

## CHAPTER 77

**AN ACT** concerning college textbooks and supplementing chapter 3B of Title 18A of the New Jersey Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.18A:3B-81 Definitions relative to open textbooks.

1. As used in this act:

“Open educational resource” means an educational resource that is licensed under an open license and made freely available online to the public.

“Open license” means a world-wide, royalty-free, non-exclusive, perpetual, irrevocable copyright license granting the public permission to access, reproduce, publicly perform, publicly display, adapt, distribute, and otherwise use the work and adaptations of the work for any purpose, conditioned only on the requirement that attribution be given to authors as designated.

“Open textbook” means an open educational resource or set of open educational resources that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

C.18A:3B-82 Plan for use of open textbooks, digital learning materials.

2. a. Within one year of the effective date of P.L.2019, c.77 (C.18A:3B-81 et seq.), an institution of higher education, after consultation with faculty members at the institution, shall submit a plan to the Secretary of Higher Education to expand the use of open textbooks and commercial digital learning materials in order to achieve savings for students enrolled in the institution. The plan may include strategies employed by the institution during the last academic year.

b. The secretary shall review the plan submitted by an institution to ensure that the plan has the potential to:

(1) achieve the highest level of savings for students through the sustainable expanded use of open textbooks in courses offered by the institution;

(2) produce the highest quality open textbooks that can be most easily utilized and adapted by faculty members at the institution, and correspond to the highest enrollment courses at the institution;

(3) ensure that the full and complete digital content of each open textbook created or adapted in accordance with the plan is made available to students enrolled in the institution:

(a) on the institution’s college bookstore website in an easily accessible location; and

(b) in a machine readable, digital format that a student can download;

(4) ensure that the institution is making a good faith effort to provide open textbooks to students; and

(5) provide for the implementation of programs which reduce the cost of commercial digital learning materials pursuant to 34 C.F.R. s.668.164(c)(2).

C.18A:3B-83 Report.

3. The Secretary of Higher Education shall submit a report by July 1 of each academic year to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that provides information on which institutions of higher education are offering open textbooks.

4. This act shall take effect immediately.

Approved May 2, 2019.