

1 FOR PURPOSES OF THIS ARTICLE, TUITION SHALL NOT INCLUDE ANY  
2 ADDITIONAL FEES OR SURCHARGES THAT ARE REQUIRED FOR ENROLLMENT  
3 IN A PARTICULAR COURSE OR IN ADDITION TO THE TRADITIONAL STUDENT  
4 TUITION.

5 (B) GUIDELINES.--EACH INSTITUTION OF HIGHER EDUCATION THAT  
6 DEVELOPS A PROGRAM SHALL PROMULGATE SPECIFIC GUIDELINES  
7 REGARDING PROCEDURES AND ADMINISTRATION OF THE PROGRAM,  
8 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

9 (1) ADMITTING PARTICIPATING OLDER ADULTS.

10 (2) DETERMINING THE AVAILABILITY OF HIGHER EDUCATION  
11 COURSES.

12 (3) DETERMINING IF THE PROGRAM WILL BE FOR CREDIT,  
13 NONCREDIT, CERTIFICATION, DEGREE OR ENRICHMENT.

14 (4) DISSEMINATING TO THE LOCAL AAA A COMPLETE PROGRAM  
15 DESCRIPTION AND TECHNICAL ASSISTANCE THAT EXPLAINS THE  
16 PROCESS OF ADMISSION AND ENROLLMENT IN HIGHER EDUCATION  
17 COURSES OFFERED BY THE HIGHER EDUCATION INSTITUTION.

18 (5) COORDINATING WITH THE LOCAL AAA TO PUBLICIZE AND  
19 ADVERTISE THE PROGRAM.

20 (6) OUTLINING COURSE RULES AND RESPONSIBILITIES FOR  
21 PARTICIPATING OLDER ADULTS.

22 ARTICLE (XX-F)

23 COURSE MATERIALS AT INSTITUTIONS OF HIGHER EDUCATION

24 SECTION 2001-F. SCOPE.

25 THIS ARTICLE RELATES TO COLLEGE TEXTBOOK AFFORDABILITY,  
26 ACCOUNTABILITY AND ACCESSIBILITY.

27 SECTION 2002-F. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 "ADVISORY COMMITTEE." THE COLLEGE TEXTBOOK POLICIES ADVISORY  
2 COMMITTEE ESTABLISHED UNDER THIS ARTICLE.

3 "BUNDLE." ONE OR MORE COLLEGE TEXTBOOKS OR OTHER  
4 SUPPLEMENTAL MATERIALS THAT MAY BE PACKAGED TOGETHER TO BE SOLD  
5 AS COURSE MATERIALS FOR ONE PRICE.

6 "CAMPUS." THE GROUNDS AND BUILDINGS OF AN INSTITUTION OF  
7 HIGHER EDUCATION THAT ARE DESIGNATED AS SUCH BY THE INSTITUTION  
8 OF HIGHER EDUCATION.

9 "CAMPUS BOOKSTORE." THE BOOKSTORE ON THE CAMPUS OF, OR  
10 OTHERWISE ASSOCIATED WITH, AN INSTITUTION OF HIGHER EDUCATION.

11 "COLLEGE TEXTBOOK." A TEXTBOOK OR SET OF TEXTBOOKS USED FOR,  
12 OR IN CONJUNCTION WITH, A COURSE IN POSTSECONDARY EDUCATION AT  
13 AN INSTITUTION OF HIGHER EDUCATION.

14 "CUSTOM TEXTBOOK." A COLLEGE TEXTBOOK THAT IS COMPILED BY A  
15 PUBLISHER AT THE DIRECTION OF A FACULTY MEMBER OR OTHER PERSON  
16 OR ADOPTING ENTITY IN CHARGE OF SELECTING COURSE MATERIALS AT AN  
17 INSTITUTION OF HIGHER EDUCATION AND MAY INCLUDE, ALONE OR IN  
18 COMBINATION, ITEMS, SUCH AS SELECTIONS FROM ORIGINAL INSTRUCTOR  
19 MATERIALS, PREVIOUSLY COPYRIGHTED PUBLISHER MATERIALS OR  
20 COPYRIGHTED THIRD-PARTY WORKS. THIS TERM DOES NOT INCLUDE PURELY  
21 AESTHETIC CHANGES TO A TEXTBOOK WHEN COMPARED WITH A PRIOR  
22 EDITION, SUCH AS A COMMEMORATIVE EDITION.

