



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3241

by Rep. Kenneth Dunkin

SYNOPSIS AS INTRODUCED:

New Act

Creates the Accountability in College Textbook Publishing Practices Act. Provides that if a publisher provides a faculty member or entity in charge of selecting course materials at an institution of higher education with information regarding a college textbook or supplemental material, the publisher shall include specified information in its communication. Sets forth requirements for when a publisher provides a faculty member or entity in charge of selecting course materials at an institution with the price at which the publisher would make a college textbook or supplemental material available to the institution's campus bookstore. Provides that a publisher that sells a college textbook and any supplemental material as a bundle shall also make the college textbook and each item of supplemental material available as separate and unbundled items at separate prices. Provides that if a faculty member or entity in charge of selecting course materials at an institution directs a publisher to compile a custom textbook, the publisher shall provide the price at which the publisher would make the custom textbook available to the campus bookstore. Contains an enforcement provision.

LRB098 10081 NHT 40240 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Accountability in College Textbook Publishing Practices Act.

6 Section 5. Findings. The General Assembly finds the
7 following:

8 (1) It is critical for the future health of the economy
9 of this State to support the education of its youth so that
10 they can attain the degrees and credentials they need to
11 enter the evolving workforce.

12 (2) While more than 80% of the 23,000,000 jobs to be
13 created nationwide over the next 10 years will require
14 postsecondary education, only 36% of all 18 to 24-year-olds
15 are currently enrolled in postsecondary educational
16 institutions.

17 (3) Students in this State are struggling to enroll in
18 postsecondary educational institutions due to finances as,
19 according to the U.S. Government Accountability Office
20 (GAO), tuition and fees have increased at an average rate
21 of 7% annually, while other prices have risen at only about
22 3% annually.

23 (4) High college textbook costs further add to this

1 financial burden. The College Board reports that during the
2 2011-2012 academic year the average student spent an
3 estimated \$1,168 for course materials, including college
4 books and supplies.

5 (5) The College Board finds that this figure
6 constitutes 6.1% of the estimated annual costs of education
7 for the typical resident student at a 4-year university,
8 and the GAO finds that at community colleges, college
9 textbooks can comprise 75% of total student costs.

10 (6) As a result, a survey conducted by the Student
11 Public Interest Research Groups found that 7 in 10 students
12 reported foregoing the purchase of a textbook because of
13 its cost even though 78% believed it could hurt their
14 academic performance.

15 (7) The Section of the federal Higher Education
16 Opportunity Act (Public Law 110-315), passed by Congress in
17 2008, concerning textbook information sought to decrease
18 the costs of course materials for students by enhancing
19 transparency and disclosure with respect to the selection,
20 purchase, sale, and use of course materials.

21 (8) This Section of the Higher Education Opportunity
22 Act lacks enforcement mechanisms and does not serve to
23 decrease costs to students as well as it could.

24 (9) Adding enforcement measures in this State to
25 complement the existing Section of the Higher Education
26 Opportunity Act concerning textbook information could more

1 effectively help to lower student expenditures on
2 textbooks and to ensure that students have access to the
3 textbooks they need to receive the highest quality
4 education possible.

5 Section 10. Definitions. In this Act:

6 "Bundle" means one or more college textbooks or other
7 supplemental learning materials that may be packaged together
8 to be sold as course material for one price.

9 "Campus bookstore" means the bookstore on the campus of or
10 otherwise associated with an institution of higher education.

11 "College textbook" means a textbook or set of textbooks
12 used for or in conjunction with a course at an institution of
13 higher education.

14 "Custom textbook" means a college textbook that is compiled
15 by a publisher at the direction of a faculty member or other
16 person or adopting entity in charge of selecting course
17 materials at an institution of higher education and may
18 include, alone or in combination, items such as selections from
19 original instructor materials, previously copyrighted
20 publisher materials, copyrighted, third-party works, and
21 elements unique to a specific institution, such as
22 commemorative editions.

23 "Institution" means an institution of higher education in
24 this State.

25 "Integrated textbook" means a college textbook that is

1 combined with supplemental materials developed by a third party
2 that, by third-party contractual agreement, may not be offered
3 by publishers separately from the college textbook with which
4 the supplemental materials are combined. "Integrated textbook"
5 also means a textbook that is combined with supplemental
6 materials that are so interrelated with the content of the
7 textbook that the separation of the textbook from the
8 supplemental materials would render the textbook unusable for
9 its intended purpose.

10 "Publisher" means a publisher of college textbooks or
11 supplemental materials that markets college textbooks or
12 supplemental materials to faculty members at institutions of
13 higher education.

14 "Substantial content" means parts of a college textbook,
15 such as new chapters, additional eras of time, new themes, or
16 new subject matter.

17 "Supplemental material" means educational material
18 developed to accompany a college textbook, which may include
19 printed materials, computer disks, Internet website access,
20 and electronically distributed materials.

21 "Writing" includes electronic communications.

22 Section 15. Requirements.

23 (a) If a publisher provides a faculty member or entity in
24 charge of selecting course materials at an institution with
25 information regarding a college textbook or supplemental

1 material, the publisher shall include all of the following
2 information, in writing, in its communication:

3 (1) The price at which the publisher would make the
4 college textbook or supplemental material available to the
5 institution's campus bookstore.

6 (2) The copyright dates of the 3 previous editions of
7 the college textbook in the preceding 10 years, if any.

8 (3) The substantial content revisions made between the
9 current edition of the college textbook or supplemental
10 material and the previous edition, if any.

11 (4) Whether the college textbook or supplemental
12 material is available in any other format, including
13 paperback or unbound, and the price at which the publisher
14 would make the college textbook or supplemental material in
15 the other format available to the institution's campus
16 bookstore.

17 (b) If a publisher provides a faculty member or entity in
18 charge of selecting course materials at an institution with the
19 price at which the publisher would make the college textbook or
20 supplemental material available to the institution's campus
21 bookstore, as required by this Section, the publisher shall do
22 both of the following:

23 (1) Make the college textbook or supplemental material
24 available to that institution's campus bookstore at or
25 below that price for at least 6 months.

26 (2) Notify the faculty member or entity in charge of

1 selecting course materials and the campus bookstore, in
2 writing, of any increase in the price of the textbook or
3 supplemental material, including the amount of the
4 increase, at least 45 days in advance of the increase.

5 (c) A publisher that sells a college textbook and any
6 supplemental material as a bundle shall also make the college
7 textbook and each item of supplemental material available as
8 separate and unbundled items at separate prices, except that
9 this subsection (c) does not apply to integrated textbooks.

10 (d) If a faculty member or entity in charge of selecting
11 course materials at an institution directs a publisher to
12 compile a custom textbook, the publisher shall provide, in
13 writing, prior to accepting an order for the custom textbook,
14 the price at which the publisher would make the custom textbook
15 available to the campus bookstore.

16 (e) A publisher violating any of the provisions of this
17 Section may be enjoined by any court of competent jurisdiction
18 upon action for injunction, and the court shall, after proof of
19 violation, issue an injunction or other appropriate order
20 restraining the publisher's conduct.