

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

DATE: September 28, 2016

REGULATION NUMBER AND TITLE: Regulation 8.003, Textbook and Instructional Materials Affordability

SUMMARY: Board of Governors Regulation 8.003 has been amended and retitled Textbook and Instructional Materials Affordability to align with changes in Section 1004.085, Florida Statutes. A summary of the proposed changes to this regulation is as follows:

- Revises provisions relating to textbook affordability to include instructional materials.
- Requires state university boards of trustees to identify wide variances in the costs of, and frequency of changes in the selection of, textbooks and instructional materials for certain courses.
- Requires state university system boards of trustees to send a list of such identified courses to the academic department chairs for review.
- Authorizes the state university boards of trustees to adopt policies in consultation with providers to allow for the use of innovative pricing techniques and payment options for certain textbooks and instructional materials.
- Requires postsecondary institutions to consult with school districts to identify practices that impact the cost of dual enrollment courses.
- Requires a cost-benefit analyses relating to selection of textbooks and instructional materials.
- Provides for annual reporting requirements.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

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: Mr. Richard P. Stevens, Assistant Vice Chancellor, 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@flbog.edu

8.003 Textbook and Instructional Materials Adoption Affordability

(1) Each university board of trustees shall adopt a regulation that establishes textbook and instructional materials affordability policies adoption procedures to minimize the cost of required or recommended textbooks and instructional materials for students while maintaining the quality of education and academic freedom. ~~At a minimum, t~~The regulation shall provide for the following:

- (a) Selection of textbooks and instructional materials through cost-benefit analyses that enable students to obtain the highest-quality product at the lowest available price, by considering:
 1. Purchasing digital textbooks in bulk;
 2. Expanding the use of open-access textbooks and instructional materials;
 3. Providing rental options for textbooks and instructional materials;
 4. Increasing the availability and use of affordable digital textbooks and learning objects;
 5. Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials;
 6. The length of time that textbooks and instructional materials remain in use;
 7. An evaluation of cost savings for textbooks and instructional materials which a student may realize if individual students are able to exercise opt-in provisions for the purchase of the materials.
- (b) The use of innovative pricing techniques and payment options for textbooks and instructional materials in consultation with providers including bookstores. The pricing techniques and payment options must include an opt-in provision for students and may be approved only if there is documented evidence that the options reduce the cost of the textbooks and instructional materials.
- (c)-(a) A deadline for the ~~adoption~~ selection of textbooks and instructional materials each term that shall provide sufficient lead time for bookstores to confirm the availability of the requested materials, source lower cost options, explore alternatives with faculty, and, where possible, maximize the number availability of used textbooks and instructional materials available.
- (d)-(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~~ selection is finalized.
- (e)-(e) A determination by the course instructor or academic department offering the course, before a textbook or instructional material is ~~adopted~~ selected, of the extent to which a new edition differs significantly and substantively from earlier versions and the value to the student of changing to a new edition, or the extent to which an open-access textbook or instructional material is available.

~~(f)~~-(d) A procedure(s) to make required and recommended textbooks and instructional materials for each course offering available to students who otherwise cannot afford the cost of the textbook; including consideration of the extent to which an open-access textbook or instructional material may be used.

~~(g)~~-(e) A procedure(s) by which students can obtain required textbooks and instructional materials prior to receipt of their financial aid distribution, when necessary.

~~(h)~~-(f) A deadline for posting a hyperlink to lists of each required and recommended textbooks and instructional materials for at least 95 percent of all courses and course sections each course offering for the upcoming term ~~on~~ in the university's course registration system and on the university's website. ~~The deadline shall be~~ The designated university official shall determine compliance with this requirement no later than ~~thirty (30)~~ forty-five (45) days prior to the first day of classes for each term. ~~and~~ A any request for an exception to the compliance deadline shall be submitted in writing to the appropriate designated university official prior to the deadline and shall provide a reasonable justification for an exception. A course or section added after the notification deadline is exempt from this notification requirement. The posted list shall include the following information for each required and recommended textbook and instructional materials:

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 or instructional materials required and recommended for each course.
- (i) Consultation with school districts to identify practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including, but not limited to, the length of time that textbooks and instructional materials remain in use.
- (j) Examination, each semester, of the cost of required and recommended textbooks and instructional materials by course and course section for all general education courses identifying any variance in the cost among different sections of the same course; identification of the percentage of textbooks and instructional materials that remain in use for more than one term; submission of a list of courses that have a wide variance in costs among sections or that have frequent changes in textbook and instructional materials to the appropriate academic department chair for review.

(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 or instructional materials 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 or instructional materials 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 or instructional materials.
- (e) Training in the use of course materials and learning technologies.

(3) Each university board of trustees shall provide a report, by September 30 of each year, to the Chancellor of the State University System, in a format determined by the Chancellor, that details:

- (a) The selection process for general education courses with a wide cost variance and high enrollment courses;
- (b) Specific initiatives of the institution designed to reduce the costs of textbooks and instructional materials;
- (c) Policies implemented regarding the posting of textbook and instructional materials for at least 95% of all courses and course sections 45 days before the first day of class;
- (d) The number of courses and course sections that were not able to meet the posting deadline for the previous academic year;
- (e) Any additional information determined by the Chancellor.

The Chancellor will report to the Board of Governors a summary of the State University System's initiatives and efforts addressing textbook and instructional materials affordability by November 1 of each year.

Authority: Section 7(d), Art. IX, Fla. Const.; History: New 03-26-09, Amended

_____.