

# Textbook Transparency

This Act requires college textbook publishers to make the price, any substantial content revision between the last two editions, copyright dates, and the variety of formats for a text, available upon request, to faculty members or textbook adopters at public higher education institutions when the publisher provides information about their products. The Act distinguishes between supplemental material and integrated textbooks and requires a publisher to make a textbook and supplemental material available separately when selling the materials bundled together.

The Act directs that when feasible, public institutions of higher education must develop policies allowing students to use financial aid that has not been disbursed for tuition or fees to purchase textbooks at campus bookstores. The Act directs public higher education institutions to encourage the selection of textbooks early enough that the campus bookstore can supply information about textbooks and materials which will promote cost efficiency.

Submitted as:

Missouri

HB 2048 [Truly Agreed to and Finally Passed]

Status: Enacted into law in 2008.

## Suggested State Legislation

(Title, enacting clause, etc.)

- 1           Section 1. [*Short Title.*] This Act shall be cited as “The “Textbook Transparency Act.”
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- 3           Section 2. [*Definitions.*] As used in this Act:
- 4           (1) “Adopter” means any faculty member or academic department at an approved
- 5 institution of higher education responsible for considering and choosing course materials to be
- 6 used in connection with the accredited courses taught at the approved institution of higher
- 7 education;
- 8           (2) “Approved institution of higher education” means an educational institution located
- 9 in this state which:
- 10           (a) is directly controlled or administered by a public agency or political
- 11 subdivision;
- 12           (b) receives appropriations directly or indirectly from the [general assembly] for
- 13 operating expenses;
- 14           (c) provides a postsecondary course of instruction at least [six] months in length
- 15 leading to or directly creditable toward a degree or certificate;
- 16           (d) meets the standards for accreditation as determined by either the [North
- 17 Central Association of Colleges and Secondary Schools], or if a public junior college created
- 18 under [insert citation] meets the standards established by the coordinating board for higher
- 19 education for such public junior colleges, or by other accrediting bodies recognized by the
- 20 United States Office of Education or by utilizing accreditation standards applicable to the
- 21 institution as established by the coordinating board for higher education;
- 22           (e) does not discriminate in the hiring of administrators, faculty and staff or in the

23 admission of students on the basis of race, color, religion, sex, or national origin and is otherwise  
24 in compliance with the federal Civil Rights Acts of 1964 and 1968 and executive orders issued  
25 pursuant thereto; and

26 (f) permits faculty members to select textbooks without influence or pressure by  
27 any religious or sectarian source;

28 (3) "College textbook" means a textbook or a set of textbooks used for a course of  
29 postsecondary education at an approved public institution of higher education;

30 (4) "Integrated textbook" means a college textbook that:

31 (a) is combined with materials developed by a third party and that, by third-party  
32 contractual agreement, may not be offered by publishers separately from the college textbook  
33 with which the materials are combined; or

34 (b) includes functionally interdependent course materials designed to be used  
35 solely as a single unit and whose separation would substantially degrade the academic content so  
36 that it would not be usable to the student;

37 (5) "Products" means all versions of a college textbook or set of college textbooks,  
38 except custom textbooks or special editions of textbooks, available in the subject area for which  
39 a prospective purchaser is teaching a course, including supplemental material, both when sold  
40 together or separately from a college textbook;

41 (6) "Supplemental material" means educational material that may accompany a college  
42 textbook, including printed materials, computer disks, website access, and electronically  
43 distributed materials, that is neither:

44 (a) bound by third-party contractual agreements to be sold in an integrated  
45 textbook; nor

46 (b) a component of an integrated textbook.

47

48 Section 3. [*Information College Textbook Publishers Must Provide to Educational*  
49 *Institutions.*]

50 (A) To the extent practicable, an approved institution of higher education shall encourage  
51 faculty members or adopters to place their initial orders for college textbooks with sufficient time  
52 for the campus bookstore to factor such information into student buyback, research the  
53 availability of the course material, and exchange, when appropriate, relevant information with  
54 faculty to support effective use of course materials such as bundles and to promote cost  
55 efficiencies for students.

56 (B) Each publisher of college textbooks shall provide, upon request, the following  
57 information to faculty members or adopters at an approved institution of higher education,  
58 whenever the publisher provides a faculty member or adopter with information about the  
59 publisher's products:

60 (1) the price at which the publisher would make the products available to the  
61 campus bookstore;

62 (2) the substantial content revisions for such products made between a current  
63 textbook edition and the previous edition, if any;

64 (3) the copyright dates of all previous editions of such college textbook in the  
65 preceding ten years, if any; and

66 (4) whether the products are available in any other format, including paperback  
67 and unbound, and the price at which the publisher would make the products in the other formats  
68 available to the campus bookstore.

69 (C) A publisher that sells a college textbook and any supplemental material  
70 accompanying such college textbook as a single bundle shall also make available the college

71 textbook and each supplemental material as separate and unbundled items, each separately  
72 priced.

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74 Section 4. [*Using Undisbursed Financial Aid to Purchase Textbooks.*] Where existing  
75 technology and contracts make it feasible, an approved public institution of higher education  
76 shall develop a policy that permits students to use financial aid that has not been disbursed for  
77 tuition or fees to purchase required textbooks for courses taught at the institution at stores on the  
78 campus of the institution.

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80 Section 5. [*Severability.*] [Insert severability clause.]

81

82 Section 6. [*Repealer.*] [Insert repealer clause.]

83

84 Section 7. [*Effective Date.*] [Insert effective date.]