
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

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SUMMARY

This bill requires each campus of the California Community Colleges and the California State University, and requests each campus of the University of California, to clearly identify in each published schedule of classes the estimated total costs of required textbooks and other required educational materials for each course offered by the campus.

BACKGROUND

Existing federal law, the Higher Education Opportunity Act:

- 1) Requires each institution of higher education (IHE) that receives federal financial assistance, to the maximum extent possible, to:
 - a) Disclose, on the IHE's online course schedule, the International Standard Book Number (ISBN) and retail price information of required and recommended textbooks and supplemental materials for each course listed in the course schedule.
 - b) Include on the IHE's written course schedule a notice that textbook information is available on the IHE's online course schedule, and the web link to that schedule.
- 2) Provides exceptions to the disclosure requirement as follows:
 - a) If the ISBN is not available, the IHE is required to include the author, title, publisher, and copyright date.
 - b) If the IHE determines that the disclosure of the price is not practicable for a textbook or supplemental material, the IHE is required to so indicate by placing the designation "To Be Determined" in lieu of the price.
- 3) Encourages IHE's to also provide to students information regarding:
 - a) Available institutional programs for renting textbooks or for purchasing used textbooks.

- b) Available institutional guaranteed textbook buy-back programs.
 - c) Available institutional alternative content delivery programs.
 - d) Other available institutional cost-saving strategies.
- 4) Requires each institution of higher education (IHE) that receives federal financial assistance to make available to college bookstores that are operated or affiliated with the institution the most accurate information available regarding the IHE's course schedule for the subsequent academic period and the information described in #1-2 above for each course or class offered for the subsequent academic period.
 - 5) Provides that the information is to be provided to the college bookstore as soon as is practicable upon the request of the college bookstore.
(United States Code, Title 20, § 1015)

Existing state law:

- 1) The College Textbook Transparency Act, requires each campus bookstore at any public postsecondary educational institution to post in its store or on its website a disclosure of the retail price *policy* on new and used textbooks.
(Education Code § 66406.7)
- 2) The College Textbook Affordability Act, establishes the Open Educational Resources Adoption Incentive Program to incentivize faculty to accelerate the adoption of lower cost, high-quality, open educational resources (OERs) at campuses of the California Community Colleges (CCC) and the California State University (CSU). This program provides funding for faculty professional development, professional development for staff, OER curation activities, curriculum modification and requisite release time for faculty, and technology support. (EC § 67420)
- 3) Establishes the California Digital Open Source Library, administered by the California State University (CSU) in coordination with the CCC, for the purpose of housing open source materials while providing web-based access for students, faculty and staff to find, adopt, utilize, or modify course materials for little or no cost. (EC § 66408)
- 4) Establishes the California Open Education Resources Council and requires the council to be responsible for, among other things, developing a list of 50 strategically selected lower division courses in the public postsecondary segments for which high-quality, affordable, digital open source textbooks and related materials are to be developed or acquired. (EC § 66409)
- 5) Requires the CSU Trustees and the CCC Board of Governors, and requests the Regents of the University of California, to work with the academic senates to encourage faculty to give consideration to the least costly practices in assigning textbooks and to encourage faculty to disclose to students how new editions of textbooks are different from previous editions. Existing law also urges textbook

publishers to provide information to faculty when they are considering what textbooks to order, and to post information on the publishers' websites, including an explanation of how the newest edition is different from previous editions. In addition, publishers are asked to disclose to faculty the length of time they intend to produce the current edition and provide faculty free copies of each textbook selected. (Education Code § 66406)

ANALYSIS

This bill requires each campus of the California Community Colleges (CCC) and the California State University (CSU) to identify in the course schedule the estimated total costs of required textbooks and other materials for each course offered by the campus. Specifically, this bill:

- 1) Requires each campus of the CCC and the CSU to clearly identify in each published schedule of classes the estimated total costs of required textbooks and other required educational materials for each course offered by the campus.
- 2) Requests each campus of the University of California to clearly identify in each published schedule of classes the estimated total costs of required textbooks and other required educational materials for each course offered by the campus.
- 3) Defines "schedule of classes" as a collection of available classes, course sections, or both, published in print or electronically, before the start of an academic term.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Textbook cost transparency is critical for students to make clear, informed decisions about their course enrollments. Trends indicate that there has been a steady increase in the cost of textbooks in the past six years, and the annual cost of textbooks at the California State University is estimated to be nearly \$1,000 in 2014. The Legislature has approved various measures aimed at increasing the use and production of quality Open-Educational Resources (OERs), or free textbooks and educational materials that are in the public domain. OERs can offset and mitigate the high cost of textbooks, but their adoption has been slow. Clear disclosure of estimated textbook costs could encourage the more widespread adoption of OERs, which could help drive down textbook costs."
- 2) ***Existing federal law.*** Existing federal law requires each institution of higher education (IHE) that receives federal financial assistance, *to the maximum extent possible*, to disclose, on the IHE's online course schedule, the International Standard Book Number and retail price information of required and recommended textbooks and supplemental materials for each course listed in the course schedule. It appears that IHEs are meeting this requirement in different ways; many IHEs include a separate link to textbook pricing information, but do not include the price next to each course description in the course schedule.

Staff recommends an amendment to include a cross-reference to existing price disclosure requirements, and require the CCCs and CSUs to ensure price disclosures are clearly listed in the course schedule with the description of each course.

