

## **OER Adoption – Best Practices @ SCC**

Written and Compiled by the AERC (Affordable Educational  
Resources Committee)

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# Best Practices - Textbook Adoption @ SCC

*Approved by SCC's Academic Senate – 10/8/2019*

Some departments and divisions at Sacramento City College have policies regarding textbook adoption. These official and unofficial policies take several main forms. For example, some departments have a form called “Application for Textbook Adoption,” which involves queries about the textbook or learning material that a faculty member wants approved for use in a class in the department. If the form receives the appropriate signatures, the textbook is then placed on an approved textbook list, which is often used for new faculty as an example of what they should use in their courses. There are variations of this among different departments and various levels of adherence to this type of textbook adoption policy. Some departments don’t use a textbook adoption form, nor do they use a system of approving each other’s course materials. These various policies are all in keeping with the union contract and district policies’ positions on academic freedom (see table of contents).

**Many of these policies, forms, and practices haven’t been revised or updated in decades.**

The adoption of OER (Open Educational Resources) sometimes faces obstacles due to the various textbook adoption policies in place at SCC. Occasionally, faculty encounter resistance when submitting OERs - and other online sources - as their learning materials of choice via a textbook adoption process.

The AERC (Affordable Educational Resources Committee) suggests the following strategies that departments can use to incorporate OER and free course materials adoption into existing department policies. We encourage departments and divisions to review textbook adoption approval processes in order to make them more flexible for faculty who would like to use OERs. The AERC also compiled an extensive list of other OER resources to aid in OER adoption.

## **OER Adoption Suggestions:**

- 1. If the Division/Department has existing Textbook Adoption policies and/or procedures:**
  - Include on any forms or documents a section for the URL, or web address - of the OER.
  - Include licensing information for the OER (so its legal use is clearly documented).
  - Include a FAQ or link to information on OER adoption in general for those new to OERs.
  - If a form is used, make it electronically accessible and consider allowing electronic signatures.
  - It should be noted on any form or policy that any restrictions related to the length of adoption (e.g. “a minimum of X semesters”) do not apply to adoption of completely free online materials.
  - Any instructions accompanying a form or process for textbook adoption should make reference to OER, and be revised periodically to include up-to-date information about relevant policies.
  
- 2. If the Division/Department does not have Textbook Adoption policies and/or procedures:**
  - Discuss and promote OER use in department meetings, with general OER FAQ.
  - Direct questions about OER adoption to the AERC (or to OER/Textbook Affordability Coordinators, when they exist).
  - If a department or division textbook adoption policy is developed in the future, make sure that it meets the standards listed in item 1, above.

## OER FAQs @ SCC

- from AERC website - <https://www.scc.losrios.edu/oer/oer-faq/>)

### What is SB 1359?

The California Senate Bill, SB 1359 “Public Postsecondary Education: Course Materials” (Block 2016), requires Community Colleges to indicate course sections that use course materials, such as OER, at no cost to the student. This existing law requires California Community Colleges to take specific actions with their academic senates, campus bookstores, and faculty to publicize the use of affordable textbooks. This law became operative on January 1, 2018.

“Zero Textbook Cost” Class Schedule Logo (SB 1359) Info Sheet -

<https://www.scc.losrios.edu/oer/files/2018/03/SB-1359-Info-Sheet.pdf>

SB 1359 - [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160SB1359](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1359)

### What is a Z-Degree?

A Z-degree is a program that allows students to complete a degree without spending money on textbooks. Passed on June 27, 2016, AB 1602 is the Zero-Textbook-Cost Degree Grant Program. The Academic Senate for California Community Colleges passed this resolution favoring local academic senate approval for Z-Degrees. As of this posting, the request for proposals has not yet been released.

AB 1602 -

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB1602](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1602)

ASCCC Resolution Z Degrees - <https://www.asccc.org/resolutions/z-degrees-and-faculty-primacy>

### Are OER peer reviewed?

Many are! The California OER Council has a peer-review process, including guidelines, a process for requesting peer review, and opportunities to be a reviewer. Take a look at the responses to questions six through ten on the CA OER Council FAQ.

CA OER Council FAQ - <http://icas-ca.org/faq>

MERLOT also has a peer-review process.

MERLOT Evaluation Criteria -

[http://info.merlot.org/merlohelp/topic.htm#t=MERLOT\\_Peer\\_Review\\_Information.htm](http://info.merlot.org/merlohelp/topic.htm#t=MERLOT_Peer_Review_Information.htm)

### If OER are online, how can a student without a computer access them?

Students should have the option of printing OER material. Nevertheless, this can present constraints on a student’s access to course material because some students may not have online access from home and may have other obligations that prevent them from using campus computer labs during scheduled lab hours. In some cases, instructors can print OER and provide

the material to students directly. Many OERs are also formatted to be accessible using smartphones.

Complete access to OER depends on broader socioeconomic issues. This suggests that expanding efforts to provide broadband access to students beyond campus hours is necessary to realize the full potential of OER.

### **What is AB 798?**

California's College Affordable Textbook Act of 2015 (2015 Assembly Bill 798) set up an incentive award program that offers money for professional development, curation expenses, and technology support related to OER.

AB 798 - [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB798](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB798)

### **How does AB 798 impact SCC?**

During the Spring 2016 semester, the SCC Academic Senate passed a resolution in support of OER and approved a plan for the campus to participate in the AB 798 incentive award program. In Fall 2016, SCC accepted an AB 798 award of \$19,000 based on faculty from 19 class sections committing to adopt OER during the 2016-2017 academic year.

SCC Academic Senate Resolution in Support of OER and Textbook Affordability -

<https://drive.google.com/file/d/0Bzqu6ZcJsMv5akxiMEtnWkhXVUE/view>

AB 798 Incentive Award Program @ SCC - [https://docs.google.com/spreadsheets/d/1-xjLxLx213FsL2Mil86LH\\_hhRQ2HT0R\\_7IkWCf1j3Vg/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1-xjLxLx213FsL2Mil86LH_hhRQ2HT0R_7IkWCf1j3Vg/edit?usp=sharing)

## Myth Busting - OER

**Academic Senate for California Community Colleges: “Mythbusting Open Educational Materials”**

- <https://www.asccc.org/content/mythbusting-open-educational-materials>

“Dolores Davison, ASCCC Secretary

Michelle Pilati, ASCCC Open Educational Resources Task Force

February, 2018

The desire to reduce the costs of course materials for students in our colleges has resulted in various parallel efforts to decrease costs and incentivize cost reductions. Pressures to offer courses with no associated text costs have also resulted in concerns among faculty who can’t envision teaching with materials that are free. The various efforts and concerns have resulted in some measure of confusion. What efforts to reduce costs are underway and what legislation may be creating pressure to consider no-cost resources?

Current efforts include the development of Zero Textbook Cost (ZTC) degrees and the use of Open Educational Resources (OER). A number of our colleges are in the process of developing ZTC certificates or degrees, with the goal of developing programs that have no textbook cost to the student. Moreover, while ZTC grants are not system-wide, ZTC efforts often employ the use of OER that are often free and modifiable. To this end, an infrastructure to promote OER use across our colleges has been developed, and the ASCCC OER Task Force is engaged in efforts to identify and address barriers to OER adoption.

Further, efforts to advise colleges on the identification of both no-cost and low-cost resources are underway. As of January 1, 2018, pressure to adopt no-cost resources increased as a result of SB 1359 (Block, 2016). This legislation requires colleges to “clearly highlight, by means that may include a symbol or logo in a conspicuous place on the online campus course schedule, the courses that exclusively use digital course materials that are free of charge to students and may have a low-cost option for print versions.” However, the identification of no-cost resources presents a challenge for some disciplines. To this end, Resolution 13.01 was presented for consideration at the fall 2017 plenary to “encourage colleges to implement a mechanism for identifying course sections that employ low-cost course materials.” This resolution includes direction for colleges who desire a means of identifying course sections that employ low-cost resources. As SB 1359 mandates recognition of no-cost resources, lower cost materials do not meet the criteria of the law and therefore cannot be indicated by the same symbol. Additional information regarding this legislation and related cost-reduction efforts can be found at <http://extranet.cccco.edu/Divisions/AcademicAffairs/OpenEducationResources.aspx>

One obstacle to a wider use of OER materials seems to be common misconceptions about OER materials, including their use and implementation. The faculty in the CCC system are not alone in their confusion and uncertainty about using OER: the 2017 Babson report on OER <https://www.onlinelearningsurvey.com/reports/openingthetextbook2017.pdf> demonstrated that only 30% of faculty surveyed nationwide were “very aware” or “aware” of open educational resources. Within our system, in a recent survey of selected disciplines, almost 40% of respondents indicated that they did not know enough about OER to consider its use. There are quite a few myths around OER, and it is our hope that this article clarifies some of them.

**Myth #1:** Using OER will jeopardize our articulation agreements with our University of California and California State University partners.

**Answer:** This is not true. Both the University of California Office of the President and the California State University Chancellor's Office have issued statements that allow for the use of OER materials, provided the materials are "stable and publicly available as published textbooks (and not a list of links)"[1]. While articulation to private or out-of-state colleges might be impacted, given the increasingly widespread use of OER, it is becoming more likely that the use of OER will not impact articulation regardless of the college. OER also does not impact C-ID designated courses, provided that the materials used meet the above requirement. It should also be noted that the California State University is subject to the same mandate as the CCCs regarding identification of sections using no-cost resources.

**Myth #2:** There aren't OER materials available for my discipline/courses.

**Answer:** While this lack of materials is true in some areas, it is becoming increasingly less of an issue. While not all courses may have a dedicated text(s) available, more materials are becoming available every month. The change in the availability of text equivalents and ancillaries over the past few years is staggering in many disciplines.

**Myth #3:** OER materials are inferior to publisher materials.

**Answer:** As with the selection of textbooks, the responsibility for determining rigor and quality of OER materials rests with the faculty member. It is true that there are materials touted as OER that lack sufficient rigor, including vanity pieces, self-published materials that have never been peer reviewed, or agenda driven corporate materials. However, there are many more available materials of high quality worth the consideration of discipline faculty. One such resource is the COOL4Ed page <http://cool4ed.org>, the result of the work of the California Open Educational Resources Council (COERC) which includes OER resources which have been peer reviewed by faculty in at least two of the public systems of higher education in California. The COOL4Ed page provides not only information about the texts, but reviews and peer evaluations of each of the materials evaluated. The website is a good starting point for faculty interested in integrating OER materials into their courses. In addition, if an OER resource is lacking in some way, faculty can typically modify or supplement the materials to address any deficiencies.

**Myth #4:** OER materials do not have the ancillaries and other materials that I need to teach my classes.

**Answer:** Again, while this is true in some disciplines, it is more common than ever to find ancillaries where one would normally find them from a traditional publisher. The Open Stax statistics text, for example, includes a test bank of over 1000 test questions, which can be freely used by the instructor who has adopted the text.

**Myth #5:** The structure of the OER materials available is not to my liking/does not match up with the way I teach/does not cover information I feel should be covered.

**Answer:** As with picking a traditional published textbook, OER materials may have gaps that need to be supplemented with additional readings, projects, or the like. Other than self-

authored materials, it is unlikely that any faculty member has ever been 100% satisfied with an adopted text.

