

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS 2921-09/FGA (Rev)
November 5, 2009

Requesting Modifications in SB 48 (College Textbooks: Electronic Versions)

- RESOLVED: That the Academic Senate of the California State University (ASCSU) commend Senator Alquist for her authoring of SB 48; and be it further
- RESOLVED: That the ASCSU request Senator Alquist to consider introducing additional legislation that would specify that the electronic version of the textbook provided by publishers as required by SB 48 be compatible with commonly used Braille translation, screen reading software, and other ADA compliant forms; and be it further
- RESOLVED: That the ASCSU request Senator Alquist to consider introducing additional legislation that would modify SB 48 so that its provisions take effect no later than January 1, 2015; and be it further
- RESOLVED: That this resolution be sent to Senator Alquist, the Chancellor and the Board of Trustees, campus Presidents, campus Senate Chairs, and the Association of American Publishers, and American Association of University Professors.

RATIONALE: The ASCSU is grateful to Senator Alquist for authoring SB 48. We note that the ASCSU has passed a number of resolutions dealing with textbook accessibility and affordability. In 2006, the ASCSU passed AS-2730-06/AA. This resolution called on publishers to provide e-text versions of course materials at the time such materials are adopted “in a format that is compatible with Braille production, screen reading software, and other ADA compliant forms.” While existing legislation requires publishers to make this material available upon request, delays in getting the material prepared can seriously disadvantage students who need such materials at the start of the academic term. While SB 48 specifies that publishers provide text materials in electronic format, there are electronic formats which do not support Braille translation or screen reading software or other ADA compliant forms.

Also in 2006 the ASCSU passed AS-2747-06/FA. This resolution encouraged faculty to select “course materials that minimize cost to students”. As pointed out in the Report of the CSU Affordability Taskforce (see http://www.calstate.edu/AcadSen/Records/Reports/Textbook_Affordability_Taskforce_report.pdf), electronic versions of textbooks have the capability to reduce student costs. The ASCSU supports an earlier implementation date for the requirements of SB 48 instead of the present deadline of 2020. We believe that, from a technical perspective, publishers should be able to comply with this law within the next five years.

Approved – January 21-22, 2010

Senate Bill No. 48

CHAPTER 161

An act to add Section 66410 to the Education Code, relating to college textbooks.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 48, Alquist. College textbooks: electronic versions.

Existing law establishes the various segments of the public higher education system in the state. These segments include 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.

Existing law requires publishers of instructional material for use at public institutions of postsecondary education to make instructional material available in electronic form in a format that is compatible with commonly used braille translation and speech synthesis software upon the written request of a campus of a university or college when required for the use of students who are disabled.

This bill would require that publishers of textbooks offered for sale at a public or a private postsecondary institution of education make the textbooks available, in whole or in part, to the extent practicable, in an electronic format by January 1, 2020. The bill would require that electronic versions of textbooks include the same content as the printed versions and would allow the electronic versions to be copy-protected.

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

SECTION 1. Section 66410 is added to the Education Code, to read:

66410. (a) No later than January 1, 2020, any individual, firm, partnership, or corporation that publishes textbooks offered for sale at the University of California, the California State University, the California Community Colleges, or a private postsecondary educational institution in the state shall, to the extent practicable, make the textbooks available, in whole or in part, for sale in an electronic format. The electronic version of any textbook shall contain the same content as the printed version and may be copy-protected.

(b) For purposes of this section, “textbook” has the same meaning as defined in subdivision (b) of Section 66406.7.

(c) This section does not authorize any use of instructional materials that would constitute an infringement of copyright under the Copyright Revision Act of 1976, as amended (17 U.S.C. Sec. 101 et seq.).

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-2730-06/AA
January 26-27, 2006

Provision of Accessible Electronic Material by Publishers

- RESOLVED: That the Academic Senate of the California State University (CSU) recognize the importance of disability accommodation and endorse the work being done by the CSU Center for Alternate Media (CAM) in making learning resources available to students with disabilities; and be it further:
- RESOLVED: That the Academic Senate CSU urge publishers to provide e-text versions of course materials to CAM at the time such materials are adopted; these materials should be in a format that is compatible with Braille production, screen reading software, and other ADA compliant forms, and such materials are to be made available for dissemination to various campus and systemwide agencies in addition to the course instructor; and be it further
- RESOLVED: That the Academic Senate CSU recommend to faculty of the CSU that, when selecting a textbook or other materials, they use as one of their criteria the willingness of the publisher to provide such e-text material upon course adoption; and be it further
- RESOLVED: That the Academic Senate CSU call upon the Chancellor's Office to use its position as leader of the largest system of higher education in the United States, to encourage publishers to routinely create e-text materials as part of a course learning package; and be it further
- RESOLVED: That this resolution be sent to CAM and major textbook publishers and to campus senate chairs to be forwarded to the campus's bookstore manager and disability center.

