutions will be offering such textbooks
25 and materials.
26

27 4. This act shall take effect immediately.
28
29

30 STATEMENT
31

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

41 Under the bill, the secretary will review the plan to ensure that
42 the plan has the potential to: 1) achieve the highest level of savings
43 for students through the expanded use of open textbooks in courses
44 offered by the institution; 2) produce the highest quality open
45 textbooks that can be easily utilized and adapted by faculty
46 members; 3) ensure that the full and complete digital content of
47 each open textbook is made available to students enrolled in the
48 institution; and 4) provide for the implementation of programs

1 which reduce the cost of commercial digital learning materials
2 pursuant to federal regulations at 34 C.F.R. s.668.164(c)(2). These
3 federal regulations allow an institution of higher education to apply
4 a student's federal funds under Title IV of the "Higher Education
5 Act of 1965" to books and supplies, including digital or electronic
6 course materials, under conditions that the publisher arranges for
7 use of these materials at below competitive market rates.

8 The secretary will have 30 days to review the plan submitted by
9 an institution. If the secretary approves the plan, the institution
10 must make open textbooks and commercial digital learning
11 materials available to students by the first day of the next academic
12 semester. If the first day of the next academic semester is less than
13 30 days following the secretary's approval of the plan, open
14 textbooks and commercial digital learning materials will then be
15 made available to students by the first day of the second subsequent
16 semester. If the secretary disapproves the submitted plan, the
17 institution must submit a revised plan within 30 days of the
18 secretary's disapproval of the original plan.

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

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