



Item: AF: A-1

WEDNESDAY, JULY 22, 2009

SUBJECT: REQUEST FOR APPROVAL OF REGULATION FOR TEXTBOOK ADOPTION.

PROPOSED BOARD ACTION

Approve the regulation to implement the Textbook Affordability Act of 2008; and authorize the University President to amend the regulation, consistent with Board of Governors' directives and guidelines.

BACKGROUND INFORMATION

This information was presented and approved during the June 17, 2009 BOT Audit and Finance Committee meeting.

Under Section 1004.085, Florida Statutes, the Board of Governors is required to promulgate a regulation to implement the Textbook Affordability Act of 2008. The BOG promulgated Regulation 8.003 on March 26, 2009, which requires each Board of Trustees to promulgate a regulation to implement the law. The FAU regulation meets the requirements of Florida Statutes and the BOG regulation.

IMPLEMENTATION PLAN/DATE

July 1, 2009.

FISCAL IMPLICATIONS

N/A

Supporting Documentation: PowerPoint Presentation: Textbook Affordability Act, BOG Regulation 8.003 and Proposed Regulation 3.004.

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Textbook Affordability Act

Board of Governor's
And Board of Trustees
Requirements



1004.85 F.S. Purpose...

- Effective date of legislation was July 1, 2008 requiring BOG to promulgate regulation
- The legislation is designed to assist in lowering the cost of textbooks through specific actions of colleges and universities.
- Effective date of BOG Regulation March 26, 2009

FAU



What Action Has Been Taken

- Creation of policy prohibiting employees from receiving compensation for the choice of textbook materials.
- Letter to Faculty on Adoption of Textbooks
- Electronic Adoption Forms



Required action continued...

- Posting of textbook information on website to include ISBN numbers or other identifying information necessary to identify the specific textbook(s) required for each course.



What an employee may receive

- 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
- Royalties or other compensation from sales of textbooks that include the instructor's own writing or work



Continued...

- Honoraria for academic peer review of course materials
- Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks pursuant to guidelines adopted by the State Board of Education or the Board of Governors
- Training in the use of course materials and learning technologies



Immediate challenges

- Textbook adoptions need to be made with sufficient lead time to ensure availability.



Compliance of Textbook adoption by Faculty

- Benefit
 - Textbooks are chosen based on need
 - Customized course materials will be used that are comprised only of materials necessary for the course
 - More sustainable to use only items that are needed



Compliance with textbook adoption deadline

- Benefit
 - Ensures availability
 - Students get more value for selling their textbooks back to the bookstore – up to 50% of original purchase price
 - Greater used textbook inventory
 - Time for bookstore to assist Faculty with lower cost alternatives



FAU Website posting not less than 30 days prior to the first day of class for each term

- Benefit
 - Provide maximum flexibility for the use of financial aid in the university bookstore
 - Publisher identification of changes from old textbook editions to new editions
 - Implement Registration Integration whereby textbook information will be populated at the time of registration



FLORIDA BOARD OF GOVERNORS

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.

Florida Atlantic University

Regulation 3.004 Textbook Adoption

- (1) Pursuant to Florida Board of Governors Regulation 8.003, this Regulation is promulgated to minimize the cost of textbooks to students while maintaining the quality of instruction and academic freedom.
- (2) Textbooks shall be adopted by sending a completed Textbook Adoption Form to the University Textbook Manager no later than forty-five (45) days prior to the first day of classes to allow sufficient time for the Florida Atlantic University Bookstore to work with publishers to confirm availability of the requested materials and to ensure maximum availability of used books. Textbooks for courses which are added after the forty-five (45) day deadline shall be adopted as soon as is feasible to ensure sufficient lead time.
- (3) On the University Textbook Adoption Form, Course instructors shall:
 - (a) Certify that all textbooks and instructional items sold as part of a bundled package will be used; and
 - (b) If a prior edition is available, state the extent to which the new edition differs significantly and substantively from earlier versions, and document the value of changing to a new edition.
- (4) A list of each required textbook for each course offering for the upcoming term shall be posted on the university's website 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 University Textbook Manager prior to the deadline and shall provide a reasonable justification for an exception. For classes added after the notification deadline or when an extension is granted, textbook information shall be posted immediately as such information becomes available. The posted list shall include the following information for each required textbook:
 - (a) The International Standard Book Number (ISBN); or
 - (b) Other identifying information which shall include, at a minimum:
 1. all authors listed;
 2. publishers;
 3. edition number;
 4. copyright date;
 5. published date; and

6. other relevant information necessary to identify the specific textbook required for each course.

(5) The calculation for textbooks shall be included in the determination of student financial aid. The Director of Student Financial Aid or designee shall publish on a University web site the procedure to apply for financial aid in order to purchase the required textbooks for each course offering available to students who otherwise cannot afford the cost of the textbook, as well as the procedure to apply for a short term advance loan prior to receipt of their financial aid distribution, when necessary.

(6) No employee of the University may demand or receive any payment, loan, subscription, advance, and 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, policies 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., Fla. Bd. of Gov. Regulation 8.003.
History-New X-XX-2009.*