

Proposed Revisions to Title 5, California Code of Regulations Relating to Burden-Free Access to Instructional Materials (Second Reading)

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ADDING NEW SECTION 54221 TO SUBCHAPTER 4 OF CHAPTER 5 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS.

§ 54221. Burden-Free Access to Instructional Materials.

(a) Governing boards shall adopt policies that ensure student access to textbooks and supplemental materials that are needed on the first day of class. Practices that enable first day access to zero-cost resources include, but are not limited to, the following:

(1) adapting or adopting open educational resources for some or all textbook and ancillary material, when the option is available **or feasible**; and

(2) copying initial textbook chapters as permissible within copyright.

(b) Governing boards shall adopt policies that strengthen student access to other instructional materials before their required use in any course to minimize financial and administrative burdens to students.

(c) District policies shall maintain an instructor's responsibility **and academic freedom** to choose instructional materials. District policies shall also support student-centered practices that encourage the use of zero-cost instructional materials, and leverage available resources to the maximum extent feasible, including, but not limited to, the following:

(1) developing and implementing sustainable zero-textbook-cost degrees, consistent with Education Code Section 78052;

(2) adapting open educational resources to complete degrees and career technical education certificates;

(3) adopting open educational resources for courses in which OER is commonly available and prioritizing courses needed to satisfy general education requirements;

(4) establishing lending programs and maintaining college library resources to support immediate access to course materials;

(5) developing policies that enable financial aid early disbursements consistent with 34 CFR 668.164(i);

(6) encouraging and supporting students to complete their financial aid files early to receive timely disbursement; and

(7) deploying other forms of direct aid and support program resources to strengthen student financial stability.

(d) For the purposes of this section, the following definitions apply:

(1) “Instructional materials” means all of the required materials for a course including textbooks, supplemental materials and supplies. Instructional materials do not include materials used or designed primarily for administrative purposes, class management, course management or supervision.

(2) “Textbooks” means the educational resources identified in the syllabus for the course.

(3) “Supplemental materials” means additional resources that complement the textbook and enhance the learning experience. These can include a variety of materials, such as lab manuals, workbooks, homework systems, required educational software, interactive websites, journal articles, novels, and readers.

Authority cited: Sections 70901 and 66406, Education Code. Reference: Sections 70901, 70902 and 66406, Education Code.

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