

[First Reprint]
SENATE, No. 768

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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SYNOPSIS

Requires institutions of higher education to develop open textbook plan.

CURRENT VERSION OF TEXT

As reported by the Assembly Higher Education Committee on June 18, 2018, with amendments.

(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 ‘**[180 days]** one year¹’ of the effective date of
23 P.L. , 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;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHI committee amendments adopted June 18, 2018.

- 1 (4) ensure that the institution is making a good faith effort to
2 provide open textbooks to students; and
3 (5) provide for the implementation of programs which reduce
4 the cost of commercial digital learning materials pursuant to 34
5 C.F.R. s.668.164(c)(2).
6
7 3. The Secretary of Higher Education shall submit a report by
8 July 1 of each academic year to the Governor, and to the Legislature
9 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that
10 provides information on which institutions of higher education are
11 offering open textbooks.
12
13 4. This act shall take effect immediately.