**Myth #6:** Using OER materials does not really make that big of a difference for our students.

**Answer:** With most texts costing the same or more than the cost of registering for a course, it is easy to see that OER materials may benefit more students than one might think. The Babson Report indicates that the majority of faculty surveyed had students who did not purchase traditional textbooks based on cost, with an average textbook cost of \$97.00 per course. Texts for many disciplines, particularly in the STEM fields, can run significantly more. Cost savings could (and perhaps should) be factored into a faculty member's decision regarding adoptions of OER materials.

Ultimately, the decision of textbook adoption is a curriculum issue, and therefore the purview of the faculty per Ed Code and the 10+1. No administrator should be forcing a faculty member to adopt OER materials. However, given that courses with zero costs for textbooks will now be identified in the online course schedule, it is possible that students will vote with their feet, and it might behoove faculty to examine OER options moving forward. Faculty who considered OER in the past and found the available resources lacking are encouraged to explore the available options once again.

[1] <https://asccc.org/content/oer-and-ztc-degrees>; quote from email from Nancy Purcille, Transfer Articulation Coordinator, UC Office of the President."

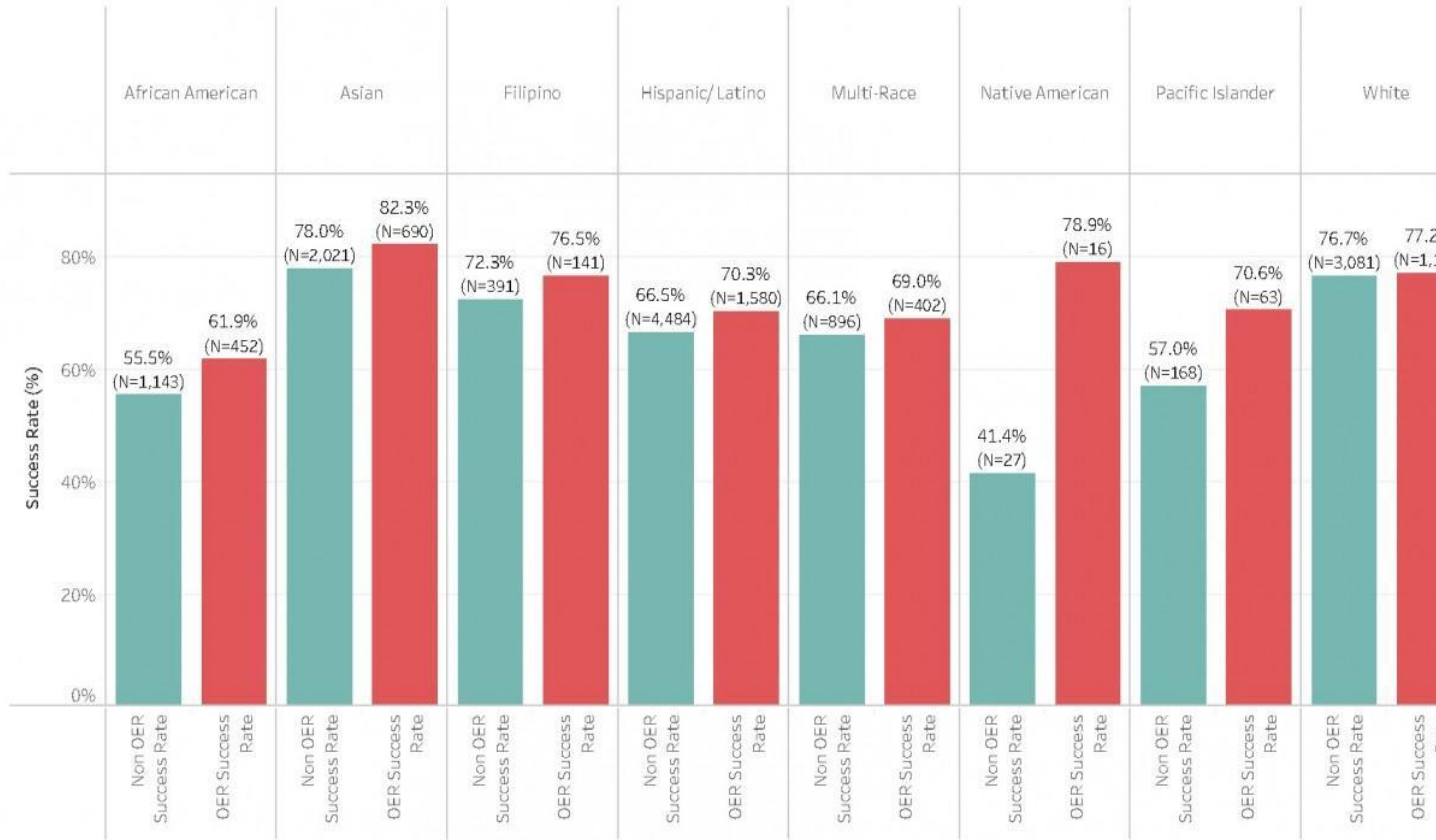


# Equity & OER @ SCC

## All Course Success Rates by Ethnicity

### Non OER vs. OER Courses

Only showing data for groups with N > 10



## Equity & OER @SCC –

Summary of AERC's OER research project results for 2017-2018 courses.  
Sent to SCC academic senate, 3/6/2019

The AERC (Affordable Educational Resources Committee) recently completed a research project investigating how OER (Open Educational Resource) adoption is related to student success and equity. We asked the PRIE office to compile data from course sections known to have used OERs to sections of the same courses that did not use OERs. The results showed higher student success rates (73%, N=4,501) in classes using OER, compared with sections of the same course that were not using OER (70%, N=12,303). In addition, OER was associated with a reduction in disproportionate impacts. Students from African-American backgrounds had a 61.9% (N=452) success rate in OER courses compared to a 55.5% (N=1,143) success rate in non-OER courses. Students from Asian backgrounds had an 82.3% (N=690) success rate in OER courses, compared to a 78.0% (N=2,021) success rate in non-OER courses. Students from Filipino backgrounds had a 76.35% (N=141) success rate in OER courses, compared to a 72.3% (N=391) success rate in non-OER courses. Students from Hispanic/Latino backgrounds had a 70.3% (N=1,580) success rate in OER courses, compared to a 66.5% (N=4,484) success rate in non-OER courses. Students from Multi-Race backgrounds had a 69.0% (N=402) success rate in OER courses, compared to a 66.1% (N=896) success rate in non-OER courses. Students from Native American backgrounds had a 78.9% (N=16) success rate in OER courses, compared to a 41.4% (N=27) success rate in non-OER courses. Students from Pacific Islander backgrounds had a 70.6% (N=63) success rate in OER courses, compared to a 57.0% (N=168) success rate in non-OER courses. Students from White backgrounds had a 77.2% (N=1,116) success rate in OER courses, compared to a 76.7% (N=3,081) success rate in non-OER courses. The student success rate was higher in all groups when OER was used. However, the difference was greater than the average of 3% for several of the disproportionately impacted student groups. A particularly noteworthy example is the African-American group, which showed a positive 6.4% percentage point difference in success when OERs were used. This supports the common wisdom that OER adoption is one way that faculty can address equity issues and increase student success in general.

## SCC Academic Senate Support of OER and Textbook Affordability

- <https://www.scc.losrios.edu/oer/documents/scc-academic-senate-resolution-open-educational-resources-and-textbook-affordability-passed-4-5-2016.pdf>

Whereas, The significant rise in costs of textbooks is a barrier to college attendance, student access, and student success;

Whereas, Many colleges are interested in reducing the cost of textbooks to increase student access to necessary course materials; and

Whereas, The intent of the College Textbook Affordability Act of 2015 (AB 798, Bonilla, 2015) is to reduce costs for college students by encouraging faculty to accelerate the adoption of lower cost, high-quality, open educational resources (OER);

Resolved, That the Academic Senate of Sacramento City College support efforts to increase student access to high-quality open educational resources and reduce the cost of textbooks and supplies for students in course sections for which open educational resources are to be adopted to accomplish cost savings for students.

March 3, 2016

# Academic Senate for California Community Colleges – Support for Z Degrees

- <https://www.asccc.org/resolutions/z-degrees-and-faculty-primacy>

## Z-Degrees and Faculty Primacy

Spring 2016

Resolution Number: 09.09

Contact: Stacey Searl-Chapin

Assigned to : President

Category: Curriculum

Status: Completed

Whereas, The Department of Finance has introduced budget trailer bill language to incentivize California Community Colleges to develop “Z-Degrees” designed so that students can complete a degree with zero costs for textbooks;

Whereas, The development and review of curriculum and degree programs, as well as the selection of textbooks and other instructional materials, are items of faculty primacy under the 10+1; and

Whereas, The trailer bill language calls for consultation with the local academic senate but fails to recognize the primacy of faculty in these types of decisions;

Resolved, That the Academic Senate for California Community Colleges encourage and support local and statewide discussions regarding degree paths, known as Z-Degrees, with zero text book cost to students;

Resolved, That the Academic Senate for California Community Colleges assert the primacy of faculty in curricular decisions regarding degree and program developments, including Z-Degrees, and communicate the assertion to the legislature and others evincing interests; and

Resolved, That the Academic Senate for California Community Colleges recommend that the 2016 budget trailer bill language ensure that the primacy of faculty is retained by including the local academic senate’s approval of the development of Z-Degrees as well as participation in any kind of incentive program related to Z-Degrees.

MSC

Status Report:

President and the Vice-president have expressed the faculty role in the development of z-degrees to the Chancellor’s Office, the Governor’s Office, and legislative staff.

## California State Legislation – AB 1602 – Z Degrees

Assembly Bill No. 1602 -

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB1602](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1602)

[ Approved by Governor June 27, 2016. Filed with Secretary of State June 27, 2016. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 1602, Committee on Budget. Education.

(1) The California Library Services Act establishes the California Library Services Board and provides that its duties include, among other things, adopting rules, regulations, and general policies relating to the implementation of the act.

This bill would revise and recast the act, including, among other things, removing from the board the powers to annually submit budget proposals as part of the annual budget of the Department of Education and to develop formulas for the equitable allocation of reimbursements to public libraries, as defined, for providing specified library services.

This bill would appropriate \$3,000,000 from the General Fund to the California State Library for allocation pursuant to the bill. The bill also would require the California State Library, on or before September 1, 2017, to submit a specified report on the use of those funds to the Director of Finance and the Legislature.

(2) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. The board appoints a chief executive officer known as the Chancellor of the California Community Colleges. Under existing law, community college districts are authorized, among other things, to maintain and operate campuses, employ faculty and other employees, and provide instruction to students.

This bill would establish the Zero-Textbook-Cost Degree Grant Program, which would require the chancellor to award grants to community college districts that meet specified criteria for developing and implementing associate degrees and career technical education certificate programs earned entirely by completing courses that eliminate conventional textbook costs by using alternative instructional materials and methodologies. The bill would require the chancellor, by June 30, 2019, to report to the Legislature, the Legislative Analyst's Office, and the Department of Finance on the development and implementation of these degrees and would authorize the allocation of a portion of the funds appropriated in the annual Budget Act for the program so that the chancellor's office may contract with a community college district to administer the program.

