

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-2900-09/FGA
May 7-8, 2009

Opposition to SB 386 (Runner): *Faculty Justification for New Textbook Editions*

RESOLVED: That the Academic Senate of the California State University (CSU) oppose SB 386 (Runner), which would require a faculty member from the California Community Colleges (CCC) and the California State University (CSU) - who adopts a new edition of a textbook within three (3) years after the adoption of a previous edition of the textbook - to prepare a justification for the adoption of the new edition, and submit copies of the justification to the institution's academic senate, administration and student government. The justification would have to include:

- A justification for adopting a new edition of the textbook within a three (3) year period;
- A comparison of the new and previous editions of the textbook;
- A disclosure of any financial interest of the faculty member related to requiring students to purchase the new edition of the textbook.

RESOLVED: That copies of this resolution be sent to the Chancellor, Board of Trustees, campus presidents, campus senates, Senator Runner, Senator Liu, Chairs of the Senate Education committee, the Assembly Higher Education Committee, and Legislative leadership.

RATIONALE: Existing law includes mechanisms for faculty to work with publishers, administration and students in reducing the cost of required course materials, including textbooks. For example, publishers are encouraged to take action to reduce the cost of textbooks. In addition, the Trustees of the CSU and the Board of Governors of the California Community Colleges are required, and the Regents of the University of California are requested, to work with their academic senates to encourage faculty to give consideration to the least costly practices in assigning textbooks, to encourage faculty to disclose to students how new editions of textbooks are differ from previous editions and the cost of required textbooks. System administrations are also encouraged to work with academic senates to review procedures for faculty to inform college and university bookstores of textbook selections, and to encourage faculty to work with publishers and college bookstores to create materials that deliver savings to students.

All of these mechanisms are collaborative, and recognize and respect the expertise of faculty, and their professional obligation to select the most appropriate materials for their courses. SB 386, however, undermines the ability of faculty to carry this charge, by emphasizing textbook cost to the exclusion of other factors contributing to the curricular appropriateness of textbook selection. In addition, by requiring the submission of a justification for a new edition of a textbook within a three year period, this legislation adds significantly to the workload involved in course preparation.

References

AS-2747-06(FA): May 5, 2006: Faculty Role in Mitigating the Costs of Textbooks
www.calstate.edu/AcadSen/Records/Resolutions/2747.shtml 2005-2006

AS-2813-07(AA/FA/FGA: November 8, 2009): Textbook Affordability
www.calstate.edu/acadsen/Records/Resolutions/2007-2008/2813.shtml

Report of the CSU Textbook Affordability Taskforce: Improving Access and Reducing Costs of Textbook Content. Long Beach, CSU Chancellor's Office, August 2007. 50 pgs.
www.calstate.edu/AcadSen/Records/Textbook_Affordability_Taskforce_report.pdf

Approved Unanimously – May 7-8, 2009

AMENDED IN SENATE MAY 6, 2009

AMENDED IN SENATE APRIL 21, 2009

SENATE BILL

No. 386

**Introduced by Senator Runner
(Coauthor: Senator Liu)**

February 26, 2009

An act to add and repeal Section 66406.8 of the Education Code, relating to college textbooks.

LEGISLATIVE COUNSEL'S DIGEST

SB 386, as amended, Runner. Postsecondary education: textbooks.

The Donahoe Higher Education Act authorizes the activities of the 4 segments of the higher education system in the state, including the 3 public segments, which are: the University of California, which is administered by the Regents of the University of California; the California State University, which is administered by the Trustees of the California State University; and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.

Existing law urges textbook publishers to take specified actions aimed at reducing the amounts that postsecondary education students currently pay for textbooks. Existing law requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, to work with the academic senates of each respective segment to encourage faculty to give consideration to the least costly practices in assigning textbooks, to encourage faculty to disclose to students how

new editions of textbooks are different from previous editions and the cost to students for textbooks selected, to review procedures for faculty to inform college and university bookstores of textbook selections, and to encourage faculty to work closely with publishers and college and university bookstores in creating bundles and packages that are economically sound and deliver cost savings to students.

Existing law expresses the intent of the Legislature to encourage private colleges and universities to work with their respective academic senates and to encourage faculty to consider practices in selecting textbooks that will result in the lowest costs to students.

This bill would require a faculty member at the California Community Colleges or the California State University who adopts a new edition of a textbook within 3 years after the adoption of a previous edition of the textbook, to ~~justify prepare a justification for~~ the adoption of the new edition of the textbook ~~by performing a specified cost-benefit analysis~~. The bill would require a faculty member to submit the ~~cost-benefit analysis~~ *justification* to specified entities within the institution of higher education. The bill would request the University of California to adopt regulations for the implementation of these requirements. The bill would repeal these provisions on January 1, 2016.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66406.8 is added to the Education Code,
2 to read:
3 66406.8. (a) The Legislature finds and declares all of the
4 following:
5 (1) As the costs of tuition and fees at institutions of higher
6 education are expected to rise, students need relief from the costs
7 of higher education.
8 (2) Making it easier for students to use older editions of
9 textbooks will allow students to offset increased costs of tuition
10 and fees at institutions of higher education.
11 (b) (1) A faculty member at the California Community Colleges
12 or the California State University who adopts a new edition of a
13 textbook, as defined in subdivision (b) of Section 66406.7, within
14 three years after the adoption of a previous edition of that textbook,

1 shall ~~justify~~ *prepare a justification* for the adoption of the new
2 edition of the textbook ~~by performing a cost-benefit analysis~~ that
3 includes all of the following:

4 (A) A justification for adopting the new edition of the textbook
5 within the three-year period.

6 (B) A comparison of the differences between the new edition
7 of the textbook and previous editions of the textbook.

8 (C) A disclosure of any financial interest of the faculty member
9 related to requiring students to purchase the new edition of the
10 textbook.

11 (2) The faculty member shall submit, in writing, copies of the
12 ~~analysis~~ *justification* described in paragraph (1) to the institution's
13 academic senate, administration, and student government. The
14 faculty member shall make copies of the ~~analysis~~ *justification*
15 available to students.

16 (c) The Regents of the University of California are requested
17 to adopt regulations for the implementation of subdivision (b) by
18 the University of California.

19 (d) This section shall remain in effect only until January 1, 2016,
20 and as of that date is repealed, unless a later enacted statute, that
21 is enacted before January 1, 2016, deletes or extends that date.