

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1548

Introduced by Assembly Member Solorio

February 23, 2007

An act to add Section 66406.7 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1548, as amended, Solorio. Public postsecondary education: Transparency in College Textbook Publishing Practices Act.

(1) The Donahoe Higher Education Act authorizes the activities of the 4 segments of the postsecondary education system in the state. These segments include the 3 public postsecondary segments: 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. Private and independent postsecondary education institutions constitute the other segment.

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 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, among other things, 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 express findings and declarations of the Legislature relating to the cost of college and university textbooks. The bill would add the Transparency in College Textbook Publishing Practices Act to the Donahoe Higher Education Act. The bill would prohibit a public postsecondary education institution from buying, selling, or allowing the sale on its campus of a textbook, as defined, unless and until the publisher of that textbook posts on its Internet Web site specified information about that textbook or otherwise makes this information available in a manner acceptable to the trustees, board of governors, or regents as appropriate. The bill would authorize the Attorney General, a district attorney, or any affected resident of this state to bring a civil action to enforce the bill.

Pursuant to existing law, the bill would apply to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable. Because the bill would impose new duties on community college districts, the bill would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Textbook prices ~~have climbed to levels that deny some~~
4 ~~students access to~~ *add to the total cost of postsecondary education,*
5 *which can serve to deny lower-income students the opportunity to*
6 *receive high-quality, affordable education in California. According*
7 *to a 2005 GAO report, college textbook prices have increased by*
8 *186 percent from 1986 to 2004, inclusive, which is almost triple*
9 *the rate of inflation over the same period.*

10 (b) Textbook affordability is an issue that directly affects all
11 students in California. California students spend an average of
12 nine hundred dollars (\$900) per year on textbooks, an amount that
13 exceeds tuition for many community college students. With rising
14 tuition, fees, and living expenses, and diminishing student aid, the
15 price of textbooks represents an increasing portion of the overall
16 cost of education.

17 (c) Several factors contribute to rising textbook prices.
18 Publishers have shortened revision cycles, so that as new editions
19 become available, used textbooks become obsolete and students
20 are no longer able to sell or buy less expensive, used versions.
21 Textbook publishers also “bundle” supplemental materials such
22 as workbooks and CD-ROMs with textbooks to increase prices.
23 However, 65 percent of faculty interviewed for the California
24 Public Interest Research Group study reported that they rarely or
25 never use these additional bundled materials. Some faculty
26 members and administrators may also receive compensation from
27 textbook publishers as inducement for adopting particular
28 textbooks.

29 (d) Students, families, faculty members, and administrators do
30 not have adequate information about factors influencing the high
31 costs of textbooks. This act will create more transparency in the
32 practices of college textbook publishing companies serving
33 California, and will provide the public, and especially students,
34 with the information they need to have access to affordable,
35 high-quality textbooks.

36 SEC. 2. Section 66406.7 is added to the Education Code, to
37 read:

1 66406.7. (a) This section shall be known, and may be cited,
2 as the Transparency in College Textbook Publishing Practices Act.

3 (b) A public postsecondary education institution shall not buy,
4 sell, or allow the sale on its campus of a textbook unless and until
5 the publisher of that textbook posts all of the following on its
6 Internet Web site or otherwise makes the following information
7 available to the public in a manner acceptable to the governing
8 body of the segment:

9 (1) For any bundled textbook, the price difference between the
10 bundled textbook and the same unbundled textbook.

11 (2) For any new editions of textbooks, a summary of the
12 substantive differences between the new edition and the prior
13 edition.

14 (3) For any new editions of textbooks, an estimate of how long
15 the new edition will remain in print.

16 (4) The amount and recipient of any compensation provided to
17 faculty or administrators of a public postsecondary education
18 institution as inducement to adopt particular textbooks for
19 university courses, except for sample copies or royalties.

20 (c) The Attorney General, a district attorney, or any affected
21 resident of this state may bring a civil action to enforce this section.

22 (d) As used in this section:

23 (1) “Bundled textbook” means a textbook that is packaged with
24 additional materials, including, but not necessarily limited to, a
25 supplemental workbook or a CD-ROM.

26 (2) “Textbook” means a book that is intended for use as a source
27 of study material for a class or group of students, a copy of which
28 is expected to be available for the individual use of each student
29 in that class or group.

30 (3) “Unbundled textbook” means a textbook that is offered for
31 sale without any additional materials.

32 SEC. 3. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.