

Date of Hearing: April 26, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2624 (Kalra) – As Introduced February 18, 2022

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 prominently display the estimated costs for each course of all required materials, and fees directly related to said materials, for no less than 75% of the total number of courses on the online campus schedule. Specifically, **this bill:**

- 1) Requires each campus of the CCC and the CSU, and requests each campus of the UC, to prominently display, by means that may include a link to a separate internet web page, the estimated costs for each course of all required course materials and fees directly related to those materials, for no less than 75% of the total number of courses on the online campus schedule.
- 2) Defines “course materials” for purposes of this measure to include digital or physical textbooks, devices such as calculators and remote attendance platforms, and software subscriptions.
- 3) Makes technical and clarifying changes to existing law.

EXISTING LAW:

Federal law.

- 1) Authorizes an institution of higher education to include the costs of books and supplies as part of tuition and fees if the institution does one of the following:
 - a) The institution does all of the following:
 - i) Has an arrangement with a book publisher or other entity that enables it to make those books or supplies available to students below competitive market rates;
 - ii) Provides a way for a student to obtain those books and supplies by the seventh day of a payment period; and,
 - iii) Has a policy under which the student may opt-out of the way the institution provides for the student to obtain books and supplies.
 - b) Documents on a current basis that the books or supplies, including digital or electronic course materials, are not available elsewhere or accessible by students enrolled in that program from sources other than those provided or authorized by the institution; and,
 - c) The institution demonstrates there is a compelling health or safety reason (Code of Federal Regulations, Title 34 Section 668.164).

- 2) Requires, when a publisher provides a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education receiving Federal financial assistance with information regarding a college textbook or supplemental material, the publisher shall include, with any such information and in writing (which may include electronic communications), the following:
 - a) The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education and, if available, the price at which the publisher makes the college textbook or supplemental material available to the public;
 - b) The copyright dates of the three previous editions of such college textbook, if any;
 - c) A description of the substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition, if any; and,
 - d) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound; and, for each other format of the college textbook or supplemental material, the price at which the publisher would make the college textbook or supplemental material in the other format available to the bookstore on the campus of, or otherwise associated with, such institution of higher education and, if available, the price at which the publisher makes such other format of the college textbook or supplemental material available to the public (U. S. Code (U.S.C.) Title 20, Chapter 28, Subchapter I, Part C, Section 1015b).

State law.

- 1) Requires the CSU Trustees and the CCC Board of Governors, and requests the UC Regents to work with the academic senates to encourage faculty to give consideration to the least costly practices in assigning textbooks; to encourage faculty to disclose to students how new editions of textbooks are different from previous editions; and, the cost to students for textbooks selected, among other things. Current 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." Publishers are also 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) Establishes the College Textbook Transparency Act, which, in part:
 - a) Defines "textbook" as a book that contains printed material and is intended for use as a source of study material for a class or group of students, a copy of which is expected to be available for the use of each of the students in that class or group, specifying that "textbook" does not include a novel;
 - b) Defines "adopter" as any faculty member or academic department or other adopting entity at an institution of higher education responsible for considering and choosing course materials to be used in connection with the accredited courses taught at that institution;

- c) Encourages adopters to consider cost in the adoption of textbooks; and,
 - d) Requires each campus bookstore at any public postsecondary educational institution to post in its store or on its Internet Web site a disclosure of its retail pricing policy on new and used textbooks (EC Section 66406.7).
- 3) Requires, effective January 1, 2018, each campus of the CCC and the CSU, and requests, effective January 1, 2018, each campus of the UC, to clearly highlight the courses that use digital course materials that are free of charge and have a low-cost option for printed versions; and, communicate to students that the course materials for said courses are free of charge and not required to be purchased (EC Section 66406.9).
 - 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 Section 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 Section 66409).

FISCAL EFFECT: Unknown

COMMENTS: *Higher Education Opportunity Act (HEOA) Textbook Provision.* The HEOA Textbook Provision, in part, referenced in the "Existing Law" section of this analysis, went into effect on July 1, 2010.

The purpose of the HEOA Textbook Provision is to ensure that students have access to affordable course materials by decreasing costs to students and enhancing transparency and disclosure with respect to the selection, purchase, sale, and use of course materials. Additionally, the HEOA Textbook Provision seeks to encourage all of the involved parties, including faculty, students, administrators, institutions of higher education, bookstores, distributors, and publishers, to work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while supporting the academic freedom of faculty members to select high quality course materials for students.

Course materials. According to the Education Data Initiative (EDI) nationwide data set, in 2021, the average cost for full-time, undergraduate students at a four-year university for books and supplies per year was approximately \$1,240, with students spending the most (average of \$1,420) at public two-year colleges compared to \$1,220 per year at independent four-year colleges (average of \$450-\$625 per semester).

EDI finds that when possible, nearly 66% of students will avoid buying course materials due to the steep prices. Further, according to EDI, in 2020, 25% of students indicated they worked extra hours to pay for their books and materials and 11% skipped meals in order to afford books and course materials. Additionally, in 2020, 19% of students indicated the cost of materials and books directly influenced their decision on what classes to take.

Need for the measure. According to the author, “Course material costs make up a significant portion of the costs of secondary education, especially at community colleges. Unlike fees and tuition, course material costs are not fixed which makes it challenging for students to plan ahead.”

The author contends that, “In recent years, the types of materials students are expected to purchase has widened to include digital homework platforms and other new technologies that are not captured by existing laws.”

The author states that, “AB 2624 would close price transparency gaps by including these newer forms of course materials. The increased transparency will allow students to make informed decisions for course registration in a manner that works best for them financially.”

Committee comments. Committee Staff understands that at the CCC, entire academic departments tend to collaboratively choose and select their course materials and that the selection of course materials in most cases is not left up to the sole discretion of a single faculty member. This appears to be in part, because the majority of courses offered at the CCC are general education or introduction to a specific discipline courses. Course materials traditionally are not too varied.

However, Committee Staff understands that the aforementioned does not hold true at the CSU or the UC. Both segments have a plethora of varied courses that are chosen by faculty members and not the entire academic departments. Further, in order for the CSU and UC to be in compliance with the requirements prescribed by this measure, there will need to be a great deal of coordination between faculty and each academic department in order to ensure the required information is disseminated.

Moving forward, the author may wish to work directly with the CSU and UC in order to establish a method by which the 4-year segments can comply in a way that allows faculty members to maintain academic freedom in their course materials selection process, and yet disseminate timely and accurate information regarding course materials.

Prior legislation. AB 2385 (Cunningham), Chapter 214, Statutes of 2018, in part, urges textbook publishers to post in a prominent location on the publishers' Internet Web sites, where it is readily available to college faculty, students, and departments, a detailed description of how the newest textbook edition differs from the previous edition.

SB 727 (Galgiani) of 2017, which was left on the Inactive File on the Senate Floor, in part, would have authorized a public postsecondary educational institution to adopt policies that allow for the use of innovative pricing techniques and payment options for textbooks and other instructional materials.

SB 1359 (Block), Chapter 343, Statutes of 2016, in part, requires, effective January 1, 2018, each campus of the CCC and the CSU, and requests, effective January 1, 2018, each campus of the UC, to clearly highlight the courses that use digital course materials that are free of charge and have a low-cost option for printed versions.

REGISTERED SUPPORT / OPPOSITION:

Support

California Public Interest Research Group (CALPIRG)
Michelson Center for Public Policy (Sponsor)
University of California Student Association
Young Invincibles

Opposition

None on file.

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