

2019 Regular Session

SENATE BILL NO. 117

BY SENATORS WALSWORTH, BISHOP, MIZELL, MORRISH 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 any copyright**

13 **protected educational resource that may be purchased for ownership in**

14 **perpetuity by a library or postsecondary institution for schoolwide use without**

15 **additional costs beyond the cost of initial purchase and any hosting access fees,**

16 **and any copyrighted protected educational resource that may be licensed for**

17 **individual users for short or long-term access, at a greatly reduced overall cost.**

1 The overall cost to students for an AER should not exceed an amount equal to
2 four times the federal minimum wage.

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

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

13 B. Beginning in Fall of 2020, each public postsecondary education
14 institution shall:

15 (1) Use a conspicuous symbol, logo, or other distinguishing feature to
16 highlight each course included in its course schedule that exclusively utilizes
17 AER or OER course materials and ensure that these course materials comply
18 with the federal Americans with Disabilities Act of 1990 (U.S.C. Sec. 12101 et
19 seq.) and the federal Copyright Act of 1976 (Public law 94-533).

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

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

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

29 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
 2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 4 effective on the day following such approval.

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

DIGEST

SB 117 Reengrossed

2019 Regular Session

Walsworth

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 available and ensure that these course materials comply with the federal Americans with Disabilities Act of and the federal Copyright Act of 1976.
- (2) Clearly communicate to students how to access AER and OER course materials available.
- (3) Provide summary data as requested by the Board of Regents regarding courses that exclusively utilize AER and OER course materials that are available.
- (4) Publish the course schedule and textbook list on their website prior to opening course registration, but not later than thirty days prior to the beginning of each academic term, and provide this information to LOUIS, individual campus libraries, and other entities or programs as might be 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.