

Date of Hearing: June 21, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 1359 (Block) – As Amended May 31, 2016

**SENATE VOTE:** 39-0

**SUBJECT:** Public postsecondary education: course materials.

**SUMMARY:** Requires each campus of the California Community Colleges (CCC) and the California State University (CSU), and requests each campus of the University of California (UC), to clearly highlight the courses that use digital course materials that are free of charge and have a low-cost option for print version. Specifically, **this bill:**

- 1) Requires each campus of the CCC and the CSU, and requests each campus of the UC, to do both of the following:
  - a) Clearly highlight, in a way that may include the use of a symbol or logo, in a conspicuous place on the online campus course schedule, the courses that at least in part use digital course materials that are free of charge to students and have a low-cost option for print versions; and,
  - b) Clearly communicate to students that some or all course materials used for the courses identified, as specified, are free of charge and therefore not required to be purchased.
- 2) Specifies that course materials, as specified, may include open educational resources (OERs), institutionally licensed campus library materials that all students enrolled in the course have access to use, and other properly licensed and adopted materials.
- 3) Defines the following terms:
  - a) "Course schedule" is a collection of available classes, course sections, or both, published electronically, before the start of an academic term; and,
  - b) "OERs" are high-quality teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license, such as a Creative Commons license, that permits their free use, and repurposing by others, and may include other resources that are legally available

**EXISTING LAW:**

- 1) Requires the CSU Trustees and the CCC Board of Governors, and requests the Regents of the 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 (EC Section 66406).

- 2) Requires, via the College Textbook Transparency Act, 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 (EC Section 66406.7).
- 3) 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 Section 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 Section 66409).
- 5) Requires, by January 1, 2020, publishers of textbooks used at the UC, CSU, and the CCC, or private postsecondary educational institutions, to the extent practicable, to make textbooks available in whole or in part for sale in an electronic format and requires the electronic format to contain the same content as the printed version (EC Section 66410).
- 6) Establishes the Open Educational Resources Adoption Incentive Program to incentivize faculty to accelerate the adoption of lower cost, high-quality, OERs at CCC and CSU campuses. To note, said 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 Section 67420).

**FISCAL EFFECT:** According to the Senate Appropriations Committee, unknown costs, but would likely create a reimbursable state mandate, potentially in the tens of thousands, for community college districts to highlight courses in online course schedules. Potential additional one-time costs for any district that only uses print schedules to convert to electronic schedules (Proposition 98).

Costs to CSU potentially around \$100,000 annually. Likely minor costs to UC (General Fund).

**COMMENTS:** *Background.* According to the College Board, the average undergraduate student should budget between \$1,200 and \$1,300 for textbooks and supplies each year. That figure is as much as 40 percent of tuition at a two-year community college and 13 percent at a four-year public institution. According to the Student Public Interest Research Groups (Student PIRGs), February 2015 report, entitled "Open Textbooks: The Billion-Dollar Solution," since 1978, college textbook costs have increased to 812 percent, that is to say, it means that textbook prices have increased at 3.2 times the rate of inflation. A 2014 Student PIRG study found that 65 percent of students skipped buying or renting a textbook because it was too expensive, and 94 percent of those students felt that in so doing, their grade would suffer in a course. Additionally, almost half of the students said the cost of textbooks impacted how many courses they were able to take.

*Need for the measure.* According to the author, by requiring California's postsecondary educational institutions to, "clearly and explicitly highlight by a symbol or logo, any courses that use free digital course material in their online or print course catalogs, California's college students will be equipped with easy-to-find information that assists them in navigating the high cost of textbooks while at the same time create an incentive for the mass adoption of free, open-sourced textbooks and materials."

The author contends that this measure is an important step in ensuring college textbooks and materials are affordable to all students.

*What are OER?* OER are educational materials such as 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-cost access and no-cost permission to revise, reuse, remix, or redistribute the materials. According to a 2012 policy brief by the Center for American Progress and EDUCAUSE, digital OERs offer many advantages over traditional textbooks: they allow students and faculty to access textbooks and related materials for free online or purchase hardcopies that are more affordable than traditional textbooks; they enable faculty to customize learning materials to suit their course objectives; and, they can provide students with a more flexible set of tools that can contribute to a richer learning experience.

*California OER Council.* The California OER 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. To note, as of December 2015, the Council had identified more than 160 appropriate OER textbooks for the 50 courses.

*OER degrees.* The Governor's 2016-17 Budget proposes \$5 million in one-time funds to create "Zero-Textbook-Cost Degrees" at the CCC. Said degrees would allow students to complete a degree entirely by taking courses that use only free instructional materials. To note, 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.

Additionally, the national community college reform network Achieving the Dream announced on June 14, 2016, an initiative to develop degree programs using OERs. The initiative involves 38 community colleges throughout 13 states, including two California community colleges (Santa Ana College and West Hills College Lemoore).

This measure seeks to ensure that students are aware of OER and other low cost options available to them when securing course materials, before they register for classes.

*Committee comment.* As presently drafted, Committee staff understands that some stakeholders wish to have the author specify what is meant by the following terms in the measure: "at least in part" and "low-cost option for print versions". Moving forward, the author may wish to continue to work with the stakeholders in potentially bringing clarity to said terms.

*Prior and related legislation.* AB 1914 (Bonilla), which is pending a hearing in the Senate Appropriations Committee, would, among others, require the academic senates of campuses of the CSU and the 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.

AB 456 (Patterson) of 2015, which was not moved by the author, would have required the CUS, and requested the UC, 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 were the same.

AB 2471 (Lara) of 2011, which was held in the Assembly Appropriations Committee, would have required e-textbooks used in courses at the state's postsecondary institutions to include specified consumer protections, and required the institutions to adopt rules consistent with said requirements.

SB 1328 (De León) of 2011, which was not moved by the author in this Committee, would have 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 216 (Liu) of 2009, which was held in the Senate Appropriations Committee, would have among others, 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.

SB 386 (Runner) of 2009, which was held in the Senate Appropriations Committee, would have required a faculty member at the CCC or the CSU, 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.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California State Student Association  
California State University  
Community College League of California

##### **Opposition**

None on file.

**Analysis Prepared by:** Jeanice Warden / HIGHER ED. / (916) 319-3960