23 "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION." ANY OF  
24 THE 14 STATE-OWNED UNIVERSITIES THAT ARE PART OF THE  
25 PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION, INCLUDING THE  
26 FOUR STATE-RELATED UNIVERSITIES. THE TERM ALSO INCLUDES  
27 COMMUNITY COLLEGES THAT ARE MEMBERS OF THE PENNSYLVANIA  
28 COMMISSION FOR COMMUNITY COLLEGES AND INDEPENDENT OR PRIVATE  
29 COLLEGES OR UNIVERSITIES THAT RECEIVE AN ASSISTANCE GRANT UNDER  
30 THE ACT OF JULY 18, 1974 (P.L.483, NO.174), KNOWN AS THE

1 INSTITUTIONAL ASSISTANCE GRANTS ACT.

2 "INTEGRATED TEXTBOOK." A COLLEGE TEXTBOOK THAT IS COMBINED  
3 WITH:

4 (1) SUPPLEMENTAL MATERIALS DEVELOPED BY A THIRD PARTY  
5 AND THAT, BY THIRD-PARTY CONTRACTUAL AGREEMENT, MAY NOT BE  
6 OFFERED BY PUBLISHERS SEPARATELY FROM THE COLLEGE TEXTBOOK;  
7 OR

8 (2) SUPPLEMENTAL MATERIALS THAT ARE SO INTERRELATED WITH  
9 THE CONTENT OF THE COLLEGE TEXTBOOK THAT THE SEPARATION OF  
10 THE COLLEGE TEXTBOOK FROM THE SUPPLEMENTAL MATERIALS WOULD  
11 RENDER THE COLLEGE TEXTBOOK UNUSABLE FOR ITS INTENDED  
12 PURPOSE.

13 "ISBN." INTERNATIONAL STANDARD BOOK NUMBER.

14 "PUBLISHER." AN ENTITY THAT PUBLISHES COLLEGE TEXTBOOKS OR  
15 SUPPLEMENTAL MATERIALS AND MARKETS COLLEGE TEXTBOOKS OR  
16 SUPPLEMENTAL MATERIALS TO FACULTY MEMBERS AT INSTITUTIONS OF  
17 HIGHER EDUCATION. THE TERM DOES NOT INCLUDE A WHOLESALER.

18 "SUBSTANTIAL CONTENT." PARTS OF A COLLEGE TEXTBOOK, SUCH AS  
19 NEW CHAPTERS, ADDITIONAL ERAS OF TIME, NEW THEMES OR NEW SUBJECT  
20 MATTER.

21 "SUPPLEMENTAL MATERIAL." EDUCATIONAL MATERIAL DEVELOPED TO  
22 ACCOMPANY A COLLEGE TEXTBOOK, WHICH MAY INCLUDE PRINTED  
23 MATERIALS, COMPUTER DISKS, INTERNET WEBSITE ACCESS AND  
24 ELECTRONICALLY DISTRIBUTED MATERIALS, AND THAT IS NOT BEING USED  
25 AS A COMPONENT OF AN INTEGRATED TEXTBOOK.

26 SECTION 2003-F. PUBLISHER REQUIREMENTS.

27 (A) PRICING INFORMATION DISCLOSURE.--WHEN A PUBLISHER  
28 PROVIDES A FACULTY MEMBER OR ENTITY IN CHARGE OF SELECTING  
29 COURSE MATERIALS AT AN INSTITUTION OF HIGHER EDUCATION WITH  
30 INFORMATION REGARDING A COLLEGE TEXTBOOK OR SUPPLEMENTAL

1 MATERIAL, THE PUBLISHER SHALL INCLUDE, IN WRITING OR  
2 ELECTRONICALLY, THE FOLLOWING:

3 (1) THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE  
4 COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO THE  
5 CAMPUS BOOKSTORE OF THE INSTITUTION OF HIGHER EDUCATION.

6 (2) THE COPYRIGHT DATES OF THE THREE PREVIOUS EDITIONS  
7 OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL, 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 AND 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 CAMPUS BOOKSTORE OF SUCH  
16 INSTITUTION OF HIGHER EDUCATION.

17 (B) UNBUNDLING OF COLLEGE TEXTBOOKS FROM SUPPLEMENTAL  
18 MATERIALS.--

19 (1) (I) A PUBLISHER THAT SELLS A COLLEGE TEXTBOOK AND  
20 ANY SUPPLEMENTAL MATERIAL ACCOMPANYING THE COLLEGE  
21 TEXTBOOK AS A BUNDLE SHALL ALSO MAKE AVAILABLE THE  
22 COLLEGE TEXTBOOK AND EACH SUPPLEMENTAL MATERIAL AS  
23 SEPARATE AND UNBUNDLED ITEMS, EACH SEPARATELY PRICED.

24 (II) THIS PARAGRAPH SHALL NOT APPLY TO AN INTEGRATED  
25 TEXTBOOK.

26 (2) A PUBLISHER IS NOT REQUIRED TO MAKE AVAILABLE  
27 SUPPLEMENTAL ITEMS DEVELOPED BY A THIRD PARTY AND THAT, BY  
28 THIRD-PARTY CONTRACTUAL AGREEMENT, MAY NOT BE OFFERED BY THE  
29 PUBLISHER SEPARATELY FROM THE COLLEGE TEXTBOOK.

