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]

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act shall be cited as “The “Textbook Transparency Act.”

Section 2. [Definitions.] As used in this Act:

(1) “Adopter” means any faculty member or academic department at an approved institution of higher education responsible for considering and choosing course materials to be used in connection with the accredited courses taught at the approved institution of higher education;

(2) “Approved institution of higher education” means an educational institution located in this state which:

(a) is directly controlled or administered by a public agency or political subdivision;

(b) receives appropriations directly or indirectly from the [general assembly] for operating expenses;

(c) provides a postsecondary course of instruction at least [six] months in length leading to or directly creditable toward a degree or certificate;

(d) meets the standards for accreditation as determined by either the [North Central Association of Colleges and Secondary Schools], or if a public junior college created under [insert citation] meets the standards established by the coordinating board for higher education for such public junior colleges, or by other accrediting bodies recognized by the United States Office of Education or by utilizing accreditation standards applicable to the institution as established by the coordinating board for higher education;

(e) does not discriminate in the hiring of administrators, faculty and staff or in the
admission of students on the basis of race, color, religion, sex, or national origin and is otherwise
in compliance with the federal Civil Rights Acts of 1964 and 1968 and executive orders issued
pursuant thereto; and

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

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

(4) “Integrated textbook” means a college textbook that:

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

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

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

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

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

(b) a component of an integrated textbook.

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

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

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

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

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

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

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

(C) A publisher that sells a college textbook and any supplemental material
accompanying such college textbook as a single bundle shall also make available the college
textbook and each supplemental material as separate and unbundled items, each separately priced.

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

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

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

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