COMMITTEE AMENDMENT ADOPTED

March 15, 2017

**S. 262**

Introduced by Senator Setzler

S. Printed 3/15/17--S.

Read the first time January 19, 2017.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 31, TITLE 59 SO AS TO PROVIDE A TEXTBOOK POLICY FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION THAT IS INTENDED TO HELP MINIMIZE COLLEGE TEXTBOOK COSTS, TO DEFINE NECESSARY TERMINOLOGY, AND TO PROVIDE RELATED OBLIGATIONS OF THE COMMISSION ON HIGHER EDUCATION AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION REGARDING THE DEVELOPMENT AND IMPLEMENTATION OF TEXTBOOK POLICIES, AMONG OTHER THINGS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 31, Title 59 of the 1976 Code is amended by adding:

“Article 7

Public Higher Education Textbook Policy

Section 59‑31‑810. This article establishes minimum guidelines and goals aimed at addressing the cost of college textbooks and other instructional materials and at ensuring compliance with Section 133 of the federal Higher Education Opportunity Act of 2008, 20 U.S.C. Section 1015(b). Before July 1, 2019, each public institution of higher education in this State shall establish and implement a written policy that includes the provisions set forth in this article.

Section 59‑31‑820. For the purposes of this article:

(1) ‘HEOA’ means the Higher Education Opportunity Act of 2008, as contained in 20 U.S.C. Section 1015(b).

(2) ‘ISBN’ means the international standard book number, a unique numeric book identifier assigned by standard book numbering agencies to control and facilitate activities within the publishing industry.

(3) ‘Textbook’ means various types of course materials, including software, electronic files, supplemental materials, and course packs that are resalable, as opposed to being intended for one‑time use such as workbooks or books that have limited resale value. Such items valued at less than fifty dollars are exempt from this definition and the provisions of this article.

Section 59‑31‑830. (A) Before January 1, 2019, the Commission on Higher Education shall establish guidelines concerning procedures for the adoption of textbooks by public institutions of higher education for upcoming semesters. These guidelines must be set to enable an institution fully to comply with HEOA, including the requirement that textbook information be provided to students at the time of registration. This textbook information must include, but is not limited to, ISBN and prices for each texbook.

(B) These guidelines must require:

(1) adoption deadlines that are no later than the beginning of the registration period for succeeding semesters and provide sufficient time to work with affiliated bookstores to meet the HEOA posting requirements, and at least forty days before the end of the preceding semester, whenever possible, as dictated by registration schedules;

(2) a textbook adoption process that indicates whether a textbook is required or recommended and, to the extent possible, an indication of whether:

(a) an alternate edition of the textbook may be used; and

(b) the instructor actually uses the required textbook;

(3) a policy for the timely adoption of textbooks for lecture, lecture/laboratory, laboratory, and recitation/discussion course types generally are assumed to require textbook use, and as the commission otherwise considers appropriate;

(4) department chairs to be responsible for ensuring that all pertinent courses under their authority have adoptions submitted by the deadline, even for a course section for which no instructor is assigned by the announced adoption deadline date; and

(5) strong encouragement of departments to adopt the same course materials for all sections of each course.

Section 59‑31‑840. Each public institution of higher education shall establish guidelines that promote a minimum adoption period for textbooks. Institutions shall set guidelines for a minimum three‑year adoption period for lower division courses. These guidelines may include reasonable exceptions to this requirement for instances when editions go out of print, when substantive changes are made in either the course description or the textbook, when there is a significant change in the body of knowledge pertinent to the course, or when a new textbook or different technology better promotes student learning because of the methods in which the material is presented or because it involves the use of advanced technology. Procedures for the authorization of exceptions should include approval at the dean level, after recommendation from a department chair. The guidelines also shall encourage a minimum textbook adoption period of at least two years for upper division courses while recognizing that to provide current scholarship in a global marketplace, upper division courses will have more advanced and changing content, that students often wish to build a personal library of books in their major, and that there is a more limited potential for establishing a favorable local buyback market for such upper division textbooks. All guidelines should consider differences among academic departments based on the unique demands of their respective disciplines. Because of these factors, institutional policy must seek to balance the benefits of a minimum adoption period with the selection of the best available textbook.

Section 59‑31‑850. (A) Each public institution of higher education shall provide information on best practices:

(1) in textbook adoptions to faculty; and

(2) for providing advice to students on ways to save money on textbook purchases.

(B) The institutions or affiliated bookstores shall provide:

(1) faculty with information and tools for the selection of textbooks, including pricing information and the availability of alternative formats for course materials, such as whether textbooks are available in electronic versions, and of separately available components of a bundled textbook;

(2) students with practical advice about purchasing textbooks, including the availability of electronic versions, the availability of unbundled textbook components, buyback and exchange policies, and price‐matching policies. Institutions shall provide this information, including an explanation of the significance of ISBNs to entering freshmen during orientations or within thirty days before the beginning of the fall semester; and

(3) faculty and students with results from surveys of student satisfaction with textbooks and the usefulness of advice about purchasing textbooks required in item (2). These surveys also should seek to measure the percentage of students enrolled in each course who actually purchase the required textbooks and the percentage of students enrolled in each class who actually read all or a portion of assigned readings from the required textbooks.

Section 59‑31‑860. (A) Each public institution of higher education shall develop procedures to assess the success of the above practices in containing the costs of textbooks. These procedures shall include analyses and reports appropriate to assessing compliance with this policy, as well as identifying and improving institutional practices.

(B) Assessment strategies shall include:

(1) the inclusion of questions on student surveys or course evaluations about the value of assigned textbooks;

(2) production of reports of the extent of compliance of each institution with the adoption deadlines;

(3) information about the costs of the textbooks for the twenty courses having the highest enrollment;

(4) the volume of buyback purchases at the affiliated bookstores;

(5) the number of electronic versions of textbooks being used; and

(6) student and faculty surveys of the ability of the affiliated bookstore to provide adequate stocking of books.

(C) The institution’s chief academic officer is responsible for the implementation and administration of policies and procedures adopted pursuant to this article before July 1, 2019. The chief academic officer also shall submit assessment information required by the assessment plan as an annual assessment report to the Commission on Higher Education. Each public institution of higher education shall make its annual assessment report available on its website, and the commission shall make all annual assessment reports available on its website.”

SECTION 2. This act takes effect upon approval by the Governor.

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