This bill would appropriate \$7,000,000 from the General Fund to the board of governors for allocation, for the 2016–17 fiscal year, to community college districts to enhance network infrastructure through the Telecommunications and Technology Infrastructure Program administered by the board of governors. These funds would be applied toward the minimum funding requirements for the 2015–16 fiscal year for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(3) Existing law authorizes a school district or community college district to receive an advance of apportionments owed to the district from the State School Fund and the Education Protection Account. Existing law requires a school district or community college district that receives an emergency apportionment to enter into a lease financing agreement with the California Infrastructure and Economic Development Bank for the purpose of financing the emergency apportionment and specifies various terms of the lease. Existing law appropriates \$30,000,000 from the General Fund to the Board of Governors of the California Community Colleges for apportionment to the Compton Community College District as an emergency apportionment, as specified.

This bill would require that the interest rate for those emergency apportionments made to the Compton Community College District be 2.307% beginning July 1, 2016.

(4) Existing law appropriates \$33,100,000 from the General Fund to the Board of Governors of the California Community Colleges for faculty and staff development activities and to provide grant funds to community college districts for improving outcomes of students who enter college needing at least one course in English as a second language or basic skills, with particular emphasis on students transitioning from high school, as specified.

This bill would make the provisions related to the appropriation inoperative on July 1, 2018, and would repeal it as of January 1, 2018.

This bill would establish the Student Success for Basic Skills Program to be administered by the Chancellor of the California Community Colleges. The bill would require the Board of Governors of the California Community Colleges to allocate funds, provided in the annual Budget Act for the Student Success for Basic Skills Program, for faculty and staff development activities and to provide grant funds to community college districts for improving outcomes of students who enter college needing at least one course in English as a second language or basic skills, with particular emphasis on students transitioning from high school, as specified. The bill would, in order to be eligible to receive grant funds, require a community college district to submit to the office of the Chancellor of the California Community Colleges an application containing specified information. The bill would require the chancellor to distribute grant funds to community college districts based on certain weighted factors. The bill would require the office of the chancellor to consult with the Department of Finance and the Legislative Analyst to develop and recommend annual accountability measures for the program. The bill would, on or before March 15, 2020, require the office of the Chancellor of the California Community Colleges, in consultation with the Department of Finance and the Legislative Analyst's Office, to report on the effectiveness of the factors used to allocate funding under this program in improving outcomes for students requiring remediation. These provisions would become operative on July 1, 2017.

(5) Existing law provides, in calculating each community college district's revenue level each fiscal year, that the Board of Governors of the California Community Colleges shall subtract, from the total revenues owed, certain amounts, including certain amounts received pursuant to certain provisions of existing law relating to redevelopment that, for purposes of community college revenue levels, are considered to be from property tax revenues.

This bill would appropriate, for the 2016–17 fiscal year, \$31,695,000 from the General Fund to the board of governors for allocation to community college districts to backfill a projected shortfall in specified revenues for these districts. The bill would require the Director of Finance to determine the need for the

backfill, as specified, and notify the Chairperson of the Joint Legislative Budget Committee, or his or her designee, of the amount needed to address the revenue shortfall. The bill would allocate any funds remaining from this appropriation after final calculation of the amount of the shortfall to the reimbursement of state-mandated local program costs of community college districts. The bill would authorize the Chancellor of the California Community Colleges to disburse the amount determined and to work with the Controller to allocate the funds to districts. This appropriation would be applied toward the minimum funding requirements for the 2015–16 fiscal year for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution, as specified.

(6) Existing law establishes the California Distance Learning Policy, which sets forth the guiding goal and principles for the utilization of technology in postsecondary education.

This bill would appropriate \$20,000,000 from the General Fund to the Board of Governors of the California Community Colleges for allocation to community college districts to expedite and enhance the adaptation and development of courses that are available through the online course exchange of the Online Education Initiative. This appropriation would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution for the 2014–15 fiscal year, as specified.

(7) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state and authorizes them to operate campuses and provide instruction to students.

This bill would establish the Awards for Innovation in Higher Education Program, under the administration of the Committee on Awards for Innovation in Higher Education, composed of specified members, to award funds appropriated for the program in the Budget Act of 2016 to community colleges for implementing innovations that reduce the time it takes students to complete degrees and credentials or reduce the total cost of attendance for students, as specified.

This bill would also establish the Strong Workforce Program, to provide funding to career technical education regional consortia made up of community college districts. The program would require consortia to collaborate with local educational agencies and other interested bodies that meet certain requirements for purposes of expanding the availability of quality community college career technical education and workforce development courses, programs, pathways, credentials, certificates, and degrees for community college students. The bill would authorize a portion of funds appropriated for the program to be allocated by the board of governors to a community college district for purposes of administering and improving the program, as provided. The bill would require the chancellor's office, among other things, to (A) implement performance accountability outcome measures for the program, (B) post on its Internet Web site regional plans required under the program, along with updates to those plans, (C) solicit feedback from each consortium on recommendations for improving the program, and (D) report, commencing in 2018, to the Legislature by the January 1 immediately subsequent to the fiscal year that the report addresses, data summarizing the performance accountability outcome measures, a summary of the recommendations received from consortia, and recommendations for future allocations to consortia, as specified.

(8) Existing law requires the Board of Governors of the California Community Colleges to provide the San Francisco Community College District with certain revenues in the 2014–15, 2015–16, and 2016–17 fiscal years if the number of full-time equivalent students (FTES) of the community college district decreases from the 2012–13 fiscal year and certain conditions are satisfied, including that the board of governors finds the community college district or one of its campuses is in imminent jeopardy of losing its accreditation.

This bill would provide that for 5 fiscal years beginning with the 2017–18 fiscal year, the San Francisco Community College District shall be entitled to restoration of any reduction in apportionment revenue due to decreases in FTES if there is a subsequent increase in FTES.

This bill would make legislative findings and declarations as to the necessity of a special statute for the San Francisco Community College District.

(9) Existing law establishes the Adult Education Block Grant Program under the administration of the Chancellor of the California Community Colleges and the Superintendent of Public Instruction. The program requires the chancellor and the Superintendent, with the advice of the Executive Director of the State Board of Education, to divide the state into adult education regions and approve one adult education consortium in each adult education region, as specified.

Existing law requires the chancellor and the Superintendent, with the advice of the executive director, to approve, for each consortium, rules and procedures that adhere to prescribed conditions. Existing law authorizes the members of the consortium to designate a member to serve as the fund administrator to receive and distribute funds from the program.

This bill would add to these rules and procedures a requirement that, in its decision making process, the consortium consider input provided by pupils, teachers employed by local educational agencies, community college faculty, principals, administrators, classified staff, and the local bargaining units of the school districts and community college districts before it makes a decision. The bill would require a member, if chosen to be the fund administrator, to commit to developing a process to apportion funds to each member of the consortium pursuant to the consortium's plan within 45 days of receiving funds appropriated for the program.

(10) Existing law requires, as a condition for the receipt of an apportionment of funds from the Adult Education Block Grant Program for a fiscal year, that members of a consortium, approved for the program, approve an adult education plan, as specified. Existing law requires the Chancellor of the California Community Colleges and the Superintendent of Public Instruction to report to the Director of Finance, the State Board of Education, and the Legislature, by September 30 following any fiscal year for which funds are appropriated for the program, about the use of these funds and outcomes for adults statewide and in each adult education region established under the program. Existing law requires the chancellor and the Superintendent to establish common assessments and policies regarding placement of adults seeking education and workforce services into adult education programs, as specified.

This bill would require the chancellor and the Superintendent to submit preliminary reports on or before October 30 following each fiscal year for which funds are appropriated, and final reports on or before February 1 of the following year, about the use of available funds and outcomes for adults statewide and in each adult education region. The bill, no later than August 1, 2017, would require the chancellor



and the Superintendent to report to the Director of Finance, the State Board of Education, and the appropriate policy and fiscal committees of the Legislature on options for integrating the assessments described above into a specified common assessment system, compliance of the assessments with federal and state funding requirements for adult education programs, estimated costs and timelines for the assessments, and changes in policies that may be needed to avoid duplicate assessments.

This bill would appropriate, for the 2016–17 fiscal year, \$5,000,000 from the General Fund to the Chancellor of the California Community Colleges for allocation. For this purpose, the bill would require the chancellor and the Superintendent to jointly select a community college district, school district, county office of education, or adult education consortium to provide statewide leadership, as defined, for community college districts and local educational agencies participating in the Adult Education Block Grant Program. The bill would provide that the selected community college district or local educational agency would expend funds received to support the statewide leadership activities identified in the bill and to provide leadership activities in the 2016–17, 2017–18, and 2018–19 fiscal years.

This appropriation would be applied toward the minimum funding requirements for the 2016–17 fiscal year for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(11) Existing law establishes the Career Technical Education Pathways Program, which requires the Chancellor of the California Community Colleges and the Superintendent of Public Instruction to assist economic and workforce regional development centers and consortia, community colleges, middle schools, high schools, and regional occupational centers and programs to improve linkages and career technical education pathways between high schools and community colleges, as specified. Existing law provides that the program becomes inoperative on July 1, 2016, and as of January 1, 2017, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2017, deletes or extends the dates on which the program becomes inoperative and is repealed.

This bill would change the dates on which the program becomes inoperative and is repealed to July 1, 2017, and January 1, 2018, respectively. This bill would therefore extend the operation of the program by one year.

(12) Existing law requires the University of California and the California State University to report biennially to the Legislature and the Department of Finance on their respective total costs of education, as specified.

This bill would require the University of California and the California State University to include in these reports information on their costs based on the methodology developed by the National Association of College and University Business Officers in its February 2002 report and other methodologies determined by the university. The bill would fix 2 cross references.

(13) Existing law establishes the Middle Class Scholarship Program under the administration of the Student Aid Commission. Existing law requires \$116,000,000 for the 2016–17 fiscal year and \$159,000,000 for the 2017–18 fiscal year to be transferred, upon order of the Director of Finance, from the General Fund to the Middle Class Scholarship Fund. Existing law appropriates these moneys to the commission for allocation pursuant to the Middle Class Scholarship Program.

This bill would reduce the amounts for transfer and appropriation for the Middle Class Scholarship Fund to \$74,000,000 for the 2016–17 fiscal year and \$117,000,000 for the 2017–18 fiscal year, thereby making an appropriation.

(14) The California Constitution provides that the University of California constitutes a public trust administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. Existing law defines “unduplicated pupils” as any pupil who is an English language learner, foster youth, or eligible for free or reduced-price meals.

This bill would require the university, if funds are appropriated in the Budget Act of 2016 to the university, to adopt a plan to improve the university’s admission, enrollment, and graduation of students who were enrolled in schools identified by the Superintendent of Public Instruction as having at least 75% of the school’s total enrollment in grades 9 to 12, inclusive, consist of unduplicated pupils. The bill would require the university to submit to the Director of Finance and the Legislature an evaluation of the costs and benefits of providing application fee waivers for these students by no later than December 15, 2016. Commencing in 2017, the bill would require the university to submit to the director and the Legislature the number of these students who were admitted and who were enrolled, disaggregated by campus, by no later than November 30 of each year.

