

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED NEW REGULATION**

DATE: February 3, 2009

REGULATION TITLE AND NUMBER: Textbook Adoption 8.003

SUMMARY: Regulation 8.003 provides requirements for each university board of trustees to establish regulations related to the selection of textbooks that will result in decreased costs to students. Instructors are directed to be aware of certain procedures impacting the cost of chosen textbooks. Institutions are required to find methods of ensuring that students who cannot afford textbooks have access to them. A deadline is imposed for online posting of required textbooks. The proposed regulation also articulates benefits university employees may and may not receive in the selection and use of instructional materials.

FULL TEXT OF THE REGULATION: The full text of the proposed regulation is posted on Board of Governor's Web site at www.flbog.edu. In addition, the full text of the regulation is available upon request to the Office of the Chancellor, at (850) 245-0466.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION: Dr. Jon Rogers, Director, Academic and Student Affairs.

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@fbog.edu.

8.003 Textbook Adoption

(1) Each university board of trustees shall adopt a regulation that establishes textbook adoption procedures to minimize the cost of textbooks for students while maintaining the quality of education and academic freedom. At a minimum, the regulation shall provide for the following:

(a) A deadline for the adoption of textbooks each term that shall provide sufficient lead time for bookstores to confirm the availability of the requested materials and, where possible, maximize the number of used books available.

(b) A procedure to document the intent of the course instructor or the academic department offering the course to use all items ordered, including each individual item sold as part of a bundled package, before the adoption is finalized.

(c) A determination by the course instructor or academic department offering the course, before a textbook is adopted, of the extent to which a new edition differs significantly and substantively from earlier versions and the value of changing to a new edition.

(d) A procedure to make required textbooks for each course offering available to students who otherwise cannot afford the cost of the textbook.

(e) A procedure by which students can obtain required textbooks prior to receipt of their financial aid distribution, when necessary.

(f) A deadline for posting a list of each required textbook for each course offering for the upcoming term on the university's website. The deadline shall be no later than thirty (30) days prior to the first day of classes for each term, and any request for an exception to the deadline shall be submitted in writing to the appropriate university official prior to the deadline and shall provide a reasonable justification for an exception. The posted list shall include the following information for each required textbook:

1. the International Standard Book Number (ISBN) or
2. other identifying information which shall include, at a minimum:
 - a. all authors listed,
 - b. publishers,
 - c. edition number,
 - d. copyright date,
 - e. published date, and
 - f. other relevant information necessary to identify the specific textbook required for each course.

(2) No employee of a state university may demand or receive any payment, loan, subscription, advance, deposit of money, service, or anything of value, present or promised, in exchange for requiring students to purchase a specific textbook for coursework or instruction. However, an employee may receive, subject to the requirements of the Florida Code of Ethics for Public Officers and Employees

and the outside activity and conflict of interest requirements set forth in university regulations and collective bargaining agreements:

- (a) Sample copies, instructor copies, or instructional materials. These materials may not be sold for any type of compensation if they are specifically marked as free samples not for resale.
- (b) Royalties or other compensation from sales of textbooks that include the instructor's own writing or work.
- (c) Honoraria for academic peer review of course materials.
- (d) Fee associated with activities such as reviewing, critiquing, or preparing support materials for textbooks.
- (e) Training in the use of course materials and learning technologies.

Authority: Section 7(d), Art. IX, Fla. Const. New XX-XX-09.