
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

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Consultant: Lynn Lorber
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Subject: Public postsecondary education: academic materials: textbooks: access codes

SUMMARY

This bill requires the academic senates of campuses of the California State University (CSU) and the University of California (UC) to develop policies regarding instructional materials to encourage efforts to reduce redundancy in the delivery of materials, and requires the CSU Trustees to review and adopt those policies.

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 specified.
- 3) Encourages IHEs 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) and 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) Requires the California State University (CSU) Trustees and the California Community College (CCC) Board of Governors, and requests the Regents of the University of California (UC), 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' Web sites, 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)
- 2) The College Textbook Transparency Act requires each campus bookstore at any public postsecondary educational institution to post in its store or on its Web site a disclosure of the retail price *policy* on new and used textbooks. These provisions also encourage adopters to consider cost in the adoption of textbooks, require institutions to encourage adopters to place orders with sufficient lead time to enable the college bookstore to confirm the availability of the requested materials. This Act also requires textbook publishers to:
 - a) Respond in a timely manner to requests from faculty or other adopter for specified information, such as costs of textbooks.
 - b) Print on or in a textbook how new editions are different. (EC § 66406.7)
- 3) 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 CCC and the 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)
- 4) Establishes the California Digital Open Source Library, administered by the 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)

- 5) 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)

ANALYSIS

This bill requires the academic senates of campuses of the California State University (CSU) and the University of California (UC) to develop policies regarding instructional materials to encourage efforts to reduce redundancy in the delivery of materials, and requires the CSU Trustees to review and adopt those policies. Specifically, this bill:

- 1) Requires the respective academic senates of campuses of the CSU and the UC, in collaboration with students and campus administrators, to develop policies regarding required academic materials in order to encourage efforts to reduce redundancy in the delivery of academic materials, including but not limited to, textbooks and access codes.
- 2) Requires the policies to include, but not be limited to, all of the following:
 - a) Guidelines prioritizing the use of ancillary and additional academic platforms and materials already available to enrolled students that are determined by faculty to meet the requirements of a course at no additional cost to enrolled students on their campuses or to the campus itself (excluding textbooks).
 - b) A requirement that the cost of academic materials from the current semester or quarter be provided to faculty by the campus bookstore when academic materials are being chosen for an upcoming academic term, if available.
 - c) The establishment, in consultation with the campus bookstore, of deadlines by the campus for faculty or an academic department to notify the campus bookstore of required and recommended textbooks and other instructional materials so that the bookstore may verify availability, source, and lower cost options when practicable, and provide this information to faculty for consideration when exploring alternatives.
 - d) A determination, in consultation with the campus bookstore, of approved descriptors to post next to academic materials offered for sale at the campus bookstore, including a requirement that the bookstore clearly identify any recommended course materials that are suggested by the bookstore but not by the faculty member who assigned the materials.

- 3) Requires the Trustees of the California State University (CSU) and requests the Regents of the University of California (UC) to review and adopt the policies developed for their respective campuses.
- 4) Defines “access code” as an identification number or password, or both, that is used to gain access to digital content.
- 5) States legislative intent to encourage faculty to continue their commitment to making academic materials affordable by considering free or inexpensive options, including open access options, in selecting academic materials to assign to their students.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 1914 ensures that students are not paying for underutilized instructional materials by increasing the transparency of the instructional materials selection process for faculty and bookstores. For example, most recently, access codes are assigned along with textbooks. An access code is an identification number or password that is used to access digital content. Each student must purchase their access code; they cannot be shared. Access codes cost students \$50 to \$100 in addition to what they pay for all of the other instructional materials required for a course. Not only are access codes an additional cost, but sometimes they are used for tasks that could be completed by platforms already available to both professors and students on campus. For example, access codes have been used for the submission of assignments (without grading), storing and maintaining grades, and for communication between faculty members and students. The same concept can occur with textbooks when a student is assigned a book but are only assigned one chapter from the book.”
- 2) ***What’s new?*** Existing law encourages faculty to consider price, requires publishers to respond in a timely manner to requests from faculty for specified information including costs of textbooks, requires institutions to encourage adopters to place orders with sufficient lead time to enable the college bookstore to confirm the availability of the requested materials, and requires bookstores to post the price policy.