30 (C) CUSTOM TEXTBOOKS.--WHEN A FACULTY MEMBER OR ENTITY IN

1 CHARGE OF SELECTING COURSE MATERIALS AT AN INSTITUTION OF HIGHER  
2 EDUCATION DIRECTS A PUBLISHER TO COMPILE A CUSTOM TEXTBOOK, THE  
3 PUBLISHER SHALL PROVIDE, IN WRITING OR ELECTRONICALLY, PRIOR TO  
4 ACCEPTING AN ORDER FOR THE CUSTOM TEXTBOOK, THE PRICE AT WHICH  
5 THE PUBLISHERS WOULD MAKE THE CUSTOM TEXTBOOK AVAILABLE TO THE  
6 CAMPUS BOOKSTORE.

7 SECTION 2004-F. FACULTY MEMBERS AND ACADEMIC DEPARTMENTS.

8 (A) GENERAL DUTIES OF FACULTY MEMBERS.--A FACULTY MEMBER OR  
9 ENTITY IN CHARGE OF SELECTING COLLEGE TEXTBOOKS, SUPPLEMENTAL  
10 MATERIALS OR BUNDLED TEXTBOOK PACKAGES FOR AN INSTITUTION OF  
11 HIGHER EDUCATION SHALL:

12 (1) CONSIDER THE LEAST COSTLY PRACTICES IN ASSIGNING  
13 COLLEGE TEXTBOOKS, CONSISTENT WITH EDUCATIONALLY SOUND  
14 PRACTICES AS DETERMINED BY THE APPROPRIATE FACULTY OR ENTITY.

15 (2) CONSIDER THE USE OF COLLEGE TEXTBOOKS, SUPPLEMENTAL  
16 MATERIALS AND BUNDLED TEXTBOOK PACKAGES FOR A LONGER PERIOD  
17 OF TIME, TO THE EXTENT THEY ARE NOT OUTDATED.

18 (3) WORK WITH BOOKSTORES TO REVIEW TIMELINESS AND THE  
19 PROCESSES INVOLVED IN ORDERING AND STOCKING SELECTED COURSE  
20 MATERIALS, DISCLOSE COLLEGE TEXTBOOK COSTS TO STUDENTS AND  
21 ACTIVELY PROMOTE AND PUBLICIZE BOOK BUYBACK PROGRAMS.

22 (4) PROVIDE A STATEMENT TO THE ENTITY DESIGNATED BY THE  
23 PRESIDENT OR CHANCELLOR OF THE INSTITUTION TO DISSEMINATE THE  
24 INFORMATION REQUIRED UNDER SECTION 2005-F(A) DETAILING  
25 COLLEGE TEXTBOOKS OR SUPPLEMENTAL MATERIALS, WHETHER BUNDLED  
26 OR UNBUNDLED, THAT ARE REQUIRED OR RECOMMENDED FOR THE  
27 COURSE. WHERE POSSIBLE, THE STATEMENT SHALL INDICATE IF AN  
28 EARLIER EDITION MAY BE EFFECTIVE FOR USE BY A STUDENT.

29 (5) ENCOURAGE PARTICIPATION IN COLLEGE TEXTBOOK RENTAL  
30 PROGRAMS THAT EXIST OR MAY EXIST IN THE FUTURE.

1 (B) PROHIBITED CONDUCT BY FACULTY AND ACADEMIC  
2 DEPARTMENTS.--

3 (1) NO FACULTY MEMBER OR ACADEMIC DEPARTMENT MAY DEMAND  
4 OR RECEIVE ANY PAYMENT, LOAN, SUBSCRIPTION, ADVANCE, DEPOSIT  
5 OF MONEY, SERVICES OR ANY THING, PRESENT OR PROMISED, AS AN  
6 INDUCEMENT FOR REQUIRING STUDENTS TO PURCHASE A SPECIFIC  
7 COLLEGE TEXTBOOK REQUIRED FOR COURSEWORK OR INSTRUCTION.

8 (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1), A  
9 FACULTY MEMBER OR ACADEMIC DEPARTMENT MAY RECEIVE:

10 (I) SAMPLE COPIES, INSTRUCTOR'S COPIES OR  
11 INSTRUCTIONAL MATERIAL.

12 (II) ROYALTIES OR OTHER COMPENSATION FROM THE SALE  
13 OF COLLEGE TEXTBOOKS THAT INCLUDE THE WRITING OR WORK OF  
14 THE PARTICULAR FACULTY MEMBER OR ACADEMIC DEPARTMENT.

15 (3) A VIOLATION OF THIS SUBSECTION MAY RESULT IN THE  
16 INSTITUTION TAKING DISCIPLINARY ACTION, SUBJECT TO ANY  
17 CONTRACTUAL REQUIREMENTS, AGAINST THE FACULTY MEMBER OR  
18 ACADEMIC DEPARTMENT, INCLUDING, WHERE APPROPRIATE, REFERRAL  
19 TO LAW ENFORCEMENT.

20 (C) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE  
21 CONSTRUED:

22 (1) TO PROHIBIT A FACULTY MEMBER OR ACADEMIC DEPARTMENT  
23 FROM REQUIRING THE MOST RECENT EDITION OF A COLLEGE TEXTBOOK.