Existing law, until June 30, 2017, requests the Regents of the University of California, with the approval of the Concurrence Committee, to establish and maintain cooperative endeavors designed to accomplish specified purposes related to teacher professional development.

This bill would extend the operation of these provisions relating to teacher professional development indefinitely.

(15) Existing law establishes and funds various research centers and programs in conjunction with the University of California.

This bill would enact the California Firearm Violence Research Act. The bill would declare the intent of the Legislature that the Regents of the University of California establish and administer a Firearm Violence Research Center to research firearm-related violence. The bill would declare the intent of the Legislature regarding the principles by which the university would administer the center and award research funds, as prescribed. The bill would state the intent of the Legislature that the university report, on or before December 31, 2017, and every 5 years thereafter, specified information regarding the activities of the center and information pertaining to research grants. The bill would require the center and the grant recipients to provide copies of their research publications to the Legislature and specified agencies. The bill would specify that its provisions would apply to the university only to the extent that the regents, by resolution, make any of the provisions of the bill applicable to the university.

(16) The Budget Act of 2015 appropriated specified funds to the Board of Governors of the California Community Colleges for increasing the number of full-time faculty within the community college system. The act required these funds to be allocated to all community college districts on a specified basis by modifying each district’s budget formula.

This bill would amend the Budget Act of 2015 to require all community college districts, including districts that have offsetting local revenues that exceed the funding calculated pursuant to the district's budget formula, to receive this funding.

(17) Existing law requires the California State University, and requests the University of California, to establish a model uniform set of academic standards for high school courses for purposes of recognition for admission to the California State University and to the University of California, respectively. These uniform set of academic standards are commonly referred to as the "a-g" subject requirements.

This bill would establish the A-G Success Initiative and would appropriate the sum of \$4,000,000 from the General Fund to the University of California to be used for the development of online classes and curriculum for at least 45 middle and high school courses that would be aligned with the academic content and state standards adopted by the State Board of Education and approved by the University of California for purposes of satisfying the "a-g" subject requirements. The bill would condition the receipt of these moneys on the University of California soliciting comments from the representatives of local educational agencies regarding the specific online classes and curriculum to be developed, submitting a report, no later than January 1, 2017, to the Legislature and specified persons on the specific online classes and curriculum selected for development, making the developed online classes and curriculum available no later than January 1, 2018, and conducting outreach specifically to pupils from groups underrepresented in higher education regarding options for satisfying the "a-g" subject requirements. The bill would require that the developed online classes and curriculum be free for California public school pupils and teachers.

(18) Existing law, commencing with the 2013–14 academic year, requires the California State University to report, by March 15 of each year, on specified performance measures, including various calculations of graduation rates, for the preceding academic year.

This bill would appropriate \$35,000,000 from the General Fund to the Trustees of the California State University upon the trustees taking, by September 30, 2016, specified actions to improve the 4-year graduation rate and the 2-year transfer graduation rate at the university, including actions to improve those graduation rates for low-income students, underrepresented minority students, and first-generation college students. To receive this appropriation, the bill would require the trustees to commit to submitting reports, at least annually, to the Director of Finance and the Legislature regarding progress in improving its 4-year graduation rates and 2-year transfer graduation rates.

The bill would require, by no later than November 30, 2016, the trustees to identify and report to the director and the Legislature state laws that impede the university from improving its 4-year graduation rates and the 2-year graduation rates.

(19) Existing law establishes the Office of Planning and Research in the Governor's Office that constitutes the comprehensive state planning agency and serves the Governor and his or her Cabinet as staff for long-range planning or research.

This bill would establish, until January 1, 2020, the California Initiative to Advance Precision Medicine in the office for the purpose of developing, implementing, awarding funding to, and evaluating demonstration projects on precision medicine in collaboration with public, nonprofit, and private entities, as specified. The bill would specify criteria that would make a project eligible to receive funds,

and would require the office to develop and post on a publicly available Internet Web site guidelines regarding the application for and use of awarded funds. The bill would require the office to establish standards that require a grant to be subject to an intellectual property agreement, as specified. The bill would require the office to annually report to the Legislature to update and provide evaluations on selected demonstration projects, as specified. The bill would authorize the office to receive nonstate funds in furtherance of the initiative, and would authorize up to 30 percent of any amount appropriated to the office for precision medicine to be held by the office until an equivalent amount of nonstate matching funds is identified and received. The bill would authorize the office to use up to 10% of any amount appropriated to the office for precision medicine for administrative costs.

The bill would require the office to recruit a precision medicine expert selection committee to represent various precision medicine-related skills and would authorize the Legislature to make nominations for the selection committee to the office for consideration. The bill, except as specified, would require the selection committee to comply with the Bagley-Keene Open Meeting Act. The bill would require the selection committee to report on the award of funding as prescribed and post the report on the Internet Web site.

Existing law authorizes the Department of General Services to carry out various powers and duties relating to assisting a state agency in the management and development of intellectual property developed by state employees or with state funding.

This bill would provide that those provisions do not apply to an intellectual property agreement entered into by the initiative.

Existing law generally requires state agencies to obtain at least 3 competitive bids for each contract for services. Under existing law, this requirement does not apply under certain circumstances, including, until January 1, 2019, to a subcontract for the limited purpose of researching or developing precision medicine included in an interagency agreement that is in effect pursuant to an amount appropriated to the office under a specific budget item, including a contract between the office, the Regents of the University of California, or an auxiliary organization of the California State University.

This bill would extend that competitive bidding exemption until January 1, 2020, and expand the exemption to include such a subcontract in an interagency agreement in effect pursuant to an amount appropriated to the office for precision medicine.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(20) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

# California State Legislation – AB 798 – Affordable Textbook Act of 2015

AB 798 - [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB798](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB798)

Assembly Bill No. 798

[ Approved by Governor October 08, 2015. Filed with Secretary of State October 08, 2015. ]

## LEGISLATIVE COUNSEL'S DIGEST

AB 798, Bonilla. College Textbook Affordability Act of 2015.

(1) Existing law establishes the segments of the postsecondary education system in the state, including the California State University, administered by the Trustees of the California State University, and the California Community Colleges, administered by the Board of Governors of the California Community Colleges.

This bill would establish the College Textbook Affordability Act of 2015 to reduce costs for college students by encouraging faculty to accelerate the adoption of lower cost, high-quality open educational resources, as defined.

The bill would create the Open Educational Resources Adoption Incentive Program to provide incentives and reward campus, staff, and faculty efforts to accelerate the adoption of open educational resources. The bill would require that specified moneys for the program be used by campuses to create and support faculty and staff professional development, open educational resource curation activities, curriculum modification, or technology support for faculty, staff, and students, as specified. The bill would authorize the local academic senate of a campus of the California State University or the California Community Colleges to (A) adopt a local campus resolution to increase student access to high-quality open educational resources and reduce the cost of textbooks and supplies for students, and (B) upon adoption of the resolution, develop a specified plan, in collaboration with students and the administration, that describes evidence of the campus' commitment and readiness to spend grant money from the fund to support faculty adoption of open educational resources. The bill would require the California Open Education Resources Council to review and approve the plan, and, if it meets these and other specified requirements, would authorize the Chancellor of the California State University to award an initial grant of up to \$50,000 to the campus from the fund. The bill would require additional bonus grants to be distributed to participating campuses if certain benchmarks are met. The bill would cap the number of initial grants that may be approved by the California Open Education Resources Council each award year at 100. The bill would require the California Digital Open Source Library, also known as the California Open Online Library for Education, in consultation with the Intersegmental Committee of Academic Senates, to report to the Legislature before September 1 of each year, commencing in 2018, as to whether the grants are increasing the rate of adoption of open educational resources and decreasing textbook costs for college students.

The bill would make these provisions inoperative on September 1, 2020, and would repeal them as of January 1, 2021.

(2) Existing law appropriates, from specified funds, \$5,000,000 to the Chancellor of the California State University to fund, among other things, the establishment and administration of the California Open Education Resources Council and the California Digital Open Source Library.

This bill would specify that \$3,000,000 of those funds are reappropriated for allocation for the Open Educational Resources Adoption Incentive Program. Of the remaining \$2,000,000, the bill would specify that up to \$200,000 may be used for the California Open Online Library for Education and up to \$27,000 may be used for stipends to members of the California Open Education Resources Council, as specified.

#### DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

#### BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### SECTION 1.

Part 40.1 (commencing with Section 67420) is added to Division 5 of Title 3 of the Education Code, to read:

#### PART 40.1. College Textbook Affordability Act of 2015

##### 67420.

This part shall be known, and may be cited, as the College Textbook Affordability Act of 2015.

##### 67421.

(a) The College Textbook Affordability Act of 2015 is hereby established to reduce costs for college students by encouraging faculty to accelerate the adoption of lower cost, high-quality, open educational resources. Faculty development shall be a key component of this acceleration initiative. This initiative shall use, in addition to any other appropriate resources, those identified, housed, produced, and otherwise found appropriate pursuant to the California Open Education Resources Council established in Section 66409 and the California Digital Open Source Library, also known as the California Open Online Library for Education, established in Section 66408.

(b) The Open Educational Resources Adoption Incentive Program is hereby established to carry out the purposes of this act. Unless context otherwise requires, "program" in this act means the Open Educational Resources Adoption Incentive Program.

##### 67422.

(a) (1) Moneys appropriated in subdivision (f) of Section 69999.6 for the program shall be used by community college and California State University campuses to further the purposes specified in subdivision (a) of Section 67421, including any of the following purposes:

(A) Faculty professional development, which shall include learning about the California Open Online Library for Education established in Section 66408. Faculty who participate in this professional

development shall be reimbursed in accordance with their campus' approved plan pursuant to paragraph (2) of subdivision (a) of Section 67424.

(B) Professional development for staff whose work supports providing students with open educational resources.

(C) Open educational resource curation activities. All new open educational resources developed and available that are adopted as course material pursuant to this program shall be added to the California Open Online Library for Education established in Section 66408.

(D) Curriculum modification and requisite release time for faculty in accordance with a campus' approved plan pursuant to paragraph (2) of subdivision (a) of Section 67424 related to the adoption of open educational resources as course materials.

(E) Technology support for faculty, students, and staff whose work furthers the goals specified in a campus' approved plan pursuant to paragraph (2) of subdivision (a) of Section 67424.

(2) Moneys appropriated in subdivision (f) of Section 69999.6 for the program shall not be used for direct compensation for faculty members who adopt open educational resources, except as provided to compensate for professional development pursuant to subparagraph (A) of paragraph (1), or for purchasing new equipment.

(b) For the purposes of this act, a "community college campus" is a community college campus site that has a local academic senate.

67423.

As used in this part, "open educational resources" are high-quality teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license, such as a Creative Commons license, that permits their free use and repurposing by others, and may include other resources that are legally available and free of cost to students. "Open educational resources" include, but are not limited to, full courses, course materials, modules, textbooks, faculty-created content, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

67424.

(a) In order to participate in the program, the local academic senate of a campus of the California State University or the California Community Colleges shall do both of the following:

(1) Adopt a local campus resolution to increase student access to high-quality open educational resources and reduce the cost of textbooks and supplies for students in course sections for which open educational resources are to be adopted to accomplish cost savings for students.

