

1 HB431
2 115940-1
3 By Representatives Grimes, Wren, Oden and McMillan
4 RFD: Education Policy
5 First Read: 26-JAN-10

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8 SYNOPSIS: Existing law does not address or place
9 limits on the rising prices of college and
10 university textbooks.

11 This bill would prohibit any employee of a
12 two-year or four-year institution of higher
13 education from receiving incentives from
14 publishers.

15 This bill would require the posting of lists
16 of required textbooks as such lists become
17 available.

18 This bill would require each institution to
19 develop and implement cost-saving measures
20 regarding textbooks.

21 This bill would also establish the College
22 Textbook Review Board to interface between the
23 publishing industry and the management of
24 independent bookstores, explore the issue of
25 textbook costs in the state, and create and mandate
26 cost control policies.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 Relating to public two-year and four-year
6 institutions of higher education; to prohibit employees from
7 receiving incentives from publishers; to require the posting
8 of required textbook lists; to require the implementation of
9 cost-saving measures by institutions; to establish the College
10 Textbook Review Board; and to specify the membership and
11 duties of the review board.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) (1) No employee at a public two-year
14 or four-year institution of higher education located in the
15 state shall demand or receive any payment, loan, subscription,
16 advance, deposit of money, services, or any thing, present or
17 promised, as an inducement for requiring students to purchase
18 a specific textbook required for course work or instruction.
19 An employee may receive any of the following:

20 a. Sample copies, instructor's copies, or
21 instructional material, not to be sold.

22 b. Royalties or other compensation from sales of
23 textbooks that include the writing or work of the particular
24 instructor.

25 (2) The chief executive officer of each public
26 two-year institution of higher education and the governing
27 board of each four-year institution of higher education shall

1 implement a procedure for posting lists of required or
2 assigned textbooks for each course conducted at the
3 institution. The lists shall be in a standard format and shall
4 be readily available to students on the website of the
5 institution, at a central location of the institution, and at
6 other appropriate locations. The lists of required or assigned
7 textbooks shall include the International Standard Book Number
8 (ISBN) and other relevant information pertaining to the
9 textbook. Institutions that operate a bookstore supported by
10 auxiliary services or operated by a private contractor shall
11 post the lists of required or assigned textbooks at the
12 bookstore at the time the applicable instructor or academic
13 department identifies the textbooks.

14 (3) The chief executive officer of each public
15 two-year institution of higher education and the governing
16 board of each four-year institution of higher education shall
17 implement policies, procedures, and guidelines that encourage
18 efforts to minimize the cost of textbooks for students at the
19 institutions while maintaining the quality of education and
20 academic freedom. The guidelines shall ensure all of the
21 following:

22 a. That faculty textbook adoptions are made with
23 sufficient lead time to university- or contract-managed
24 bookstores, so as to confirm availability of the requested
25 materials and, where possible, ensure maximum availability of
26 used textbooks.

1 b. That during the textbook adoption process, the
2 intent to use all items ordered, particularly each individual
3 item sold as a part of a bundled package, is affirmatively
4 confirmed by the faculty member before the adoption is
5 finalized. If the faculty member does not intend to use each
6 item in a bundled package, he or she shall notify the
7 bookstore, and the bookstore shall order the individualized
8 items if their procurement is cost effective for both the
9 institution and the student and the individualized items are
10 made available by the publisher.

11 c. That faculty members affirmatively acknowledge
12 the quoted retail price to the bookstore of any textbook
13 selected for use in each course.

14 d. That faculty members are encouraged to limit
15 their use of new edition textbooks when previous editions do
16 not significantly differ in a substantive way, as determined
17 by the appropriate faculty member.

18 e. That required or assigned textbooks are made
19 available to students who are otherwise unable to afford the
20 cost.

21 (4) No funds provided for financial aid from
22 university bookstore revenue shall be counted in the
23 calculation for state appropriations for student financial
24 aid.

25 (b) The Alabama Commission on Higher Education and
26 the Chancellor of Postsecondary Education shall immediately
27 create a College Textbook Review Board. The review board shall

1 consist of 11 full-time faculty members of the various public
2 two-year or four-year institutions of higher education in the
3 state. Six members shall be appointed by the Alabama
4 Commission on Higher Education and five members shall be
5 appointed by the Chancellor of Postsecondary Education. The
6 membership of the review board shall be inclusive and reflect
7 the racial, gender, geographic, urban/rural, and economic
8 diversity of the state. Members of the review board shall
9 serve for two-year terms, beginning on October 1 and
10 terminating on September 29. Members may be reappointed and
11 any vacancies on the review board shall be filled by the
12 original appointing authority for the remainder of the
13 unexpired term. The review board shall serve as an interface
14 between the publishing industry and the management of
15 independent bookstores and shall explore the issue of textbook
16 costs on all public two-year and four-year institutions of
17 higher education in the state. The Alabama Commission on
18 Higher Education and the Chancellor of Postsecondary Education
19 shall work in conjunction with the review board to establish
20 and adopt all necessary rules to implement this act not later
21 than October 1, 2010. The rules shall include, but not be
22 limited to, rules that do all of the following:

23 (1) Establish guidelines authorizing the review
24 board to create and mandate cost control policies for the sale
25 and purchase of all textbooks in independent bookstores on the
26 campuses of all public two-year and four-year institutions of

1 higher education in the state. The guidelines shall include,
2 but not be limited to, all of the following:

3 a. Recommendations from the Alabama Commission on
4 Higher Education and the Chancellor determining the
5 disciplines under the jurisdiction of the review board.

6 b. Recommendations from questionnaires, created and
7 circulated by the review board, within the various two-year
8 and four-year institutions of higher education in the state.

9 c. Recommendations from members of the publishing
10 industry advising alternative, less expensive ways of
11 producing textbooks.

12 (2) Authorize the review board to require any
13 publishing company that plans to introduce a new edition of an
14 existing textbook for sale, purchase, or use for academic
15 purposes by any two-year or four-year institution of higher
16 education in the state to first justify the necessity of the
17 new edition based on review board criteria.

18 (3) Authorize the review board to establish a
19 maximum acceptable percentage increase on the cost of the same
20 edition of a textbook which is being reprinted with no changes
21 to the actual text.

22 (4) Require all publishers that sell textbooks for
23 use for academic purposes on the campus of any two-year or
24 four-year institution of higher education in the state to mail
25 marketing brochures promoting the textbooks to instructors or
26 professors of the institutions.

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.