

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 23.1-1308 of the Code of Virginia, relating to public institutions of*
3 *higher education; governing boards; open educational resources.*

4 [H 454]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 23.1-1308 of the Code of Virginia is amended and reenacted as follows:**8 **§ 23.1-1308. Governing board procedures; textbook sales and bookstores; open educational**
9 **resources.**

10 A. No employee of a public institution of higher education shall demand or receive any payment,
11 loan, subscription, advance, deposit of money, services, or anything, present or promised, as an
12 inducement for requiring students to purchase a specific textbook required for coursework or instruction.
13 However, such employee may receive (i) sample copies, instructor's copies, or instructional material not
14 to be sold and (ii) royalties or other compensation from sales of textbooks that include such instructor's
15 own writing or work.

16 B. The governing board of each public institution of higher education shall implement procedures for
17 making available to students in a central location and in a standard format on the relevant institutional
18 website listings of textbooks required or assigned for particular courses at the institution. The lists of
19 those required or assigned textbooks for each particular course shall include the International Standard
20 Book Number (ISBN) along with other relevant information.

21 C. Public institutions of higher education maintaining a bookstore supported by auxiliary services or
22 operated by a private contractor shall post the listing of such textbooks when the relevant instructor or
23 academic department identifies the required textbooks for order and subsequent student purchase.

24 D. The governing board of each public institution of higher education shall implement policies,
25 procedures, and guidelines that encourage efforts to minimize the cost of textbooks for students while
26 maintaining the quality of education and academic freedom. The guidelines shall ensure that:

27 1. Faculty textbook adoptions are made with sufficient lead time to university-managed or
28 contract-managed bookstores so as to confirm availability of the requested materials and, when possible,
29 ensure maximum availability of used textbooks;

30 2. In the textbook adoption process, the intent to use all items ordered, particularly each individual
31 item sold as part of a bundled package, is affirmatively confirmed by the faculty member before the
32 adoption is finalized. If the faculty member does not intend to use each item in the bundled package, he
33 shall notify the bookstore, and the bookstore shall order the individualized items when their procurement
34 is cost effective for both the institution and students and such items are made available by the publisher;

35 3. Faculty members affirmatively acknowledge the bookstore's quoted retail price of textbooks
36 selected for use in each course;

37 4. Faculty members are encouraged to limit their use of new edition textbooks when previous
38 editions do not significantly differ in a substantive way as determined by the appropriate faculty
39 member; and

40 5. Provisions address the availability of required textbooks to students otherwise unable to afford the
41 cost.

42 E. *The governing board of each public institution of higher education shall implement guidelines for*
43 *the adoption and use of low-cost and no-cost open educational resources in courses offered at such*
44 *institution. Such guidelines may include provisions for low-cost commercially published materials.*

45 F. No funds provided for financial aid from university bookstore revenue shall be counted in the
46 calculation for state appropriations for student financial aid.