(2) Approve a plan, in collaboration with students and campus administration, that describes evidence of the faculty's commitment and readiness to effectively use grant funds to support faculty adoption of open educational resources.

(A) The plan may detail technological or staff support to increase the adoption of open educational resources. The plan shall describe how the faculty will learn about the California Open Online Library for Education and other existing open educational resources.

(B) The plan shall include the number of academic departments expected to be involved in the plan's implementation, the number of course sections in which open educational resources will be adopted, the percentage of cost savings for students anticipated on account of the adoption of open educational resources for each of these course sections, the ways existing faculty development programs will be enhanced by the plan's implementation, and the mechanisms that will be used to distribute adopted open educational resources to students.

(C) At their discretion, faculty may choose, for courses that are to adopt open educational resources under the plan, appropriate resources for any of the 50 strategically selected lower division courses identified by the California Open Education Resources Council pursuant to subparagraph (B) of paragraph (1) of subdivision (c) of Section 66409. Other open educational resources may also be used.

(D) The plan shall describe how the campus will provide access to open educational resource materials for students, including how the campus will make hard copies of these materials available for students who lack access to these materials off campus and make it possible for students with such access to print hard copies.

(E) The plan will identify the amount of the grant requested. The amount of the grant requested shall be equal to, or less than, the number of course sections in which both open educational resources will be adopted and cost savings for the course section will be greater than 30 percent, multiplied by one thousand dollars (\$1,000). The amount requested shall not be greater than fifty thousand dollars (\$50,000). A plan shall commit to achieving greater than 30 percent cost savings in at least 10 course sections.

(F) (i) The plan shall include the percentage of cost savings for each course section calculated as follows:

(ii) The percentage of cost savings shall be the estimated decrease in the costs of books and supplies for a course section in the current term resulting from the adoption of open educational resources for that course section, divided by the costs of books and supplies for that course section in the immediately preceding academic term.

(b) The California Open Education Resources Council may provide expertise on available open educational resources and best practices for the adoption of open educational resources for existing courses to assist in the development of the plan.

(c) (1) The local academic senate of a campus of the California State University or the California Community Colleges may submit the resolution and the plan developed pursuant to subdivision (a) to the California Open Education Resources Council as its application for an initial grant no later than June 30, 2016.

(2) (A) The California Open Education Resources Council shall make an initial grant to a campus within 60 days of the council's receipt of the campus' application if the campus has satisfied the requirements of subdivision (a). The California Open Education Resources Council may award up to 100 initial grants.



(B) If the total amount requested in applications received pursuant to subparagraph (A) is equal to or less than two million dollars (\$2,000,000), the California Open Education Resources Council shall make grants for each approved application equal to the amount requested in the application. If the total amount requested in applications received pursuant to subparagraph (A) exceeds two million dollars (\$2,000,000), the California Open Education Resources Council shall make grants for the full amount requested in approved applications on a competitive basis based on the strength of the evidence provided of faculty commitment to the adoption of open educational resources.

(3) Each application approved by the California Open Education Resources Council shall be submitted by the council to the Chancellor of the California State University no later than 30 days after the council approves the application. The chancellor shall award grants to recipients in accordance with this section.

(4) Administrative support may be provided to the council by the California Open Online Library for Education to help the council carry out its duties in accordance with this part.

(5) (A) No later than June 30, 2018, a campus may apply for a bonus grant equal to the amount of its initial grant. The application shall include evidence that the campus has met or exceeded total cost savings of greater than 30 percent for the required number of course sections specified in the approved plan for the campus' initial grant in the 2017–18 academic year.

(B) (i) A campus may also compute the total cost savings for each course section and include that figure in its application for a bonus grant pursuant to subparagraph (A).

(ii) The total cost savings for each course section shall be the number of students enrolled in a course section multiplied by the per-student decrease in the costs of books and supplies for the course section in the term resulting from the adoption of open educational resources.

(6) Bonus grants specified in paragraph (5) shall be used to further the goals of the campus' approved plan for its initial grant. It is the intent of the Legislature that bonus grants support each campus' adoption of open educational resources for at least double the number of course sections, and with at least 30 percent cost savings for each of these course sections, as accomplished by the campus' approved plan for its initial grant.

(7) If the total amount requested in applications for bonus grants exceeds the total amount of funds available, the California Open Educational Resources Council shall award grants on a competitive basis to approved applications for the full amount of the initial grant based on the overall percentage savings achieved by the initial plan in the courses covered by the plan.

(8) It is the intent of the Legislature that initial and bonus grants provide the impetus for campuses to adopt, and continue to use, open educational resources as course materials.

(d) The California Open Online Library for Education, in consultation with the Intersegmental Committee of Academic Senates, shall report to the Legislature, in accordance with Section 9795 of the Government Code, before September 1 each year, commencing in 2018, as to whether the grants are increasing the rate of adoption of open educational resources and decreasing textbook costs for college students.

67425.

This part shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2.

Section 69999.6 of the Education Code is amended to read:

69999.6.

(a) In enacting this article, it is the intent of the Legislature to accomplish all of the following:

(1) Provide explicit authority to the board to continue to administer accounts for, and make awards to, persons who qualified for awards under the provisions of the Governor's Scholarship Programs as those provisions existed on January 1, 2003, prior to the repeal of former Article 20 (commencing with Section 69995).

(2) Provide for the management and disbursement of funds previously set aside for the scholarship programs authorized by former Article 20 (commencing with Section 69995).

(3) Provide a guarantee should additional funds be needed to cover awards authorized and made pursuant to former Article 20 (commencing with Section 69995).

(b) The board may manage and disburse the funds previously set aside for the scholarship programs authorized by former Article 20 (commencing with Section 69995).

(c) If a person has earned an award under the Governor's Scholarship Programs on or before January 1, 2003, but has not claimed the award on or before June 30, 2004, he or she still may claim the award by a date that is five years from the first June 30 that fell after he or she took the qualifying test. An award shall not be made by the board after that date.

(d) The board shall negotiate with the current manager of the Governor's Scholarship Programs and execute an amended or new management and funding agreement, before January 1, 2013, which shall include, but not be limited to, all of the following:

(1) Terms providing for the return to the General Fund by no later than January 1, 2013, of moneys appropriated to the Governor's Scholarship Programs that are not anticipated to be needed to make awards pursuant to paragraphs (1) and (2) of subdivision (a).

(2) Provisions that authorize the board to pay agreed-upon early withdrawal penalties or fees.

(3) Terms that extend to the final date upon which the board may withdraw funds for a person who earned an award under the Governor's Scholarship Programs.

(e) (1) If funds retained in the Golden State Scholarshare Trust after January 1, 2013, are insufficient to cover the remaining withdrawal requests, it is the intent of the Legislature to appropriate the necessary funds to the Golden State Scholarshare Trust for the purpose of funding individual beneficiary accounts.

(2) The board shall notify the Department of Finance and the Legislature no later than 10 working days after determining that a shortfall in available funding described in paragraph (1) will occur.

(f) (1) (A) Of the funds transferred to the General Fund pursuant to paragraph (1) of subdivision (d), five million dollars (\$5,000,000) is hereby appropriated to the Chancellor of the California State University, without regard to fiscal years, to fund the establishment and administration of the California Open Education Resources Council and the California Digital Open Source Library, and the development or acquisition of open education resources, or any combination thereof, pursuant to legislation enacted in the 2011–12 Regular Session of the Legislature, provided that the chancellor may provide reimbursement to the California Community Colleges and the University of California for costs those segments, or their representatives, incur in association with the activities described in this paragraph.

(B) Effective January 1, 2016, three million dollars (\$3,000,000) of the moneys appropriated pursuant to this paragraph are hereby reappropriated pursuant to paragraph (4).

(2) Except those moneys allocated pursuant to paragraphs (3) and (4), moneys, or a portion of moneys, appropriated pursuant to paragraph (1) shall not be encumbered unless at least 100 percent of that amount encumbered is matched by private funds and, if not matched by private funds, shall revert to the Golden State Scholarshare Trust for purposes of the Governor’s Scholarship Programs.

(3) Of the unencumbered amount appropriated pursuant to paragraph (1) as of June 30, 2015:

(A) Up to two hundred thousand dollars (\$200,000) may be used for administration of the California Open Online Library for Education. These funds may be used by the California Open Online Library for Education to continue developing and updating its services to provide faculty, staff, and students convenient access to open educational resources as course materials and to provide administrative support for the California Open Educational Resources Council. These funds may be used by the California Open Online Library for Education for purposes of the Open Educational Resources and Adoption Incentive Program until September 1, 2020.

(B) Up to twenty-seven thousand dollars (\$27,000) may be used for stipends to members of the California Open Education Resources Council for these members to carry out their duties in accordance with the Open Educational Resources Adoption Incentive Program.

(4) Of the funds transferred to the General Fund pursuant to paragraph (1) of subdivision (d) and appropriated pursuant to paragraph (1), three million dollars (\$3,000,000) is hereby reappropriated to the Chancellor of the California State University, without regard to fiscal years, for allocation for the Open Educational Resources Adoption Incentive Program.

(g) The board may adopt rules and regulations for the implementation of this article.

## **California State Legislation - SB 216 - An act to amend Section 66406 of the Education Code, relating to college instructional materials.**

Link - [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=200920100SB216](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100SB216)

SB 216, as amended, Liu. Public postsecondary education: textbooks.

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 educational 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 pay for textbooks, including providing to faculty and departments considering textbook orders a list of all the different products the publisher sells. 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 take specific actions with their respective academic senates, college and university bookstores, and faculty to promote the selection of textbooks that will result in cost savings to students.

This bill would revise that provision affecting textbook publishers to encourage publishers to take, at a minimum, those specified actions aimed at reducing the amounts that students currently pay for textbooks. The bill would encourage publishers, in providing lists and prices of different products they sell, to include products they have sold.

This bill would require the California State University and the California Community Colleges, and would request the University of California, to post a list of required textbooks and the cost of the textbook on their respective Internet Web sites, at least 30 days prior to the first day of class for each term. For bundled materials, the bill would require the course instructor to confirm his or her intent to use each individual item sold as part of the bundled package before adoption of the material is finalized.

By imposing new duties on community college districts, this bill would impose a state-mandated local program.

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.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66406 of the Education Code is amended to read:

66406. (a) The Legislature finds and declares that the production and pricing of college textbooks deserves a high level of attention from educators and lawmakers because they impact the quality and affordability of higher education.

(b) The State of California encourages textbook publishers to do, at a minimum, all of the following:

(1) "Unbundle" the instructional materials to give students the option of buying textbooks, CD-ROMs, and workbooks "à la carte" or without additional materials.

(2) Provide all of the following information to faculty and departments when they are considering what textbooks to order, and post both of the following types of information on publishers' Internet Web sites where it is easily accessible:

(A) A list of all of the different products they sell, or have sold, including both bundled and unbundled options, and the net price of each product.

(B) An explanation of how the newest edition is different from previous editions.

(3) Give preference to paper or online supplements to current editions rather than producing entirely new editions.

(4) Disclose to faculty the length of time they intend to produce the current edition so that professors know how long they can use the same book.

