

SENATE, No. 768

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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SYNOPSIS

Requires institutions of higher education to develop open textbook plan.

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 180 days 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.

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14 STATEMENT

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16 This bill provides that within 180 days of the bill's effective date,
17 each institution of higher education, after consultation with faculty
18 members, must submit a plan to the Secretary of Higher Education to
19 expand the use of open textbooks and commercial digital learning
20 materials to achieve savings for students enrolled in the institution. An
21 open textbook is an open educational resource that either is a textbook
22 or can be used in place of a textbook for a postsecondary course at an
23 institution of higher education.

24 Under the bill, the secretary will review the plan to ensure that the
25 plan has the potential to: 1) achieve the highest level of savings for
26 students through the expanded use of open textbooks in courses
27 offered by the institution; 2) produce the highest quality open
28 textbooks that can be easily utilized and adapted by faculty members;
29 3) ensure that the full and complete digital content of each open
30 textbook is made available to students enrolled in the institution; 4)
31 ensure that the institution is making a good faith effort to provide open
32 textbooks to students; and 5) provide for the implementation of
33 programs which reduce the cost of commercial digital learning
34 materials pursuant to federal regulations at 34 C.F.R. s.668.164(c)(2).
35 These federal regulations allow an institution of higher education to
36 apply a student's federal funds under Title IV of the "Higher
37 Education Act of 1965" to books and supplies, including digital or
38 electronic course materials, under conditions that the publisher
39 arranges for use of these materials at below competitive market rates.

40 The bill requires the secretary to submit a report by July 1 of each
41 academic year to the Governor and the Legislature that provides
42 information on which institutions of higher education are offering
43 open textbooks.

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