

2019 Regular Session

SENATE BILL NO. 117

BY SENATORS WALSWORTH, BISHOP, MIZELL, MORRISH, THOMPSON AND
WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

POSTSECONDARY ED. Provides relative to postsecondary textbooks and instructional materials. (gov sig)

1 AN ACT

2 To enact R.S. 17:3129.9, relative to postsecondary education; to provide relative to the

3 development, acquisition, accessibility, and use of certain textbooks and other

4 educational resources; to provide for a plan to make such resources more accessible

5 and affordable to postsecondary students and the public; to provide for the roles and

6 responsibilities of the Board of Regents and the public postsecondary education

7 management boards; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:3129.9 is hereby enacted to read as follows:

10 **§3129.9. Affordable textbooks and open educational resources**

11 **A. Definitions**

12 **(1) "Affordable educational resource" or "AER", means a single or**

13 **collection of required educational resources that may be offered at no or low**

14 **cost to a student through a postsecondary education institution or an affiliated**

15 **college bookstore at a pre-sales tax cost to a student that does not exceed an**

16 **amount equal to four times the federal minimum wage. AER includes copyright**

17 **protected material purchased by a library and provided to a student at no cost.**

1 (2) "Course schedule" means a collection or listing of available classes,
2 course sections, or both, published by a postsecondary institution in electronic
3 or printed form prior to the start of an academic term.

4 (3) "Open educational resource" or "OER" means a teaching, learning,
5 or research resource that is in the public domain or has been released under an
6 intellectual property license that permits the free use, adaptation, and
7 redistribution of the resource by any person. The term may include full course
8 curricula, course materials, modules, textbooks, media, assessments, software,
9 and any other tools, materials, or techniques, whether digital or otherwise, used
10 to support access to knowledge.

11 B. Beginning in Fall of 2020, each public postsecondary education
12 institution shall:

13 (1) Use a conspicuous symbol, logo, or other distinguishing feature to
14 highlight each course included in its course schedule that exclusively utilizes
15 AER or OER course materials and ensure that these course materials comply
16 with the federal Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et
17 seq.) and the federal Copyright Act of 1976 (P.L. 94-533). Nothing in this
18 Paragraph shall be construed to prohibit a postsecondary education institution
19 from including other distinguishing features in its course schedule related to the
20 cost of course materials.

21 (2) Clearly communicate to students how to access AER and OER course
22 materials.

23 (3) Provide summary data as requested by the Board of Regents
24 regarding courses that exclusively utilize AER and OER course materials.

25 (4) Publish the course schedule and any required textbooks which have
26 been reported to the institution on their website prior to opening course
27 registration, but not later than thirty days prior to the beginning of each
28 academic term, and provide this information to LOUIS: The Louisiana Library
29 Network, individual campus libraries, and other entities or programs as might

1 **be specified by the Board of Regents.**

2 Section 2. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

The original instrument was prepared by Jeanne C. Johnston. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne C. Johnston.

DIGEST

SB 117 Re-Reengrossed

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Walsworth

Proposed law defines "affordable educational resource" (AER) and "open educational resource" (OER).

Proposed law provides for greater availability and use of affordable textbooks and other educational resources by requiring public postsecondary education institutions, beginning with Fall 2020, to:

- (1) Use a conspicuous symbol, logo, or other distinguishing feature to highlight each course included in its course schedule that exclusively utilizes AER or OER course materials and ensure that these course materials comply with applicable federal law. The institution may also include other cost-related information.
- (2) Clearly communicate to students how to access AER and OER course materials.
- (3) Provide summary data as requested by the Board of Regents regarding courses that exclusively utilize AER and OER course materials.
- (4) Publish the course schedule and required textbooks on their website prior to opening course registration, but not later than thirty days prior to the beginning of each academic term. Additionally requires that this information be provided to LOUIS: The Louisiana Library Network, individual campus libraries, and other entities or programs specified by the Board of Regents.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3129.9)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Changes definition of "open educational resource".
2. Changes date for postsecondary education action to Fall 2020.
3. Makes technical corrections.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Removes requirement for the Board of Regents, through LOUIS: The Louisiana Library Network, and the state's public postsecondary education institutions to develop and implement a plan to increase the development, acquisition, availability, and accessibility of affordable textbooks and other educational resources for postsecondary students.
2. Removes requirement that the plan include a list of courses prioritized for support to convert course materials to affordable educational resources (AER) and open educational resources (OER); faculty grants to develop, convert, or adopt AER or OER; a digital repository to serve as a publicly accessible database for AER and OER; and strategies to promote the production, access, and use of AER and OER.

Senate Floor Amendments to reengrossed bill

1. Redefines "affordable educational resource".
2. Clarifies that postsecondary institutions may include other distinguishing features related to the cost of course materials in the course catalog.
3. Requires postsecondary institutions to include required textbooks instead of a textbook list in the course catalog.
4. Makes technical corrections.