(5) Provide to faculty a free copy of each textbook selected by faculty for use in the classroom for placement on reserve in the campus library.

(c) The Trustees of the California State University and the Board of Governors of the California Community Colleges shall, and the Regents of the University of California are requested to, accomplish all of the following:

(1) Work with the academic senates of each respective segment to do all of the following:

(A) Encourage faculty to give consideration to the least costly practices in assigning textbooks, varying by discipline, such as adopting the least expensive edition when the educational content is equal, and using a selected textbook as long as it is educationally sound, as determined by the appropriate faculty.

(B) Encourage faculty to disclose both of the following to students:

(i) How new editions of textbooks are different from the previous editions.

(ii) The cost to students for textbooks selected for use in each course.

(C) Review procedures for faculty to inform college and university bookstores of textbook selections to ensure that textbook adoptions are made with sufficient lead time to allow bookstores to confirm availability of the requested materials and, where possible, ensure maximum availability of used books.

(D) Encourage faculty to work closely with publishers and college and university bookstores in creating bundles and packages if they are economically sound and deliver cost savings to students, and if bundles and packages have been requested by faculty. The course instructor or the academic department offering the course shall confirm the intent to use each individual item sold as part of the bundled package before the adoption of the material is finalized. Students should have the option of purchasing textbooks and other instructional materials that are “unbundled.”

(2) Require college and university bookstores to work with the academic senates of each respective campus to do both of the following:

(A) Review issues relative to timelines and processes involved in ordering and stocking selected textbooks.

(B) Work closely with faculty or publishers, or both, to create bundles and packages that are economically sound and deliver cost savings to students.

(3) Encourage college and university bookstores to disclose retail textbook costs, on a per course basis, to faculty, and make this information otherwise publicly available.

(4) Encourage campuses to provide as many forums for students to have access to as many used books as possible, including, but not necessarily limited to, all of the following:

(A) Implementing campus-sponsored textbook rental programs.

(B) Encouraging students to consider on-campus and online book swaps so that students may buy and sell used books and set their own prices.

(C) Encouraging students to consider student book lending programs.

(D) Encouraging college and university bookstores that offer book buyback programs to actively promote and publicize these programs.

(E) Encouraging the establishment of textbook rental programs and any other appropriate approaches to providing high-quality materials that are affordable to students.

(5) Post Beginning on July 1, 2010, post on the Internet Web site of each respective segment, as early as is feasible, but not less than 30 days prior to the first day of class for each term, a list of each textbook required for each course offered at the institution during the upcoming term. The posted list shall include the International Standard Book Number (ISBN) for each required textbook or other identifying information, which shall include, at a minimum, all of the following: the title, all authors listed, publishers, edition number, copyright date, publication date the primary author, publisher, copyright, or publication year, and other relevant information necessary to identify the specific textbook or textbooks required for each course. The list shall also include the price charged to students by the campus bookstore of the institution for each required textbook. Limited exceptions to this requirement may be made for classes added to the academic calendar after the notification deadline.

(d) It is 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.

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

## California State Legislation – SB 1359 – ZTC

SB 1359 - [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160SB1359](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1359)

Senate Bill No. 1359

[ Approved by Governor September 13, 2016. Filed with Secretary of State September 13, 2016. ]

### LEGISLATIVE COUNSEL'S DIGEST

SB 1359, Block. Public postsecondary education: course materials.

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 educational 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 pay for textbooks, including providing to faculty and departments considering textbook orders a list of all the different products the publisher sells. 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 take specified actions with their respective academic senates, college and university bookstores, and faculty to promote the selection of textbooks that will result in cost savings to students.

This bill would require each campus of the California Community Colleges and the California State University, and would request each campus of the University of California, to identify in the online version of the campus course schedule its courses that exclusively use digital course materials, as specified, and communicate to students that the course materials for these courses are free of charge and therefore not required to be purchased. By imposing new duties on community college districts, this bill would impose a state-mandated local program. The bill would become operative on January 1, 2018.

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.

### DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes



BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 66406.9 is added to the Education Code, to read:

66406.9.

(a) Each campus of the California Community Colleges and the California State University shall, and each campus of the University of California is requested to, do both of the following:

(1) (A) Clearly highlight, by means that may include a symbol or logo in a conspicuous place on the online campus course schedule, the courses that exclusively use digital course materials that are free of charge to students and may have a low-cost option for print versions.

(B) The course materials described in subparagraph (A) may include open educational resources, institutionally licensed campus library materials that all students enrolled in the course have access to use, and other properly licensed and adopted materials. Each campus of the California State University, each participating campus of the University of California, and each community college district shall ensure that these materials comply with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the federal Copyright Act of 1976 (Public Law 94-553).

(2) Clearly communicate to students that the course materials used for the courses identified pursuant to paragraph (1) are free of charge and therefore not required to be purchased.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Course schedule" is a collection of available classes, course sections, or both, published electronically, before the start of an academic term.

(2) "Open educational resources" are high-quality teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license, such as a Creative Commons license, that permits their free use and repurposing by others, and may include other resources that are legally available and free of cost to students. "Open educational resources" include, but are not limited to, full courses, course materials, modules, textbooks, faculty-created content, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

(c) This section shall become operative on January 1, 2018.

SEC. 2.

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

District Wide Policies Related to Textbooks:

INSTRUCTIONAL PROGRAM Textbooks P-7134 Instructional Arrangements 1 of 1 Policy - 7000 Instruction

1.0 Textbook Selection

1.1 As institutions providing collegiate-level instruction, Los Rios District colleges assume responsibility for the selection of textbooks and other instructional aids to facilitate effective learning.

1.2 To achieve optimum results, the individual college must be given the freedom to select those materials believed to be best suited for the realization of its educational objectives.

1.3 College instructors, employed on the basis of their knowledge of subject matter and skill in pedagogy, are best qualified to select appropriate materials.

1.4 The professional staffs of college subject matter areas shall confer on basic texts, reach agreement where possible and submit their recommendations on selection of textbooks to the department spokesperson coordinator who must concur in the recommendations if they are to be forwarded to the appropriate administrative officer.

LRCCD Policy Adopted: 6/30/65 Policy Revised: 1/28/81; 4/21/82 Policy Reviewed: 12/17/15 Adm. Regulation: R-7134

PDF: <http://www.losrios.edu/legal/Policies/P-7000/P-7134.pdf>

INSTRUCTIONAL PROGRAM Controversial Issues P-7142 Curriculum 1 of 2 Policy - 7000 Instruction

1.0 Free Expression

1.1 The Board of Trustees adopts the position that in a world of rapid change and recurrent crises, a college best serves its community, not as a stronghold of rigid tradition, but as an open intellectual forum where varying shades of opinion may be freely expressed and fairly debated. Positive values evolve from a free exchange of ideas among informed citizens, and the progressive evolution of American institutions may depend upon their quality of flexibility in meeting changing social and economic needs.

2.0 Basic Assumptions

2.1 That a free society functions efficiently only if its citizens have the right to discuss, to debate, and to agree or disagree constructively.

2.2 That the constitutional guarantee of freedom of speech is meaningful only to the extent that the majority is willing to hear honest expressions of unpopular ideas by minority groups.

2.3 That an educated citizenry, fully aware of all the evidence, is best able to preserve the valuable heritage of American democratic institutions.

2.4 That the community college has an obligation to its citizens to promote healthy discussion as an educative force.

2.5 That our way of life is attractive enough, and our institutions are sturdy enough to stand comparison with any which exist in any culture.

### 3.0 Discussion of Controversial Issues

3.1 The Board endorses the principles of academic freedom.

3.2 The board seeks to enlist a faculty whose members subscribe to high standards of professional conduct, who are specialists in the various subject matter areas, and who are fair and constructive in presenting ideas and issues to the students.

3.3 The Board desires to foster in students a respect for differing points of view, supports the faculty's freedom to present controversial issues in the classroom, and declares its intention to defend this freedom against attacks by those who may be alarmed by free discussion.

3.4 The Board further declares that it is a responsibility of the college instructor to present and encourage discussion of controversial material where appropriate to the class subject matter. Such material would include not only the American heritage but other philosophies and forms of government as well, so they may be compared. The student should be taught to discriminate between fact and fiction, and to identify propaganda.

INSTRUCTIONAL PROGRAM Controversial Issues P-7142 Curriculum 2 of 2 3.5 The colleges may invite outside speakers representing diverse points of view; in return they must reserve the right to impose specific conditions insuring that opportunity be provided to challenge these views. 3.5.1 Speakers shall be governed by the regulations of the colleges as to time, place and manner of public presentations. Policy - 7000 Instruction || Table of Contents || Back || Next LRCCD Policy Adopted: 6/30/65 Policy Revised: 1/28/81; 4/21/82 Policy Reviewed: Adm. Regulation: R-7142

## Higher Education Opportunity Act – 2008 – Federal Law (Public Law 110-315-Aug. 14, 2008)

Entire 432 page law

- <https://www2.ed.gov/policy/highered/leg/hea08/index.html>

- <https://www.govinfo.gov/content/pkg/PLAW-110publ315/pdf/PLAW-110publ315.pdf>

Excerpt from page 33 of the law (which relates to textbooks in postsecondary education):

“(d) PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN

COURSE SCHEDULES.—To the maximum extent practicable, each institution of higher education receiving Federal financial assistance shall—

“(1) disclose, on the institution’s Internet course schedule and in a manner of the institution’s choosing, the International Standard Book Number and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution’s course schedule used for preregistration and registration purposes, except that—

“(A) if the International Standard Book Number is not available for such college textbook or supplemental material, then the institution shall include in the Internet course schedule the author, title, publisher, and copyright date for such college textbook or supplemental material; and

“(B) if the institution determines that the disclosure of the information described in this subsection is not practicable for a college textbook or supplemental material, then the institution shall so indicate by placing the designation ‘To Be Determined’ in lieu of the information required under this subsection; and

“(2) if applicable, include on the institution’s written course schedule a notice that textbook information is available on the institution’s Internet course schedule, and the Internet address for such schedule.

“(e) AVAILABILITY OF INFORMATION FOR COLLEGE BOOKSTORES.—An institution of higher education receiving Federal financial assistance shall make available to a college bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution, as soon as is practicable upon the request of such college bookstore, the most accurate information available regarding—

“(1) the institution’s course schedule for the subsequent academic period; and Web site.

“(2) for each course or class offered by the institution for the subsequent academic period—

“(A) the information required by subsection (d)(1) for each college textbook or supplemental material required or recommended for such course or class;

“(B) the number of students enrolled in such course or class; and

“(C) the maximum student enrollment for such course or class.

## SCC Contract Information (relevant to textbook materials)

PDF: <http://www.losrios.edu/legal/Policies/P-7000/P-7142.pdf>

### Article 11 Professional Expectations and Development Opportunities

11.1 Introduction LRCFT and LRCCD share an interest in consistent professional expectations and opportunities for professional development.

11.2 Professional Expectations As professionals, all faculty members recognize and accept their responsibilities to fulfill those professional commitments and obligations that directly affect instruction and support services to students. In order to fulfill their professional expectations, faculty members shall:

11.2.1 Conduct a classroom environment that is conducive to student learning, growth, and development in which students are free from discrimination, prejudice, and harassment and in which students are free to express relevant ideas and opinions.

