



March 23, 2016

Edmund G. Brown, Jr.
Governor of California
State Capitol
Sacramento, CA 95814

Item 6870-101-0001
Zero Textbook Cost Degrees Proposal
Board of Governors of the California Community Colleges
Amendments Requested

Dear Governor Brown:

The Association of American Publishers requests amendments to the Zero Textbook Cost Degrees proposal in the January Budget proposal for community colleges. Specifically, we would like to suggest the following amendments to the budget proposal on Zero Textbook Cost Degrees in the community college budget.

- 1) **Comply with Federal Copyright** - AAP recommends including language ensuring that content for the Zero Textbook Cost Degrees proposal be in full compliance with federal copyright laws [i.e. Title 17 of the United States Code]. Use of content under copyright should occur if the owner authorizes its release for use to the public domain. If materials are released as an 'open educational resource', and they contain material that is not properly licensed (whether that is text, a graphic, a photograph, video, music or any other copyright work), reuse of that non-licensed material is likely to be copyright infringement by any user of the resource. Moreover, the original creator of a copyright work has the right, if asserted and subject to certain other conditions, to be identified as the creator, and also has the right to object to derogatory treatment of the work. Although these rights may be waived by the creator, they cannot be transferred to anyone else.

We urge trailer bill language provide assurances that content comply with federal copyright laws. It will ensure that districts who participate in the program are aware of the federal requirements and ensure compliance with federal law.

- 2) **Accessibility** - AAP recommends that Zero Textbook Cost Degrees be made accessible to persons with disabilities pursuant to the Chafee amendment as well as the Americans with Disabilities Act and the Rehabilitation Act. Under federal law [Public Law 104-197], entities are authorized to reproduce in special formats copyrighted works without royalty. Specifically, the authorized parties are able to distribute copies or phono-records of previously published nondramatic literary works in specialized formats exclusively for use by blind or other persons with disabilities. We believe that this is a reasonable requirement to ensure full access to the materials

being produced for the zero degree program. The Americans with Disabilities Act and the Rehabilitation Act require institutions of higher learning to provide reasonable accommodations for persons with disabilities including providing such persons with accessible learning materials.

- 3) **Open Platform** - There are many examples of faculty members on college campuses are already working cooperatively with publishers to provide needed structure and add additional ancillary resources to what is often flat OER content. Publishers are able to provide proprietary digital learning materials to enhance the final OER content. It is our hope that these options will be allowed under the budget proposal. We would urge you to amend the proposal to add specific language that would allow the utilization of digital learning platforms within the context of these grants. This amendment would provide clarity for campus leaders and faculty members and increase the options open to them in designing high quality OER program offerings.

Thank you for the opportunity to suggest changes to the budget proposal that will improve its overall effectiveness but will also allow AAP to support it. We look forward to meeting with you in the near future to discuss these issues further.

Sincerely,



Jeff Frost, Ph.D
On behalf of AAP



Dale Shimasaki, Ph.D
On behalf of AAP

CC:

Members, Assembly Budget Subcommittee No. 2
Members, Senate Budget Subcommittee No. 1
Lark Park, Office of the Governor
Jeff Bell, Department of Finance
Chris Ferguson, Department of Finance
Mark Martin, Consultant, Assembly Budget Subcommittee No. 2
Anita Lee, Consultant, Senate Budget Subcommittee No. 1