

SENATE BILL NO. 117

BY SENATORS WALSWORTH, BISHOP, MIZELL, MORRISH, THOMPSON AND WHITE AND REPRESENTATIVES ADAMS, AMEDEE, ANDERS, BACALA, BAGLEY, BILLIOT, BOUIE, BOURRIAQUE, BRASS, TERRY BROWN, CARMODY, GARY CARTER, STEVE CARTER, CHANEY, COUSSAN, DEVILLIER, EDMONDS, EMERSON, GAROFALO, GISCLAIR, HILFERTY, HOFFMANN, HUVAL, ROBERT JOHNSON, NANCY LANDRY, LARVADAIN, LEGER, MOORE, JAY MORRIS, STEFANSKI, STOKES, THOMAS AND TURNER

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

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.**

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

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

8 B. Beginning in Fall of 2020, each public postsecondary education
9 institution shall:

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

18 (2) Clearly communicate to students how to access AER and OER course
19 materials.

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

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

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____