11.2.2 Clearly differentiate to students the expression of a faculty member's personal opinions or convictions from the objective presentation of theory, fact, or ideas.

11.2.3 Adhere to District procedures for using approved materials and resources.

11.2.4 Meet obligations for college service, participate in institutional planning processes and accreditation efforts, and submit course and department related documents, such as, but not limited to, syllabi, student grades, updated rosters, schedules, requisitions, textbook orders.

Contract page 125

### Article 17 Academic Freedom

The LRCCD and LRCFT agree that academic freedom is essential for the fulfillment of the educational mission of the District and for the ability of faculty members to perform their professional duties. In addition, academic freedom ensures faculty members' rights and obligations of professional protection, autonomy and responsibility

17.1 Professional Protections Faculty members shall be protected from:

17.1.1 Censorship, restraint, or dismissal in their ability to study, investigate, present, interpret, or discuss the relevant facts and ideas within the assigned curriculum and outline;

17.1.2 Extraneous considerations such as a faculty member's ethnicity, race, religion, political beliefs or affiliation, sexual orientation, or disability being used in evaluations of professional performance.

17.2 Professional ***Autonomy*** Faculty members have the principal right and responsibility to determine the methods of instruction, the planning and presentation of course materials, and the fair and

equitable methods of assessment in their assignment in accordance with the approved curriculum and course outline and the educational mission of the District in accordance with state laws and regulations.

Contract page 153

## **Article 28 Intellectual Property**

28.1 Purpose The District and the LRCFT have a mutual interest in establishing an environment that fosters and encourages the creativity of individual faculty members in responding to the educational needs of a diverse student population. In accordance with that mutual goal, the purpose of this article is to identify the owners of the copyrights to certain works that may be created by faculty members and to identify the uses that may be made of those works by faculty members and the District.

28.2 Definitions As used in this article:

- a. Works means any material that is eligible for copyright protection including, but not limited to, books; articles; dramatic and musical compositions; poetry; instructional materials, e.g., syllabi, lectures, student exercises, multimedia programs, and tests; fictional and non-fictional narratives; analyses, e.g., scientific, logical, opinion or criticism; works of art and design; photographs; films; video and audio recordings; computer software; architectural and engineering drawings; and choreography.
- b. License means permission to use a work. A “non-exclusive license” is one that gives permission to use a work while that same work may also be used by the party who gave the permission and by others to whom permission is also given.
- c. Substantial Support means financial support over and above the cost of the faculty member’s normal compensation, office space, office computer, local telephone use, minimal office supplies and copy services. Substantial support would include extra compensation or the provisions of reassigned time to create a work, the cost of providing secretarial, technical, legal or creative services specifically for the creation of a work, as well as the cost or value of the use of expensive District equipment or facilities (such as professional film or recording studios). Substantial support does not include payment of salary while on approved Type A, sabbatical providing full disclosure of any additional remuneration is provided in the sabbatical application (Section 11.6.15).

28.3 Works Covered

- a. This article identifies the copyright ownership of many works created by a faculty member in connection with the courses he/she teaches, or other duties he/she performs as a faculty member while he/she is employed by the District and in connection with his/her employment; and it addresses the use of those works by faculty members and the District.
- b. This article does not cover all works created by faculty members, even if those works are in some sense related to their duties. It does not cover works created primarily for purposes that are separate from a faculty member’s teaching or other duties as a faculty member, such as: novels, even if written by faculty members who teach literature; business books, even if written

by faculty LRCFT Contract: 2014-17 Page 184 members who teach business; art works, even if created by faculty members who teach art; or music, even if composed by faculty members who teach music.

c. This article does not cover works created by faculty members for their own personal use that are not intended to be distributed to others, even if created in connection with their duties, such as a faculty member's personal lecture notes.

d. The copyrights to works that are not covered by this article shall not be owned by the District under Section 28.4.2a below, and the District is not authorized to use such works under Section 28.5.1b below.

## 28.4 Copyright Ownership

28.4.1 Ownership by Faculty Members The copyrights to works covered in this article will be owned by faculty unless the work is created under the circumstances described in Section 28.4.2a below.

28.4.2 Ownership by the District The District will own the copyright to works covered in this article when:

a. The District has provided substantial support for creation of the work. The faculty member who created the work may acquire the work's copyright by mutual agreement.

b. For the purposes of defining faculty ownership interests, the District will also own the copyright to any work, such as a course outline, administrative policy, or information brochure that is formally reviewed by the District and becomes part of its curriculum, policies, or administrative or promotional literature.

28.4.3 Process for Documenting District Ownership and Faculty Member's Option

a. If the District is to be the owner of the copyright to a work, the faculty member and the District shall sign an agreement specifying the terms and conditions of ownership.

## 28.5 Permitted Uses

28.5.1 Use of Work When Copyright is Owned by Faculty Member

a. Uses by Faculty Member The District acknowledges that faculty members may use works whose copyrights they own in any and all ways they may wish, including, for example, authorizing the for-profit publication of such works in return for royalties paid solely to faculty members, subject only to the District's non-exclusive license to use those works (set forth in the following subsection below), without any further authorization from the District. LRCFT Contract: 2014-17 Page 185

b. Uses by District The District shall have a non-exclusive license to use works whose copyrights are owned by faculty members in the following ways: (1) to reproduce such works (for example, by photocopying them, by duplicating computer disks on which they have been saved, or by installing them on computer networks); (2) to distribute such works (for example, to students in classes); (3) to perform such works (for

example, in classroom teaching by webcasting or by broadcasting); (4) to display such works (for example, over the web); and (5) to create derivative works (for example, companion materials or updated versions).

c. The District may not authorize others to do these things without the written consent of the faculty member who owns the work's copyright.

#### 28.5.2 Use of Work When Copyright is Owned by District

a. Uses by District Faculty members acknowledge that the District may use works whose copyrights the District owns in any and all ways it may wish, including, for example, authorizing the for-profit publication of such works in return for royalties paid solely to the District, subject only to the non-exclusive license of the faculty member who created the work to use it (in the manner set forth in the following paragraph), without any further authorization from the faculty members who created those works. The District has a right to expect that faculty members will use, in the course of their regular employment, works for which they received nominal support or that are made in the course of their employment (i.e. syllabi, tests) without additional compensation.

b. Uses by Faculty Member Faculty members shall have a non-exclusive license to use works they created, whose copyrights are owned by the District, in the following ways: (1) to reproduce such works (for example, by photocopying them, by duplicating computer disks on which they have been saved, or by installing them on computer networks); (2) to distribute such works (for example, to students in classes); (3) to perform such works (for example, in classroom teaching by webcasting or by broadcasting); (4) to display such works (for example, over the web); and (5) to create derivative works (for example, companion materials or updated versions).

#### 28.5.3 Use of Names of Faculty Members and District

a. District's Use of Faculty Member's Name The District agrees that when it uses a work created by a faculty member (regardless of who owns the work's copyright), the District will identify the faculty member who created the work for as long as the work continues to be used by the District.

b. If the District does not wish to identify the faculty member, the District may ask the faculty member for authorization not to do so and LRCFT Contract: 2014-17 Page 186 the faculty member has the option, but not the obligation, to release the District from this obligation.

c. If the faculty member does not wish his/her name to be used in this manner, the faculty member has the right to require the District not to identify him/her and, in such a case, the District agrees not to do so or to stop doing so as soon as reasonably possible.

d. If the District fails to identify a faculty member under circumstances when it should have, or identifies a faculty member under circumstances when it should not have, the



faculty member shall be entitled only to a reasonable remedy that takes into account the seriousness of the violation and will not automatically be entitled in all cases to a remedy that requires the District to recall and destroy all existing copies of works that fail to include or omit the faculty member's identification.

#### 28.5.4 Faculty Member's Use of Name of District

a. Faculty members agree that when they use works they have created (regardless of who owns the works' copyrights) those works will identify the creators' relationships with the District or college for as long as they continue to be employed by the District. (For example, if a faculty member creates an online course that identifies the faculty member as its author, the faculty member's name shall be followed by the name of the college at which the faculty member teaches.)

b. If for any reason a faculty member does not wish to identify his/her relationship with the District, the faculty member may ask the District for authorization not to do so. The District has the option to release the faculty member from this obligation.

c. If for any reason the District does not wish its name to be used in this manner, the District has the right to require the faculty member not to identify his/her relationship with the District, and in such a case, the faculty member agrees not to do so or to stop doing so as soon as reasonably possible.

d. If the faculty member fails to identify the District or college under circumstances when he/she should have, or identifies the District or college under circumstances when he/she should not have, the District shall be entitled only to a reasonable remedy that takes into account the seriousness of the violation and will not automatically be entitled in all cases to a remedy that requires the faculty member to recall and destroy all existing copies of works that fail to include or omit the District's or college's identification.

#### 28.6 Responsibilities

28.6.1 Registration of Copyright It shall be the responsibility of the party who owns the copyright to each work to register that copyright with the United States Copyright Office.

28.6.2 Acquiring and Paying for Necessary Rights from Third Parties If the creation or use of a work requires rights to be acquired from third parties, such right shall be acquired and paid for by the party, i.e., the faculty member or the District, who owns the copyright to that work. In some cases, the cost of acquiring necessary rights from third parties, if paid by the District, may itself constitute "substantial support" from the District so the District would become the owner of the copyright to such works simply because it paid to acquire those rights.

28.6.3 Determining and Documenting Copyright Ownership When Two or More Faculty Members Create and Own the Copyright to a Work If a work whose copyright would be owned by a faculty member (rather than by the District) is created by two or more faculty members, it is the responsibility of those faculty members to determine the manner in which they share ownership of the copyright to that work, and it is their responsibility to prepare (or have

prepared at their own expense) a written agreement between them documenting their determination. No grievance against the District may be asserted by faculty members arising out of any consequences of their failure to make or document an agreement concerning the manner in which they share ownership of the copyright to such a work.

28.7 Authorization of Individual Agreements the Terms of Which Differ from Those Described above Faculty members and the District may, if they wish, enter into individual agreements with one another concerning copyright ownership and usage rights to specific works, the terms of which differ from those set forth above. The terms of any such individual agreement will supersede the terms of this article, once such an agreement is signed by the faculty member and the District. Any such agreement will be provided to the LRCFT.

28.8 Dispute Resolution Disputes between faculty members and the District concerning this article shall be resolved pursuant to the grievance procedures contained in Article 13, Dispute Resolution.

Contract pages 183-187

## LRCCD Policies & Regulations: Related to Learning Materials

### INSTRUCTIONAL PROGRAM Textbooks P-7134 Instructional Arrangements 1 of 1 Policy - 7000 Instruction

#### 1.0 Textbook Selection

1.1 As institutions providing collegiate-level instruction, Los Rios District colleges assume responsibility for the selection of textbooks and other instructional aids to facilitate effective learning.