24 (2) TO SUPERSEDE THE INSTITUTIONAL AUTONOMY OR ACADEMIC  
25 FREEDOM OF INSTRUCTORS, FACULTY MEMBERS OR ACADEMIC  
26 DEPARTMENTS INVOLVED IN THE SELECTION OF COLLEGE TEXTBOOKS,  
27 SUPPLEMENTAL MATERIALS AND OTHER CLASSROOM MATERIALS.

28 SECTION 2005-F. RESPONSIBILITIES OF INSTITUTIONS OF HIGHER  
29 EDUCATION.

30 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS

1 SECTION, EACH INSTITUTION, TO THE MAXIMUM EXTENT PRACTICABLE,  
2 SHALL MAKE AVAILABLE, AT STUDENT REGISTRATION AND THROUGHOUT THE  
3 YEAR ON ITS INTERNET WEBSITE AND UPON WRITTEN REQUEST, A LISTING  
4 OF ALL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIALS, INCLUDING  
5 THE ISBN, REQUIRED AND RECOMMENDED FOR COURSES TO BE OFFERED  
6 DURING THE UPCOMING TERM, PROVIDED THAT:

7 (1) IF THE ISBN IS NOT AVAILABLE, THE INSTITUTION SHALL  
8 INCLUDE THE AUTHOR, TITLE, EDITION, PUBLISHER AND COPYRIGHT  
9 DATE FOR THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL.

10 (2) IF THE INSTITUTION DETERMINES THAT THE DISCLOSURE OF  
11 THE INFORMATION RELATING TO A COLLEGE TEXTBOOK OR  
12 SUPPLEMENTAL MATERIAL IS NOT PRACTICABLE, THEN THE  
13 INSTITUTION SHALL SO INDICATE BY PLACING THE DESIGNATION "TO  
14 BE DETERMINED" IN LIEU OF THE INFORMATION REQUIRED IN  
15 PARAGRAPH (1). AS THIS INFORMATION BECOMES AVAILABLE, IT  
16 SHALL BE POSTED ON THE INSTITUTION'S INTERNET WEBSITE AND  
17 PROVIDED AS SOON AS POSSIBLE TO STUDENTS AND THOSE WHO HAVE  
18 PREVIOUSLY REQUESTED SUCH INFORMATION.

19 (B) PUBLICATION.--THE INSTITUTION SHALL PROVIDE THE  
20 INFORMATION REQUIRED UNDER SUBSECTIONS (A) AND (D) TO EXISTING  
21 AND ACCEPTED INCOMING STUDENTS BY POSTING THE INFORMATION ON THE  
22 INSTITUTION'S INTERNET WEBSITE USED FOR COURSE SCHEDULING,  
23 PREREGISTRATION AND REGISTRATION. THE INSTITUTION SHALL INFORM,  
24 IN WRITING, STUDENTS AND ALL OTHERS WHO MAKE A WRITTEN REQUEST  
25 FOR SUCH INFORMATION OF THE AVAILABILITY OF THE INFORMATION. THE  
26 POSTING OF THIS INFORMATION ON THE INTERNET WEBSITE OF THE  
27 CAMPUS BOOKSTORE SHALL SATISFY THE PROVISIONS OF THIS SECTION,  
28 PROVIDED THAT THE INFORMATION IS FREELY AVAILABLE TO STUDENTS  
29 AND THE GENERAL PUBLIC.

30 (C) INFORMATION TO BOOKSTORE.--AN INSTITUTION OF HIGHER

1 EDUCATION SHALL MAKE AVAILABLE TO A BOOKSTORE THAT IS OPERATED  
2 BY, OR IN A CONTRACTUAL RELATIONSHIP OR OTHERWISE AFFILIATED  
3 WITH, THE INSTITUTION AND SHALL ALSO MAKE AVAILABLE TO OFF-  
4 CAMPUS BOOKSTORES UPON REQUEST, AS SOON AS PRACTICABLE AFTER THE  
5 REQUEST OF THE BOOKSTORE, THE MOST ACCURATE INFORMATION  
6 AVAILABLE RELATING TO:

7 (1) THE INSTITUTION'S COURSE SCHEDULE FOR THE SUBSEQUENT  
8 ACADEMIC PERIOD.

9 (2) FOR EACH COURSE OR CLASS OFFERED BY THE INSTITUTION  
10 FOR THE SUBSEQUENT ACADEMIC PERIOD:

11 (I) THE INFORMATION REQUIRED BY SUBSECTION (A) FOR  
12 EACH COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL REQUIRED  
13 OR RECOMMENDED FOR THE COURSE OR CLASS.

14 (II) THE NUMBER OF STUDENTS ENROLLED IN SUCH COURSE  
15 OR CLASS.

16 (III) THE MAXIMUM STUDENT ENROLLMENT FOR SUCH COURSE  
17 OR CLASS.

