

Date of Hearing: July 3, 2012

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Marty Block, Chair
SB 1053 (Steinberg) – As Amended: May 25, 2012

SENATE VOTE: 33-3

SUBJECT: Public postsecondary education: California Digital Open Source Library.

SUMMARY: Establishes the California Digital Open Source Library (CDOSL) for the purpose of housing open source materials. Specifically, this bill:

- 1) Requires the California State University (CSU) to administer the CDOSL, in coordination with the California Community Colleges (CCC) and the University of California (UC), if the UC Regents approve the activity, for the purpose of housing open source materials while providing an Internet Web-based way for students, faculty, and staff to easily find, adopt, utilize, or modify course materials for little or no cost.
- 2) Requires that the materials in the library bear a creative commons attribution license that allows others to use, distribute, and create derivative works based upon the digital material while still allowing the authors or creators of the material to receive credit for their efforts.
- 3) States that these provisions become operative only if funds are appropriated in the Budget Act, or if federal or private funds are made available, or any combination thereof.
- 4) States that this bill becomes operative only if SB 1052 (Steinberg) of the 2011-2012 Regular Session becomes operative on or before January 1, 2013, establishing the California Open Education Resources Council.
- 5) Expresses legislative findings and declarations relating to the cost of college and university textbooks and states legislative intent that UC, CSU, and CCC provide incentives to assist and support faculty in choosing lower cost alternatives such as open source textbooks and related teaching tools.
- 6) Becomes operative only if funds are appropriated in the Budget Act or if federal or private funds are made available, or any combination thereof.

EXISTING LAW:

- 1) Requires, beginning January 1, 2020, any person, firm or corporation that publishes textbooks offered for sale at UC, CSU, CCC or a private college or university to make the textbooks available for sale in an electronic format.
- 2) Requires CSU and CCC, and encourages UC, to work with the academic senates of each segment to encourage faculty to give consideration to the least costly practices in assigning textbooks and to work with publishers and college bookstores.

- 3) Requires college bookstores to work with the academic senates of each campus to review the process and timelines involved in ordering and stocking textbooks and to create bundles and packages of instructional materials that are economically sound.
- 4) Urges textbook publishers to provide specific information to faculty and post that information on the company's Web site, give preference to supplements rather than producing a new edition and disclose the length of time the current edition is intended to be in production.
- 5) Requires CSU, and requests UC, to review and revise student transfer policies to ensure that faculty may choose a textbook selected for a transfer or general education course, regardless of publication date, for as long as the textbook is available, current and reflects contemporary thinking.

FISCAL EFFECT: According to the Senate Appropriations Committee, start-up costs likely in the low millions of dollars, and on-going costs of \$400,000 to CSU. Exact costs will be determined by the choices made by the California Open Education Resources Council [established by SB 1052 (Steinberg) and given the authority to oversee the CDOSL] to which this bill is joined. A potentially substantial on-going reimbursable mandate to CCC, which is required to participate and eligible to seek reimbursement for state-mandated activities.

COMMENTS: Background. Several reports throughout the last decade have noted the increasing cost of college textbooks. For example, the California State Auditor released a report entitled "Affordability of College Textbooks" (2008) that identified publishers, campus bookstores, and faculty members as responsible parties needing to work together to reduce costs and properly disclose textbook information to students.

In response, California and the federal government enacted laws to provide greater information to faculty and students about textbook prices and options, differences in new editions, and to provide supplements instead of new editions; to encourage the timely adoption of textbooks by faculty; and to ensure faculty choose lower cost textbook options. A report on the implementation of the federal laws is due in July 2013.

Need for this bill. According to the author, the cost of textbooks represents a significant burden to students and families. The author cites a recent report by the CSU Chancellor's office that estimates CSU students pay approximately \$1,000 per year for textbooks. The author also notes a finding by the CCC Academic Senate that the cost of educational materials has become a "visible barrier to college attendance for many students." The author maintains that the old model of rigid, printed textbooks and related materials can fall short in providing flexible and dynamic teaching tools necessary to maximize student success. This bill would create a repository for digital open education resources developed as a result of SB 1052 (Steinberg), to be heard in this Committee on July 3, for textbooks for the 50 most widely taken lower division courses in public postsecondary education.

What are Open Education Resources? Open Education Resources (OER) are educational materials such as textbooks, research articles, videos, assessments, or simulations that are either licensed under an open copyright license or are in the public domain. OERs provide no-cost access and no-cost permission to revise, reuse, remix, or redistribute the materials.

Beginning with the Massachusetts Institute of Technology in 1999, several higher education institutions have initiated OER efforts. In California, the Foothill-De Anza Community College District received a one-time grant from the William and Flora Hewlett Foundation in 2003, and created freely available course materials for eight college courses using a mixture of open education resource and conventional commercial learning materials; however, this project has not been maintained due to a lack of funding.

Contingent enactment. This bill is a companion to SB 1052 (Steinberg) that establishes the California Open Education Resources Council to do the following:

- 1) Develop a list of the 50 most widely taken lower division courses in the public postsecondary education segments,
- 2) Create and administer a standardized, rigorous review and approval process for open source materials developed pursuant to this legislation,
- 3) Promote strategies for the production, access, and use of open source materials, and,
- 4) Require publishers of textbooks used in the 50 most widely taken lower division courses to, as a condition of the purchase of textbooks, to provide the campus with at least three copies of the textbook at no cost, for placement on reserve at the campus library.

Related and prior legislation. SB 1328 (de Leon), set for hearing in this Committee on July 3, would require publishers to provide specified data to enable colleges and universities to provide faculty textbook adoption and student purchasing search engines. SB 1539 (Corbett), approved by this Committee on June 19, would require publishers to provide additional data on textbooks. Previous textbook legislation includes:

- 1) SB 48 (Alquist), Chapter 161, Statutes of 2009, required any individual firm, partnership, or corporation that offers textbooks for sale at UC, CSU, the CCC, or a private postsecondary education institution in California, to the extent practicable, make them available for sale in electronic format by January 1, 2020.
- 2) AB 1548 (Solorio), Chapter 574, Statutes of 2007, established the College Textbook Transparency Act requiring the disclosure of specified information and requiring faculty to follow specified practices in the sale and purchase of textbooks.
- 3) AB 577 (Ruskin) of 2007, which was held under submission on the Senate Appropriations Suspense File, would have establishes a three-year pilot program at Foothill-DeAnza Community College District to train faculty and staff from CCC districts statewide with the information and methods to establish OER centers.

REGISTERED SUPPORT / OPPOSITION:

Support

Academic Senate of the California State University
American Federation of State, County and Municipal Employees
Board of Governors of the California Community Colleges

California Community Colleges Chancellor's Office
California Public Interest Research Group
California State Student Association
California State University
Campaign for College Opportunity
Coast Community Colleges
Community College League of California
Student Senate for California Community Colleges
University of California Student Association

Opposition

Association of American Publishers, Inc.

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