



## State of New Jersey

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**To:** Presidents, New Jersey Institutions of Higher Education  
Chief Academic Officers, New Jersey Institutions of Higher Education

**From:** Eric Taylor, Esq., Director, Office of Licensure

**RE:** Institutional plans for the use of open textbooks and digital learning materials

**Date:** December 23, 2019

Kindly be advised that on May 2, 2019 Governor Murphy approved P.L.2019, c.77 (C.18A:3B-81 *et seq.*), which requires each institution of higher education in New Jersey to submit a plan for review to the Office of the Secretary of Higher Education (OSHE) by May 1, 2020 to expand the use of open textbooks and commercial digital learning materials in order to achieve savings for students enrolled in the institution. The text of the approved act is attached as an appendix to this document for your review.

The required plan should provide concisely and explicitly all of the information necessary to demonstrate that the institution meets the requirements in P.L.2019, c.77. In order to assist institutions with the development and submission of the required plan, OSHE has prepared the following guidelines document with the assistance of VALE (Virtual Academic Library Environment of New Jersey). In addition, a link has been included in the guidelines below to access VALE's OpenNJ repository where OER resources and additional OER-related information can be obtained

When your institution is ready to submit its plan to OSHE, kindly send the plan in a pdf format via email to: [plan-submission@oshe.nj.gov](mailto:plan-submission@oshe.nj.gov).

Should you have any questions in regard to this memorandum or in regard to P.L.2019, c.77, please contact me at (609) 984-3738 or [eric.taylor@oshe.nj.gov](mailto:eric.taylor@oshe.nj.gov).

**OSHE recommends that your institution address the following items in a narrative format as part of the required plan:**

1. Please provide a statement summarizing your institution's vision to expand the use of open educational resources (OER) and commercial digital learning materials in order to achieve savings for students enrolled at your institution.
  
2. Please address the need for your institution to expand the use of OER and commercial digital learning materials. Please provide national and local data as needed.
  
3. Please describe the current status of OER and commercial digital learning materials at your institution.
  
4. Please provide a long-range (three years or longer) institutional plan to expand the use of OER and commercial digital learning materials.
  
5. Please provide an estimate of the cost savings to be achieved pursuant to the long-range plan on both a year-to-year basis and for the entire timeframe for the long-range plan.
  
6. Please provide details about your institution's leadership team to expand the use of OER and commercial digital learning materials, as well as discuss which departments will be responsible for specific tasks in the expansion efforts.
  
7. Please describe the collaborative process for OER course development and implementation at your institution. Please include information about the training to be provided to staff and for bringing OER adoption to scale.

8. Please describe potential sources of funding, both internal and external, to support the adoption of OER and commercial digital learning materials.
  
9. Please describe any obstacles that your institution has identified to expanding the use of OER and commercial digital learning materials and how your institution plans to address them.
  
10. Please describe how students will be informed about OER course offerings and commercial digital learning materials.
  
11. Please describe how your institution will ensure that every student will have full access to OER and commercial digital learning materials.
  
12. Please describe your institution's plan to store and maintain OER content. (Note: VALE has created a repository for such purposes.)
  
13. Please describe your institution's plans to collaborate with other higher education institutions and other educational organizations to expand the use of OER and commercial digital learning materials.
  
14. Please describe your institution's plans to assess the outcomes of your long-range plan. Please include benchmarks, such as student learning outcomes (success, completion, retention, etc.), faculty adoption levels, efficacy of materials, and individual testimonials.
  
15. Please provide any additional information in regard to your institution's plan to expand the use of OER and commercial digital learning materials pursuant to P.L.2019, c.77.

To you assist you in your efforts, the following link allows access to VALE's OpenNJ repository as well as access to additional OER-related information. The site's content will be continually updated:

<http://open-nj.sobeklibrary.com/info/findingoer>

## CHAPTER 77

**AN ACT** concerning college textbooks and supplementing chapter 3B of Title 18A of the New Jersey Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.18A:3B-81 Definitions relative to open textbooks.

1. As used in this act:

“Open educational resource” means an educational resource that is licensed under an open license and made freely available online to the public.

“Open license” means a world-wide, royalty-free, non-exclusive, perpetual, irrevocable copyright license granting the public permission to access, reproduce, publicly perform, publicly display, adapt, distribute, and otherwise use the work and adaptations of the work for any purpose, conditioned only on the requirement that attribution be given to authors as designated.

“Open textbook” means an open educational resource or set of open educational resources that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

C.18A:3B-82 Plan for use of open textbooks, digital learning materials.

2. a. Within one year of the effective date of P.L.2019, c.77 (C.18A:3B-81 et seq.), an institution of higher education, after consultation with faculty members at the institution, shall submit a plan to the Secretary of Higher Education to expand the use of open textbooks and commercial digital learning materials in order to achieve savings for students enrolled in the institution. The plan may include strategies employed by the institution during the last academic year.

b. The secretary shall review the plan submitted by an institution to ensure that the plan has the potential to:

(1) achieve the highest level of savings for students through the sustainable expanded use of open textbooks in courses offered by the institution;

(2) produce the highest quality open textbooks that can be most easily utilized and adapted by faculty members at the institution, and correspond to the highest enrollment courses at the institution;

(3) ensure that the full and complete digital content of each open textbook created or adapted in accordance with the plan is made available to students enrolled in the institution:

(a) on the institution’s college bookstore website in an easily accessible location; and

(b) in a machine readable, digital format that a student can download;

(4) ensure that the institution is making a good faith effort to provide open textbooks to students; and

(5) provide for the implementation of programs which reduce the cost of commercial digital learning materials pursuant to 34 C.F.R. s.668.164(c)(2).

C.18A:3B-83 Report.

3. The Secretary of Higher Education shall submit a report by July 1 of each academic year to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that provides information on which institutions of higher education are offering open textbooks.

4. This act shall take effect immediately.

Approved May 2, 2019.