18 (D) DISSEMINATION OF OTHER INFORMATION TO STUDENTS.--AN  
19 INSTITUTION OF HIGHER EDUCATION IS ENCOURAGED TO DISSEMINATE TO  
20 STUDENTS INFORMATION RELATING TO:

21 (1) AVAILABLE GUARANTEED PROGRAMS FOR RENTING COLLEGE  
22 TEXTBOOKS OR FOR PURCHASING USED COLLEGE TEXTBOOKS.

23 (2) AVAILABLE COLLEGE TEXTBOOK BUYBACK PROGRAMS.

24 (3) AVAILABLE ALTERNATIVE CONTENT DELIVERY PROGRAMS,  
25 INCLUDING DIGITAL TEXTBOOKS.

26 (4) OTHER AVAILABLE COST-SAVING STRATEGIES FOR ACQUIRING  
27 COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIALS.

28 (5) CAMPUS AND OFF-CAMPUS BOOKSTORE INFORMATION, TO THE  
29 EXTENT AVAILABLE, INCLUDING LOCATION, HOURS AND INTERNET  
30 WEBSITE INFORMATION.

1 (E) PROVISION OF INFORMATION TO STUDENTS.--AN INSTITUTION OF  
2 HIGHER EDUCATION IS ENCOURAGED TO PROVIDE ALL CURRENT AND  
3 ACCEPTED STUDENTS THE INFORMATION SET FORTH IN SUBSECTION (D) AS  
4 IT RELATES TO THE CAMPUS BOOKSTORE WITH WHICH IT HAS A  
5 CONTRACTUAL RELATIONSHIP.

6 (F) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE  
7 CONSTRUED TO PROHIBIT OR RESTRICT THE ABILITY OF A BOOKSTORE  
8 FROM ALSO PROVIDING TEXTBOOK INFORMATION TO STUDENTS.

9 SECTION 2006-F: COLLEGE TEXTBOOK RENTAL PROGRAM.

10 (A) GENERAL RULE.--AN INSTITUTION OF HIGHER EDUCATION MAY,  
11 WITH THE APPROVAL OF THE ADMINISTRATION, AUTHORIZE THE  
12 ESTABLISHMENT OF A COLLEGE TEXTBOOK RENTAL PROGRAM FOR THE  
13 STUDENTS OF ANY CAMPUS. PROGRAMS MAY RECEIVE AND USE FEDERAL,  
14 STATE AND PRIVATE FUNDING TO AID IN THE ESTABLISHMENT OF SUCH  
15 PROGRAMS.

16 (B) TASK FORCE.--THE ADMINISTRATORS OF A CAMPUS WITH A  
17 COLLEGE TEXTBOOK RENTAL PROGRAM MAY CONVENE A TASK FORCE TO  
18 DETERMINE RECOMMENDED POLICIES AND PROCEDURES TO ESTABLISH AND  
19 OPERATE A COLLEGE TEXTBOOK RENTAL PROGRAM. THE TASK FORCE MUST  
20 INCLUDE STUDENTS, FACULTY, ADMINISTRATORS AND BOOKSTORE  
21 MANAGERS.

22 (C) TEXTBOOK SELECTION.--THE PROGRAM MAY NOT LIMIT THE  
23 RIGHTS OF FACULTY TO SELECT APPROPRIATE TEXTBOOKS IN ACCORDANCE  
24 WITH ESTABLISHED POLICIES AND PROCEDURES.

25 (D) POWERS OF CAMPUSES WITH COLLEGE TEXTBOOK RENTAL  
26 PROGRAMS.--THE ADMINISTRATORS OF A CAMPUS WITH A COLLEGE  
27 TEXTBOOK RENTAL PROGRAM MAY:

28 (1) ESTABLISH POLICIES FOR THE PROGRAM, INCLUDING, BUT  
29 NOT LIMITED TO, IMPLEMENTING PRACTICES TO ACHIEVE THE BEST  
30 POSSIBLE PURCHASE PRICE FOR COLLEGE TEXTBOOKS AND FOR THE

1 PROVISION OF RENTAL SERVICES. THE POLICIES SHALL BE DEVELOPED  
2 WITH THE INPUT OF FACULTY, STUDENTS AND BOOKSTORES.

3 (2) INSTITUTE OTHER PROCEDURES NECESSARY TO ESTABLISH  
4 AND OPERATE THE PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF  
5 THIS ARTICLE.

6 (3) CHARGE STUDENTS A FINE FOR ANY LATE, LOST OR DAMAGED  
7 BOOKS, AS DETERMINED BY THE PROGRAM, PROVIDED THAT STUDENTS  
8 MAY NOT BE CHARGED A FINE FOR NORMAL TEXTBOOK WEAR AND TEAR.

9 (4) STUDENTS SHALL NOT BE REQUIRED TO PARTICIPATE IN A  
10 COLLEGE TEXTBOOK RENTAL PROGRAM.

