

# BOARD OF REGENTS BRIEFING PAPER

NSHE Policy on Instructional Materials

March 5-6, 2026

## BACKGROUND & POLICY CONTEXT OF ISSUE:

Existing Board policy (Title 4, Chapter 14, Section 29) provides for the faculty selection of instructional material. Within that provision, each institution is encouraged to select or develop electronic and free or low-cost options for instructional material.

During the 2025 Session, the Nevada State Legislature passed [Assembly Bill \(AB\) 345 \(Chapter 470, Statutes of Nevada 2025\)](#) which, in part, requires the Board of Regents to establish a policy for the use and identification of low-cost course materials and no-cost open educational resources (OER) in courses offered at an institution within the Nevada System of Higher Education. Specifically, the bill requires the Board to establish a definition of low-cost course materials and no-cost OER and to identify each course that exclusively uses low-cost materials and no-cost OER within the course registration system no later than July 1, 2026.

The proposed revision to Title 4, Chapter 14, Section 29 will bring the *Handbook* provisions governing instructional materials into compliance with the provisions of state law enacted under AB345. The definitions contained in the proposal are the result of a systemwide working group comprised of NSHE library leaders and instructional material experts that convened to discuss and create a definition of low-cost and no-cost instruction material that reflects national best practices. Additionally, the working group formally defined instructional material, open educational resources (OER), and library licensed materials to bring clarity to the section as a whole.

The revisions to Section 29 include:

- Subsection 1 – existing language is deleted and added to a new Subsection 2 for ease of reading.
- Subsection 2 contains the existing provisions that were moved from Subsection 1, with no substantive changes. In addition, in compliance with AB 345, language is added directing institutions to identify in the course registration system courses that exclusively use no-cost or low-cost educational materials.
- Subsection 3 contains the definitions of “no-cost: and “low-cost” as required by AB345, as well as the definitions of OER, instructional material, and library licensed material for purposes of the larger section.

Finally, it is important to understand that in the working group’s discussions, it was noted that items such as class and laboratory fees or equipment are not considered instructional material costs. While the majority of working group members felt this is a clear distinction given the definition in the proposed policy, some requested reinforcement of this distinction be included in this briefing paper.

## SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend Title 4, Chapter 14, Section 29 of the *Handbook* to align with AB345 as passed by the 2025 Legislature, which requires the Board of Regents to define of low-cost course materials and no-cost open educational resources (OER) and to identify each course that exclusively uses low-cost or no-cost course materials within the course registration system.

**IMPETUS (WHY NOW?):**

This proposal is being brought forward to align Board policy with the enacted provisions of AB345 no later than July 1, 2026.

**CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:**

- Access (Increase access to higher education)
- Success (Improve student success)
- Close Institutional Performance Gaps
- Workforce (Meet workforce needs in Nevada)
- Research (Increase solutions-focused research)
- Coordination, Accountability, and Transparency (Ensure system coordination, accountability, and transparency)
- Not Applicable to NSHE Strategic Plan Goals

**INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL**

The provisions of AB345 support student access and success by creating transparency in course schedules for students seeking courses with no-cost or low-cost course materials when registering. Transparency is further supported by the requirement to apply a common definition to the terms “no-cost” and “low-cost.”

**BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

- This policy revision is required for Board policy to remain compliant with state law.
- Adoption of the revised policy will facilitate application of the enacted provision of AB345 in consistent use of no-cost and low-cost definitions of instructional material across all NSHE institutions, better assisting students in understanding their commitment to instructional material costs.

**POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

None have been presented.

**ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:**

None have been presented.

**RECOMMENDATION FROM THE CHANCELLOR’S OFFICE:**

The Chancellor’s office recommends approval of the proposed policy revision.

**11. COMPLIANCE WITH BOARD POLICY:**

- Consistent With Current Board Policy: Title # \_\_\_\_\_ Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
  - Amends Current Board Policy: Title #4 Chapter # 14 Section #29
  - Amends Current Procedures & Guidelines Manual: Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
  - Other: \_\_\_\_\_
  - Fiscal Impact: Yes \_\_\_\_\_ No  X
- Explain: While there is an administrative cost to modifying the structure of the course schedule, all NSHE institutions can use existing functionality in PeopleSoft or previously developed the capacity to identify low-cost and no-cost course materials at the course section level.

**POLICY PROPOSAL**  
**TITLE 4, CHAPTER 14, SECTION 29**  
NSHE Policy on [~~Printed and Electronic~~] Instructional Materials

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 29. NSHE Policy on [~~Printed and Electronic~~] Instructional Materials

1. The selection [~~of textbooks and other~~] instructional materials is the responsibility of faculty. All instructional materials should contain current, relevant information for the course, as well as appropriate assignments and supplementary material when applicable. These materials should help faculty and students accomplish the educational objectives of a course and should only be required when necessary and highly utilized. Cost should be considered when selecting instructional materials. Faculty should exercise their expertise and professional judgment when selecting instructional materials, and carefully consider the academic, professional, and ethical implications of criteria used in selections.

To that end, each NSHE institution shall develop an approved statement of professional and ethical guidelines relative to the selection of textbooks or other instructional materials. Such guidelines shall address relationships with publishers or other providers, selection of instructional materials, and the desirability of minimizing costs to students when this can be accomplished without compromising academic standards and academic freedom. [~~Where appropriate, each institution shall encourage faculty to select or develop electronic and free or low-cost options for instructional materials. Institutions may negotiate and enter into contracts with publishers, bookstores, and/or similar providers and vendors that allow instructional materials to be offered to students at a reduced cost without infringing on the faculty's authority to select textbook and instructional material as set forth herein.~~]

2. *Each institution shall encourage faculty to adopt, adapt, or develop no-cost or low-cost options for instructional materials. Such instructional materials may include Open Educational Resources (OER), library licensed materials, and/or other no-cost or low-cost options. Institutions may negotiate and enter into contracts with publishers, bookstores, and/or similar providers and vendors that allow instructional materials to be offered to students at a reduced cost without infringing on the faculty's authority to select textbook and instructional material as set forth herein. Each course that exclusively uses no-cost or low-cost educational materials shall be identified in the course registration system.*
3. *Definitions for the purpose of his section:*
  - a. *“Cost” is the consistent total purchase price for the faculty-preferred format of all required instructional materials in a single course or course section for one term. Identifying a no-cost or low-cost course shall be qualified by the required instruction material as follows:*
    1. *“No-cost” means a total list price of \$0.*
    2. *“Low-cost” means a total list price of greater than \$0 but no more than \$40.*
  - b. *“Open Educational Resources” (OER) are teaching, learning, and research materials of any format and medium that reside in the public domain or are under copyright or intellectual property license that have been released under open*

*license, such as a Creative Commons license, that permit no-cost access, re-use, re-purpose, adaptation and redistribution by others and with no or limited restriction.*

- c. “Instructional Materials” may include, but are not limited to, course materials, modules, textbooks in print and/or digitized, other text-based materials, workbooks, lab manuals, streaming videos, tests, online homework platforms and codes, publisher-provided curricular materials, and any other tools, materials, or techniques used to support access to knowledge.*
  
- d. “Library Licensed Materials” are an additional option for course materials that are available to students and faculty for no cost. They can include ebooks, ejournals, streaming media, textbooks, tests, assessment tools, and primary sources. Library materials are licensed for educational, noncommercial use. Linking to library-licensed materials in course-management systems and/or placing instructional materials on library reserve provides no cost options for students and generally avoids the need to perform fair use analysis or to seek permission from rights holders.*