This bill requires the academic senates of the CSU and UC to develop policies that include a requirement that the cost of academic materials from the current semester or quarter be provided to faculty by the campus bookstore when academic materials are being chosen for an upcoming academic term, if available. Currently, faculty may have this information only if the faculty requests it from publishers or from the bookstore.

This bill requires the policies to include the establishment, in consultation with the campus bookstore, of deadlines by the campus for faculty or an academic department to notify the campus bookstore of required and recommended textbooks and other instructional materials so that the bookstore may verify availability, source, and lower cost options when practicable, and provide this information to faculty for consideration when exploring alternatives. Generally,

the current process consists of faculty submitting their lists of required and recommended instructional materials to the bookstore, and the bookstore fills the order (although some faculty work more cooperatively with the bookstore than described here). This bill requires policies that would essentially require faculty to submit lists of materials to the bookstore within a specified timeframe, the bookstore would research prices and options, and submit that information to the faculty, and the faculty would consider that information and subsequently submit the order for instructional materials (whether or not the faculty adjusted the list of materials based on information received by the bookstore).

- 3) ***Campus vs. system policies.*** This bill requires academic senates to develop policies for each campus, and requires the Trustees of the California State University (CSU) and requests the Regents of the University of California (UC) to review and adopt the policies developed for their respective campuses. Is it unclear how the governing board of a system would adopt numerous policies for each of their campuses. **Staff recommends an amendment** to instead require the policies developed by the academic senates to be forwarded to the Trustees and Regents for their review.
- 4) ***What about the community colleges?*** This bill does not apply to the academic senate of the California Community Colleges (CCC). The CCC has in place policies that address portions but not all provisions of this bill. Specifically, the CCC policy:
 - a) Requires, where instructional materials are available to a student temporarily through a license or access fee, to be provided options at the time of purchase to maintain full access to the materials for varying periods of time ranging from the length of the class up to at least two years.
 - b) Requires policies and regulations specifying the conditions under which instructional materials will be required to direct instructors to take reasonable steps to minimize the cost and endure the necessity of instructional materials.
 - c) Prohibits required instructional materials from including materials used or designed primarily for administrative purposes, class management, course management or supervision.

Amendments taken in the Assembly removed the CCCs from this bill. It is unclear why the academic senates of the CCCs should not develop policies pursuant to this bill. The CCC policy is available through this link: [<http://extranet.cccco.edu/Portals/1/AA/Miscellaneous/InstructionalMaterialsGuidelines1.28.13.pdf>]

- 5) ***Access codes, the new CD ROM?*** An access code is a password needed in order to access course content online. The content a student accesses depends on the course, but can include things such as practice exam questions, interactive videos, and course assignments. Access codes are not always included with a subscription to an electronic book. Additionally, access codes

are generally tied to specific textbooks; a student has to purchase the access code that accompanies the specific textbook. This bill does not prohibit the use of access codes.

- 6) **Approved descriptors.** This bill requires the policies developed by the academic senates to include, among other things, a determination of approved descriptors to post next to academic materials offered for sale at the campus bookstore, including a requirement that the bookstore clearly identify any recommended course materials that are suggested by the bookstore but not by the faculty member who assigned the materials. Background materials provided by the author describe situations where college bookstores label instructional materials as being “highly recommended” but do not indicate that those materials are recommended by the bookstore and not by the faculty.
- 7) **Fiscal impact.** According to the Assembly Appropriations Committee’s analysis, this bill would impose the following costs:
 - a) California State University (CSU). Adopting and implementing the new policies at the CSU, assuming \$5,000 per campus, would cost \$115,000 (General Fund) annually. This would include coordination among staff to ensure awareness of the policy, provide the required information, and ensure compliance with posting requirements.
 - b) University of California (UC). Minor and absorbable costs.
- 8) **Related legislation.** SB 1359 (Block, 2016) requires each campus of the California Community Colleges and the CSU, and requests each campus of the UC, to clearly highlight the courses that at least in part use digital course materials that are free of charge and have a low-cost option for print version. SB 1359 is pending referral in the Assembly.

SUPPORT

Academic Senate of the California State University
California State Student Association

OPPOSITION

None received.

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