11 (E) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE  
12 CONSTRUED TO:

13 (1) CHANGE OR LIMIT ANY EXISTING TEXTBOOK RENTAL PROGRAM  
14 OR PROGRAM IN EXISTENCE AT AN INSTITUTION OF HIGHER EDUCATION  
15 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION; OR

16 (2) RESTRICT AN INSTITUTION OF HIGHER EDUCATION FROM  
17 ESTABLISHING OR PILOTING OTHER TEXTBOOK RENTAL MODELS OR  
18 PROGRAMS AS DEEMED APPROPRIATE BY THE INSTITUTION OF HIGHER  
19 EDUCATION.

20 **SECTION 2007-F. ELECTRONIC VERSIONS OF COLLEGE TEXTBOOKS.**

21 (A) GENERAL RULE.--NO LATER THAN JANUARY 1, 2020, AN  
22 INDIVIDUAL, FIRM, PARTNERSHIP OR CORPORATION THAT PUBLISHES  
23 COLLEGE TEXTBOOKS OFFERED FOR SALE AT INSTITUTIONS OF HIGHER  
24 EDUCATION SHALL, TO THE EXTENT PRACTICABLE, MAKE THE COLLEGE  
25 TEXTBOOKS AVAILABLE, IN WHOLE OR IN PART, FOR SALE IN AN  
26 ELECTRONIC FORMAT WHEN COMMERCIALY REASONABLE.

27 (B) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE  
28 CONSTRUED TO AUTHORIZE ANY USE OF INSTRUCTIONAL MATERIALS THAT  
29 WOULD CONSTITUTE AN INFRINGEMENT OF COPYRIGHT UNDER FEDERAL LAW.

30 (C) DEFINITION.--FOR PURPOSES OF THIS SECTION, "COLLEGE

1 TEXTBOOK" MEANS A BOOK, NOT INCLUDING A NOVEL, THAT CONTAINS  
2 PRINTED MATERIAL AND IS INTENDED FOR USE AS A SOURCE OF STUDY  
3 MATERIAL FOR A CLASS OR GROUP OF STUDENTS, A COPY OF WHICH IS  
4 EXPECTED TO BE AVAILABLE FOR THE USE OF EACH OF THE STUDENTS IN  
5 THAT CLASS OR GROUP.

6 SECTION 2008-F. COLLEGE TEXTBOOK ADOPTION POLICIES.

7 (A) GENERAL RULE.--AN INSTITUTION OF HIGHER EDUCATION MAY  
8 IMPLEMENT POLICIES, PROCEDURES AND GUIDELINES THAT PROMOTE  
9 EFFORTS TO MINIMIZE THE COST OF COLLEGE TEXTBOOKS FOR STUDENTS  
10 AT THE INSTITUTION WHILE MAINTAINING THE QUALITY OF EDUCATION  
11 AND ACADEMIC FREEDOM. THE POLICIES, PROCEDURES AND GUIDELINES  
12 SHALL ENSURE THAT:

13 (1) THE ADOPTION OF A COLLEGE TEXTBOOK BY A FACULTY  
14 MEMBER IS MADE WITH SUFFICIENT LEAD TIME SO AS TO CONFIRM  
15 AVAILABILITY OF THE REQUESTED MATERIALS AND, WHERE POSSIBLE,  
16 ENSURE MAXIMUM AVAILABILITY OF USED COLLEGE TEXTBOOKS.

17 (2) (I) DURING THE COLLEGE TEXTBOOK ADOPTION PROCESS,  
18 THE INTENT TO USE ALL ITEMS ORDERED, PARTICULARLY EACH  
19 INDIVIDUAL ITEM SOLD AS PART OF A BUNDLED PACKAGE, IS  
20 AFFIRMATIVELY CONFIRMED BEFORE THE ADOPTION IS FINALIZED  
21 BY THE FACULTY MEMBER.

22 (II) IF THE FACULTY MEMBER DOES NOT INTEND TO USE  
23 EACH ITEM IN A BUNDLED PACKAGE, THE FACULTY MEMBER SHALL  
24 NOTIFY THE BOOKSTORE, AND THE BOOKSTORE SHALL ORDER THE  
25 INDIVIDUALIZED ITEMS IF:

26 (A) PROCUREMENT OF THE INDIVIDUALIZED ITEMS IS  
27 COST EFFECTIVE FOR BOTH THE INSTITUTION AND THE  
28 STUDENTS.

29 (B) THE INDIVIDUALIZED ITEMS ARE MADE AVAILABLE  
30 BY THE PUBLISHER.

1           (3) FACULTY MEMBERS AFFIRMATIVELY ACKNOWLEDGE THE QUOTED  
2           RETAIL PRICE TO THE BOOKSTORE OF ANY COLLEGE TEXTBOOK  
3           SELECTED FOR USE IN EACH COURSE.

