STATE OF NEW JERSEY
218th LEGISLATURE
PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:
Senator SANDRA B. CUNNINGHAM
District 31 (Hudson)
Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)

Co-Sponsored by:
Senators Ruiz, Gordon and Turner

SYNOPSIS
Requires institutions of higher education to develop open textbook plan.

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 180 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 expand the use of open textbooks and commercial digital learning materials in order to achieve savings for students enrolled in the institution. 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 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;
      (4) ensure that the institution is making a good faith effort to provide open textbooks to students; and
(5) 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).

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.

4. This act shall take effect immediately.

STATEMENT

This bill provides that within 180 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
expand the use of open textbooks and commercial digital learning
materials to achieve savings for students enrolled in the institution. 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; 4)
ensure that the institution is making a good faith effort to provide open
textbooks to students; and 5) 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 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.

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