- 3) **Practical effect.** This bill varies from existing federal law in the following ways:
- a) Federal law requires disclosure of the retail price of each textbook but does not require a *total cost* to be provided. Will disclosure of the total cost illuminate courses that utilize open source materials?
 - b) Federal law requires disclosure of the price of *textbooks and supplemental materials*, while this bill requires disclosure of the total cost of *textbooks and other required educational materials*. It is unclear if there is a distinction, or if this bill requires the disclosure of the price of materials not already covered by federal law. Federal law requires disclosure of the price of *required and recommended materials*, while this bill requires disclosure of *other required educational materials*. **Staff recommends an amendment** to specify that the total costs are to be disclosed for required *and recommended* textbooks and other educational materials.
 - c) Federal law requires disclosure in online course schedules, and requires disclosure in printed schedules of the link to the online schedule. This bill expands disclosure by requiring it in all published course schedules, thereby requiring the price disclosure to also be included in any printed schedule.
 - d) Federal law requires disclosure for *each course listed in the course schedule*. This bill expands disclosure by requiring price information for *each course offered by campus*. It is unclear how many, or what type, of courses may be offered by not listed in the course schedule.
- 4) **Open Educational Resources.** Open Educational Resources (OERs) are educational materials that include textbooks, research articles, videos, assessments, or simulations that are either licensed under an open copyright license or are in the public domain. OERs provide no- or low-cost access and permission to revise, reuse, remix, or redistribute the materials. OERs enable faculty to customize learning materials to suit their course objectives, as well as provides students access to no- or low-cost educational materials.
- 5) **Existing efforts to increase access to OERs.** The California Open Education Resources Council reports that it has thus far selected the 50 courses, identified more than 150 appropriate OERs for said courses, developed a standardized peer review and approval process, and recruited faculty to conduct the reviews. As of December 2015, the California Open Education Resources Council had identified more than 160 appropriate OER textbooks for the 50 courses. The California Open Online Library for Education, known as COOL4Ed, houses open textbooks, open course materials, open courses, open access journals and articles, textbook reviews, among other resources.
[<http://www.cool4ed.org/index.html>]

The multimedia Educational Resources for Learning and Online Teaching (MERLOT), led by the California State University, offers free access to more than 60,000 peer-reviewed online teaching and learning materials across a wide range of disciplines.

- 6) **Related Budget activity.** The Governor's 2016-17 Budget proposes \$5 million in one-time funds to create "Zero-Textbook-Cost Degrees" at the California Community Colleges. These degrees would allow students to complete a degree entirely by taking courses that use only free instructional materials. Under the Governor's proposal, community colleges would compete for grants up to \$500,000 each to offer a zero-textbook-cost associate degree, certificate, or credential program.
- 7) **Timing is everything.** Existing federal law requires IHE's to make available to college bookstores the most accurate information available as soon as is practicable. It is crucial for the bookstore to have the list of required textbooks and other materials, as well as the price of each material, prior to publication of the schedule of courses. **Staff recommends an amendment** to specify that the *most accurate information* is to be disclosed in the course schedule to allow for the most-recently known total price to be disclosed in situations where the total price of new editions, for example, is unknown at the time the course schedule is published.
- 8) **Technical amendments.** The author intends the total cost to assume purchase of a *new* textbook or other materials, and if purchased from the campus bookstore. **Staff recommends amendments** to make these clarifications.
- 9) **Related legislation.** AB 2214 (Harper) requires faculty of the California State University (CSU) and the California Community Colleges (CCC) to annually disclose all income received for royalties, advances, consulting services, or for any other purpose. AB 2214 scheduled to be heard by the Assembly Higher Education Committee on April 12.

AB 1914 (Bonilla) requires the California State University and the California Community Colleges, and requests the University of California (UC), to adopt policies for their respective segments regarding when it is acceptable for a faculty member to require students to purchase academic materials, including, but not necessarily limited to, textbooks and access codes. AB 1914 is pending in the Assembly Higher Education Committee.

- 10) **Prior legislation.** AB 456 (Patterson, 2015) requires the California State University, and requests the University of California, to offer discounted electronic textbook rentals to their students for each textbook assigned in a course, if the content of the electronic and printed versions of the textbook are the same. AB 456 was never heard.

AB 2471 (Lara, 2011) required e-textbooks used in courses at the state's postsecondary institutions to include specified consumer protections, and requires the institutions to adopt rules consistent with these requirements. AB

2471 was held in the Assembly Appropriations Committee.

SB 1328 (De León, 2011) required a publisher to provide textbook data in specified formats; encouraged public and private postsecondary institutions to develop faculty textbook adoption search engines with specified functions; and required campus bookstores at private and public postsecondary institutions to provide a student textbook comparison engine on their Web sites. SB 1328 was referred to but not heard in the Assembly Higher Education Committee.

SB 216 (Liu, 2009) required the CSU and the CCC to post a list of required textbooks for each course on the internet at least 30 days prior to the first day of class, including the price charged for each textbook, and required each instructor or academic department to confirm the intent to use each individual item sold as part of a bundled package of instructional materials before the final adoption of the material. SB 216 was held in the Senate Appropriations Committee.

SB 386 (Runner, 2009) required a faculty member at the California Community Colleges or the California State University who adopts a new edition of a textbook within three years after the adoption of a previous edition of that textbook to prepare a justification for the adoption of the new edition. SB 386 was held in the Senate Appropriations Committee.

SUPPORT

None received.

OPPOSITION

None received.

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