4           (4) FACULTY MEMBERS SHALL GIVE DUE CONSIDERATION TO BOTH  
5           THE EDUCATIONAL VALUE AND COST OF NEW EDITION COLLEGE  
6           TEXTBOOKS AND ANY SUPPLEMENTAL MATERIALS WHEN PREVIOUS  
7           EDITIONS DO NOT SIGNIFICANTLY DIFFER IN A SUBSTANTIVE WAY, AS  
8           DETERMINED BY THE APPROPRIATE FACULTY MEMBER.

9           (5) REQUIRED OR ASSIGNED COLLEGE TEXTBOOKS ARE MADE  
10          AVAILABLE TO STUDENTS WHO ARE OTHERWISE UNABLE TO AFFORD THE  
11          COST.

12          (6) DECISIONS REGARDING TEXTBOOK ADOPTION ARE MADE IN A  
13          TIMELY MANNER TO ENSURE A BOOKSTORE'S ABILITY TO HAVE  
14          TEXTBOOKS AVAILABLE FOR THE FIRST DAY OF CLASS.

15   SECTION 2009-F. COLLEGE TEXTBOOK POLICIES ADVISORY COMMITTEE.

16   (A) ESTABLISHMENT.--A STANDING COMMITTEE OF THE STATE BOARD  
17   OF EDUCATION TO BE KNOWN AS THE COLLEGE TEXTBOOK POLICIES  
18   ADVISORY COMMITTEE IS ESTABLISHED. THE DEPARTMENT OF EDUCATION  
19   SHALL PROVIDE STAFF SUPPORT FOR THE ADVISORY COMMITTEE.

20   (B) MEMBERSHIP.--THE ADVISORY COMMITTEE SHALL BE COMPRISED  
21   OF:

22          (1) THE DEPUTY SECRETARY FOR HIGHER EDUCATION OF THE  
23          DEPARTMENT OF EDUCATION OR A DESIGNEE.

24          (2) THE CHAIRMAN OF THE STATE BOARD OF EDUCATION HIGHER  
25          EDUCATION COUNCIL OR A DESIGNEE.

26          (3) ONE FACULTY MEMBER REPRESENTING THE STATE SYSTEM OF  
27          HIGHER EDUCATION AS RECOMMENDED BY THE CHANCELLOR OF THE  
28          STATE SYSTEM OF HIGHER EDUCATION.

29          (4) ONE FACULTY MEMBER REPRESENTING EACH OF THE STATE-  
30          RELATED INSTITUTIONS AS RECOMMENDED BY THE CHANCELLORS OF THE

1 STATE-RELATED INSTITUTIONS.

2 (5) ONE FACULTY MEMBER REPRESENTING COMMUNITY COLLEGES  
3 AS RECOMMENDED BY THE COMMISSION FOR COMMUNITY COLLEGES.

4 (6) ONE FACULTY MEMBER REPRESENTING PRIVATE AND  
5 INDEPENDENT COLLEGES AND UNIVERSITIES AS RECOMMENDED BY THE  
6 ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES OF  
7 PENNSYLVANIA.

8 (7) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION  
9 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY  
10 CHAIRMAN OF THE HOUSE OF REPRESENTATIVES OR THEIR DESIGNEES.

11 (8) NINE MEMBERS APPOINTED BY THE CHAIRMAN OF THE STATE  
12 BOARD OF EDUCATION AS FOLLOWS:

13 (I) THREE MEMBERS REPRESENTING COLLEGE BOOKSTORES  
14 WITH ONE REPRESENTING CAMPUS BOOKSTORES, ONE REPRESENTING  
15 OFF-CAMPUS BOOKSTORES AND ONE REPRESENTING ONLINE  
16 BOOKSTORES THAT FOCUS PRIMARILY ON THE SALE OF COLLEGE  
17 TEXTBOOKS.

18 (II) TWO MEMBERS REPRESENTING TEXTBOOK PUBLISHERS.

19 (III) FOUR STUDENT MEMBERS REPRESENTING COLLEGE  
20 STUDENTS, OF WHOM ONE MUST ATTEND A STATE SYSTEM OF  
21 HIGHER EDUCATION INSTITUTION, ONE MUST ATTEND A  
22 STATE-RELATED INSTITUTION, ONE MUST ATTEND A COMMUNITY  
23 COLLEGE AND ONE MUST ATTEND AN INDEPENDENT OR PRIVATE  
24 COLLEGE OR UNIVERSITY WITHIN THIS COMMONWEALTH. THE  
25 STUDENT MEMBERS SHALL BE APPOINTED, RESPECTIVELY, BY THE  
26 CHAIRMAN FROM A LIST OF STUDENTS RECOMMENDED BY THE  
27 CHANCELLOR OF THE STATE SYSTEM OF HIGHER EDUCATION, THE  
28 CHANCELLORS OF THE STATE-RELATED INSTITUTIONS, THE  
29 COMMISSION FOR COMMUNITY COLLEGES OR THE ASSOCIATION OF  
30 INDEPENDENT COLLEGES AND UNIVERSITIES OF PENNSYLVANIA.