***1.2 To achieve optimum results, the individual college must be given the freedom to select those materials believed to be best suited for the realization of its educational objectives.***

***1.3 College instructors, employed on the basis of their knowledge of subject matter and skill in pedagogy, are best qualified to select appropriate materials.***

***1.4 The professional staffs of college subject matter areas shall confer on basic texts, reach agreement where possible and submit their recommendations on selection of textbooks to the department spokesperson coordinator who must concur in the recommendations if they are to be forwarded to the appropriate administrative officer.***

LRCCD Policy Adopted: 6/30/65

Policy Revised: 1/28/81; 4/21/82

Policy Reviewed: 12/17/15 Adm. Regulation: R-7134

PDF: <http://www.losrios.edu/legal/Policies/P-7000/P-7134.pdf>

### INSTRUCTIONAL PROGRAM Controversial Issues P-7142 Curriculum 1 of 2 Policy - 7000 Instruction

#### 1.0 Free Expression

1.1 The Board of Trustees adopts the position that in a world of rapid change and recurrent crises, a college best serves its community, not as a stronghold of rigid tradition, but as an open intellectual forum where varying shades of opinion may be freely expressed and fairly debated. Positive values evolve from a free exchange of ideas among informed citizens, and the progressive evolution of American institutions may depend upon their quality of flexibility in meeting changing social and economic needs.

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2.1 That a free society functions efficiently only if its citizens have the right to discuss, to debate, and to agree or disagree constructively.

2.2 That the constitutional guarantee of freedom of speech is meaningful only to the extent that the majority is willing to hear honest expressions of unpopular ideas by minority groups.

2.3 That an educated citizenry, fully aware of all the evidence, is best able to preserve the valuable heritage of American democratic institutions.

2.4 That the community college has an obligation to its citizens to promote healthy discussion as an educative force.

2.5 That our way of life is attractive enough, and our institutions are sturdy enough to stand comparison with any which exist in any culture.

### 3.0 Discussion of Controversial Issues

#### ***3.1 The Board endorses the principles of academic freedom.***

3.2 The board seeks to enlist a faculty whose members subscribe to high standards of professional conduct, who are specialists in the various subject matter areas, and who are fair and constructive in presenting ideas and issues to the students.

3.3 The Board desires to foster in students a respect for differing points of view, supports the faculty's freedom to present controversial issues in the classroom, and declares its intention to defend this freedom against attacks by those who may be alarmed by free discussion.

3.4 The Board further declares that it is a responsibility of the college instructor to present and encourage discussion of controversial material where appropriate to the class subject matter. Such material would include not only the American heritage but other philosophies and forms of government as well, so they may be compared. The student should be taught to discriminate between fact and fiction, and to identify propaganda.

3.5 The colleges may invite outside speakers representing diverse points of view; in return they must reserve the right to impose specific conditions insuring that opportunity be provided to challenge these views.

3.5.1 Speakers shall be governed by the regulations of the colleges as to time, place and manner of public presentations.

Policy - 7000 Instruction

LRCCD Policy Adopted: 6/30/65

Policy Revised: 1/28/81; 4/21/82

Policy Reviewed: Adm. Regulation: R-7142

PDF: <http://www.losrios.edu/legal/Policies/P-7000/P-7142.pdf>

## **INSTRUCTIONAL PROGRAM Textbooks R-7134 Regulation – 7000 Instruction**

### 1.0 Textbook Selection Procedure

***1.1 Each Los Rios Community College District College shall determine the procedures for placing textbook adoption requests before the College President for approval. If the College President approves, he/she shall present a recommendation to the Chancellor for action.***

#### 1.2 Period of Adoption

**1.2.1 Adoption shall normally be for a minimum of four (4) semesters, and the manager of the campus bookstore should be notified at least six (6) months before any change in texts is contemplated.**

1.3 Controversial Use

**1.3.1 In the event a serious controversy should develop regarding the use of a certain text or supplementary reading materials and the controversy cannot readily be solved by the faculty and administration, the Los Rios Community College District Board of Trustees shall be asked to make the decision.**

Adm. Regulation Adopted: 6/30/64

Adm. Regulation Revised: 1/28/81; 4/21/82; 4/27/09

Adm. Regulation Reviewed: 12/17/15

Board Policy: P-7134

PDF: <http://www.losrios.edu/legal/Regulations/R-7000/R-7134.pdf>

## ZERO TEXTBOOK COST (ZTC) FAQs

AERC website - <https://www.scc.losrios.edu/oer/ztc/>

Contacts – Christine Decamp – Instructional Services Assist, 916-650-2789



### **What courses need to be designated as ZTC (Zero Textbook Cost) in the class schedule?**

The ZTC symbol is required only for those courses where the cost of the textbook is zero dollars.

### **What if a course has an online zero-cost text but students have the option to pay to have it duplicated?**

This is still a ZTC section and should be designated as such since students have the option of accessing the text completely online.

### **What if a course has an online lab manual written by the instructor but all students are required to duplicate the manual for use in class?**

In this case, there is a cost for students, so the ZTC designation would not be used.

### **If a course's texts or materials are low cost, do we use the ZTC designation?**

No, the ZTC designation is only for courses that have zero textbook cost.

### **What if a course section has been designated as ZTC but the instructor leaves and a new instructor takes over that section? Is that new instructor required to keep the section as ZTC?**

A good-faith effort will be made to keep the section as ZTC.

The dean in consultation with the department chair attempting to staff the class with a new instructor will make every effort to keep the class as ZTC, especially if students have already begun to register for that section under the assumption that there will be no costs for textbooks.

### **Why is there a special symbol?**

SB 1359 is a state law that requires California Community Colleges to designate Zero Cost Textbook course sections.

## Affordable Educational Resources Committee @ SCC

- <https://www.scc.losrios.edu/oer/aerc/>

### What is the AERC?

Formed in Fall 2015, AERC is an SCC faculty-senate-led committee. However, members from all constituencies are welcome to join.

### Charge:

The SCC Affordable Educational Resources Committee works with Academic Senate, students, faculty, and classified staff in programs across campus to:

1. Identify alternative strategies to reduce textbook and course material costs for students;
2. Make recommendations that address textbook and course material affordability and accessibility, while respecting academic freedom;
3. Educate students, faculty, and staff about alternative strategies to reduce textbook and course material costs;
4. Develop objectives and timelines to accomplish actionable goals.

**SACRAMENTO CITY COLLEGE  
APPLICATION FOR TEXTBOOK ADOPTION**

Date \_\_\_\_\_

Instructor(s): \_\_\_\_\_

Course: \_\_\_\_\_ Department/Division \_\_\_\_\_

**Textbooks to be adopted:**

Title: \_\_\_\_\_ Edition: \_\_\_\_\_

Publisher: \_\_\_\_\_ Author: \_\_\_\_\_

Year of Publication: \_\_\_\_\_ Semester to be used: \_\_\_\_\_ Fall \_\_\_\_\_ Spring \_\_\_\_\_ Summer \_\_\_\_\_

ISBN# \_\_\_\_\_ Price: \$ \_\_\_\_\_ Hard Cover \_\_\_\_\_ Paperback \_\_\_\_\_

**Other books to be used in this course along with the proposed book:**

Title: \_\_\_\_\_ Price: \$ \_\_\_\_\_

Title: \_\_\_\_\_ Price: \$ \_\_\_\_\_

**As per Los Rios Regulations, adoption should be for a minimum of two semesters.**

**TEXTBOOK COMMITTEE ACTION**

In accordance with the adopted course outline, does the "Textbook package: serve the course adequately?	Member 1	Yes _____ No _____
	Member 2	Yes _____ No _____
	Member 3	Yes _____ No _____

Is the total price of the "textbook package" reasonable? (see above)	Member 1	Yes _____ No _____
	Member 2	Yes _____ No _____
	Member 3	Yes _____ No _____

Is the reading level and level of abstraction appropriate?	Member 1	Yes _____ No _____
	Member 2	Yes _____ No _____
	Member 3	Yes _____ No _____

I have reviewed the text proposed and recommend its adoption. Comments? _____ _____ _____	Member 1	Yes _____ No _____
	Member 2	Yes _____ No _____
	Member 3	Yes _____ No _____

Member 1 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Member 2 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Member 3 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Chair 1 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Division Dean Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## TEXTBOOK ADOPTION

The responsibility for textbook selection and recommendation for adoption rests with the teaching faculty. When there are several selections of a course, faculty will generally adopt uniform textbooks. This is particularly important when the course is part of a sequential development of skills or basic understandings. The development will determine the degree of uniformity required.

When the course is not part of a sequential development, each faculty member may choose the basic syllabus and textbook materials of subject to the following: a) the materials related directly to the content of the approved course of study and b) the total cost of these materials to the students is reasonable.

There will be departmental review and approved of all textbooks and syllabi recommendations. The department spokesperson/division dean receive the approvals from the textbook committee and provide coordination with the bookstore within the times lines established.

If the textbook committee, department spokesperson, and division dean individually or collectively consider a book to be inappropriate for a course, they shall provide their reasons in writing to the faculty member making the request. The department spokesperson and division dean will work with appropriate members of the department to resolve the issues and ultimately assure that an appropriate textbook had been identified for the course.

SACRAMENTO CITY COLLEGE  
APPLICATION FOR TEXTBOOK ADOPTION

3 Full time facul  
1 - course coordinat

Date \_\_\_\_\_

Instructor(s): \_\_\_\_\_

Course: \_\_\_\_\_ Department/Division: \_\_\_\_\_

Textbooks to be adopted:

Title: \_\_\_\_\_ ISBN# \_\_\_\_\_  
Edition: \_\_\_\_\_  
Publisher: \_\_\_\_\_ Author: \_\_\_\_\_  
Year of Publication: \_\_\_\_\_ Price \$ \_\_\_\_\_ Hard Cover \_\_\_\_\_ Paperback \_\_\_\_\_  
Semester to be used: \_\_\_\_\_ Fall \_\_\_\_\_ Spring \_\_\_\_\_ Summer \_\_\_\_\_

Other books to be used in this course along with the proposed book:

Title: \_\_\_\_\_ Price \$ \_\_\_\_\_  
Title: \_\_\_\_\_ Price \$ \_\_\_\_\_

As per Los Rios Regulations, adoption should be for a minimum of two semesters.

TEXTBOOK COMMITTEE ACTION

In accordance with the adopted course outline, does the "textbook package" serve the course adequately? Member 1 Yes \_\_\_ No \_\_\_  
Member 2 Yes \_\_\_ No \_\_\_  
Member 3 Yes \_\_\_ No \_\_\_

Is the total price of the "textbook package" reasonable? (see above) Member 1 Yes \_\_\_ No \_\_\_  
Member 2 Yes \_\_\_ No \_\_\_  
Member 3 Yes \_\_\_ No \_\_\_

Is the reading level and level of abstraction appropriate? Member 1 Yes \_\_\_ No \_\_\_  
Member 2 Yes \_\_\_ No \_\_\_  
Member 3 Yes \_\_\_ No \_\_\_

I have reviewed the text proposed and recommend its adoption. Member 1 Yes \_\_\_ No \_\_\_  
Comments: Member 2 Yes \_\_\_ No \_\_\_  
Member 3 Yes \_\_\_ No \_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Member 1 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Member 2 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Member 3 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department chair 1 signature: \_\_\_\_\_ Date: \_\_\_\_\_

Division Dean signature: \_\_\_\_\_ Date: \_\_\_\_\_

This form remain on file in the Division Office.  
cc: Dean, Learning Resource Center