

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

1102 Q STREET
SACRAMENTO, CA 95814-6511
(916) 445-8752
[HTTP://WWW.CCCCO.EDU](http://www.cccco.edu)



October 25, 2000

To:

From: Ralph Black
General Counsel

Legal Opinion E 00-33

Dear:

You have asked two questions regarding the implementation of Assembly Bill 422 (Stats. 1999, ch. 379) which added section 67302 to the California Education Code.

Your first question is whether the requirements of section 67302 apply to publishers located outside the state of California. The relevant portion of section 67302 provides:

"(a) An individual, firm, partnership or corporation that publishes or manufactures printed instructional materials for students attending the University of California, the California State University, or a California Community College, shall provide to the university, college, or particular campus of the university or college, for use by students attending the University of California, the California State University, or a California Community College, any printed instructional material in an electronic format mutually agreed upon by the publisher or manufacturer and the college or campus. Computer files or electronic versions of printed instructional materials shall maintain the structural integrity of the printed instructional material, be compatible with commonly used braille translation and speech synthesis software, and include corrections and revisions as may be necessary. The computer files or electronic versions of the printed instructional material shall be provided to the university, college, or particular campus of the university or college at no additional cost and in a timely manner, upon receipt of a written request that does all of the following:

(1) Certifies that the university, college, or particular campus of the university or college has purchased the printed instructional material for use by a student with a disability or that a student with a disability attending or registered to attend that university, college, or particular campus of the university or college has purchased the printed instructional material.

- (2) Certifies that the student has a disability that prevents him or her from using standard instructional materials.
- (3) Certifies that the printed instructional material is for use by the student in connection with a course in which he or she is registered or enrolled at the university, college, or particular campus of the university or college.
- (4) Is signed by the coordinator of services for students with disabilities at the university, college, or particular campus of the university or college or by the campus or college official responsible for monitoring compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) at the university, college, or particular campus of the university or college.

It is readily apparent that the Legislature did not limit the scope of section 67302 to firms physically located in California. Indeed, the plain language of the statute makes clear that it applies to every "individual, firm, partnership or corporation that publishes or manufactures printed instructional materials for students attending the University of California, the California State University, or a California Community College." Thus, the question is whether the publisher produces materials which are used by students in California postsecondary education, not where the publisher is located.

Second, you mentioned that the publisher with whom you are dealing told you that the law says "This right includes computer diskette versions of instructional materials if made available to any other state, and those corrections and revisions as may be necessary." This language does not appear in section 67302. I believe the person who told you this may be thinking of Education Code section 60061 which does include the above-quoted passage. However, section 60061 is only applicable to K-12 districts.

I hope this information is helpful.

RB:sj

E 00-33