RATIONALE: It is not uncommon for students with disabilities to wait up to five weeks to receive alternative media for course textbooks. By having e-text material available before the start of a course, students with disabilities will be immediately able to get a full learning experience from the course. It was estimated by the director of CAM that the average cost of developing learning material for a disabled student exceeds \$650. By having publishers provide e-text materials, there would therefore be significant cost savings to the CSU. Additionally, book representatives (e.g., Wadsworth) have indicated that e-text material is, in fact, available for almost all of their texts and that the timing issue may largely be one of getting the material to the campus and setting it up in a format appropriate for the student.

APPROVED UNANIMOUSLY – March 9-10, 2006

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-2747-06/FA
May 4-5, 2006

Faculty Role in Mitigating the Costs of Textbooks

- RESOLVED: That consistent with the fundamental right and responsibility of faculty to select course materials, the principles of academic freedom, and the goal of providing high quality education, the Academic Senate California State University (CSU) reaffirm the fundamental right and responsibility of the faculty to set curriculum and select those materials, either traditional or alternative, that are pedagogically most appropriate for delivering that curriculum; and be it further
- RESOLVED: That consistent with these principles, which ensure the academic and intellectual soundness of course materials, the Academic Senate CSU encourage CSU faculty to consider—when appropriate, pedagogically sound and feasible -- selecting course textbooks and materials that minimize the cost to students; and be it further
- RESOLVED: That the Academic Senate CSU recommend that the campus academic senates, where necessary, work with bookstores to arrive at mutually acceptable timelines for text adoption; and be it further
- RESOLVED: That the Academic Senate CSU encourage faculty to submit their textbook requests within these timelines to ensure the availability of textbooks through the campus and other local bookstores; and be it further
- RESOLVED: That the Academic Senate CSU encourage faculty to notify their campus bookstores as early as possible about re-adoptions of previously used textbooks to allow current students who wish to sell their copies back to the campus bookstore, which would also provide a larger quantity of cheaper, used textbooks for future students; and be it further
- RESOLVED: That the Academic Senate CSU encourage faculty and campus bookstores to communicate clearly with publisher representatives about textbook pricing concerns and options; and be it further
- RESOLVED: That the Academic Senate CSU reaffirm the fundamental right and responsibility of faculty to select traditional textbooks, alternative formats, and ancillary items with intellectual content and teaching effectiveness as the prime considerations.

RATIONALE: The Academic Senate CSU recognizes that the high cost of certain textbooks and ancillaries can adversely affect the affordability of higher education for CSU students; it also recognizes that the California State Student Association (CSSA) and the California legislature have expressed ongoing concerns about the rapid rise in textbook prices for CSU students and about associated cost factors such as the bundling of textbooks with sometimes unneeded supplements. These problems have received attention in the national media and in other legislatures as

well. In 2004, the California Legislature and the Governor approved legislation (AB 2477) urging book publishers to offer lower-price textbook options whenever possible and encouraging campus faculty and bookstores to do likewise and to generally pursue more economical textbook pricing practices. Among options available to faculty are

- adopting the least expensive edition of books they wish to use;*
- using the same book and edition as long as it remains appropriate pedagogically;*
- telling students the probable cost of books and materials for their class(es);*
- reviewing textbook adoption timelines and procedures with the campus bookstore;*
- working with publishers and bookstores if bundles are necessary to ensure that they are economically sound;*
- adopting texts and materials in a manner that allows students to buy parts of a bundle;*
- developing coursepacks (course readers),*
- using e-reserves.*

While the Academic Senate CSU recognizes that course packs and e-reserves help reduce costs to students, it also urges faculty to remember that content included in such delivery mechanisms must follow federal fair use and copyright guidelines.

Even though they understand the financial constraints with which many students are faced, the Academic Senate CSU and the CSU must also protect the academic freedom necessary for and inherent to effective and independent faculty selection of textbooks. This resolution proposes that faculty can develop ways of both maintaining their professional and curricular integrity and helping students contain the cost of their education.

Approved– May 4-5, 2006