1           (9) ONE MEMBER POSSESSING A BACKGROUND IN INFORMATION  
2           TECHNOLOGY-ELECTRONIC MEDIA APPOINTED BY THE CHAIRMAN OF THE  
3           STATE BOARD OF EDUCATION.

4           (C) RECOMMENDATIONS.--THE ADVISORY COMMITTEE SHALL EXAMINE  
5           NATIONAL AND INTERNATIONAL EFFORTS RELATING TO COLLEGE TEXTBOOK  
6           AFFORDABILITY AND ACCESSIBILITY AND MAKE RECOMMENDATIONS THAT:

7           (1) ENSURE THAT STUDENTS HAVE ACCESS TO AFFORDABLE  
8           COURSE MATERIALS BY DECREASING COSTS TO STUDENTS AND  
9           ENHANCING TRANSPARENCY AND DISCLOSURE WITH RESPECT TO THE  
10           SELECTION, PURCHASE, SALE AND USE OF COURSE MATERIALS.

11           (2) IDENTIFY WAYS TO DECREASE THE COST OF COLLEGE  
12           TEXTBOOKS AND SUPPLEMENTAL MATERIALS FOR STUDENTS WHILE  
13           SUPPORTING THE ACADEMIC FREEDOM OF FACULTY MEMBERS TO SELECT  
14           HIGH QUALITY COURSE MATERIALS FOR STUDENTS.

15           (3) ENCOURAGE COLLEGE TEXTBOOK PUBLISHERS AND  
16           DISTRIBUTORS TO WORK WITH FACULTY TO PROMOTE UNDERSTANDING OF  
17           THE COST TO STUDENTS OF PURCHASING FACULTY-SELECTED COLLEGE  
18           TEXTBOOKS, INCLUDING THE DISCLOSURE OF PRICES AND BUNDLING  
19           PRACTICES.

20           (4) ENCOURAGE INNOVATION IN THE DEVELOPMENT AND USE OF  
21           COURSE MATERIALS, INCLUDING OPEN-SOURCE COLLEGE TEXTBOOKS AND  
22           OTHER OPEN-SOURCE EDUCATIONAL RESOURCES, THAT CAN HELP  
23           STUDENTS RECEIVE THE FULL VALUE OF THEIR EDUCATIONAL  
24           INVESTMENT WITHOUT EXCESSIVE COST.

25           (5) ENSURE THAT FACULTY MEMBERS ARE INFORMED OF ACCURATE  
26           AND RELEVANT PRICING INFORMATION FOR COURSE MATERIALS AND  
27           THAT STUDENTS ARE PROTECTED AS A CONSUMER GROUP.

28           (6) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE  
29           STATE BOARD OF EDUCATION TO STRENGTHEN EXISTING STATE LAWS  
30           AND REGULATIONS AND TO PROPOSE ANY ADDITIONAL AND NECESSARY

1 STATE LAWS AND REGULATIONS.

2 (D) FIRST MEETING.--THE ADVISORY COMMITTEE SHALL HOLD ITS  
3 FIRST MEETING WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS  
4 SECTION. THE ADVISORY COMMITTEE SHALL MEET AT LEAST ONCE  
5 QUARTERLY. MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE WITHOUT  
6 COMPENSATION. THE DEPUTY SECRETARY FOR HIGHER EDUCATION OF THE  
7 DEPARTMENT OF EDUCATION SHALL SERVE AS COMMITTEE CHAIR.

8 (E) REPORT.--NO LATER THAN 18 MONTHS AFTER THE EFFECTIVE  
9 DATE OF THIS SECTION, THE ADVISORY COMMITTEE SHALL MAKE A REPORT  
10 TO THE STATE BOARD OF EDUCATION THAT OUTLINES ITS FINDINGS AND  
11 RECOMMENDATIONS. THE REPORT SHALL ALSO BE DELIVERED TO THE  
12 GOVERNOR'S OFFICE, MEMBERS OF THE EDUCATION COMMITTEE OF THE  
13 SENATE AND MEMBERS OF THE EDUCATION COMMITTEE OF THE HOUSE OF  
14 REPRESENTATIVES. THE REPORT SHALL BE UPDATED EVERY THREE YEARS  
15 AND MAY ALSO BE POSTED ON THE DEPARTMENT OF EDUCATION'S INTERNET  
16 WEBSITE.

17 ARTICLE XX-G

18 SEXUAL VIOLENCE EDUCATION AT  
19 INSTITUTIONS OF HIGHER EDUCATION

20 SECTION 2001-G. SCOPE.

21 THIS ARTICLE RELATES TO COLLEGE AND UNIVERSITY SEXUAL  
22 VIOLENCE EDUCATION.

23 SECTION 2002-G. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE  
28 COMMONWEALTH.

29 "EDUCATION PROGRAM." A SEXUAL VIOLENCE EDUCATION PROGRAM  
30 UNDER THIS ARTICLE.