

Date of Hearing: April 19, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1914 (Bonilla) – As Amended March 17, 2016

SUBJECT: Public postsecondary education: academic materials: textbooks: access codes.

SUMMARY: Requires the California State University (CSU) Trustees, the California Community Colleges (CCC) Board of Governors (BOG), and requests the University of California (UC) Regents, to adopt policies for their respective segments regarding when it is acceptable for faculty to require students to purchase academic materials, including, but not limited to, access codes. Specifically, **this bill:**

- 1) Express the intent of the Legislature that the faculty of the public postsecondary segments be encouraged to consider free or inexpensive options in selecting academic materials to assign to their students.
- 2) Requires the CSU Trustees, CCC BOG, and requests the UC Regents 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.
- 3) Specifies that the policies adopted shall include, but not necessarily be limited to, all of the following:
 - a) A prohibition of any requirement that students be required to purchase any academic materials for purposes of accessing resources that are otherwise available to these students or for performing functions that can be otherwise accomplished at no cost to these students on their campuses;
 - b) A requirement that the total cost of academic materials from the immediately preceding academic year be provided to faculty members by the campus bookstore when academic materials are being chosen for an upcoming academic term or, if the cost of academic materials has not been determined for the immediately preceding academic year, as soon as is practicable; and,
 - c) A requirement for the provision of a summary of the descriptors the campus bookstore may post next to the academic materials offered for sale. The campus bookstore shall not post "required material" next to academic materials it offers for sale unless it has received consent from the faculty member who assigned the material or from a staff member of the appropriate department.
- 4) Defines "access code" as an identification number or password, or both, that is used to gain access to digital content.
- 5) Specifies that the definition of "textbook" has the same meaning, as defined in Section 66406.7 of the Education Code (EC).

- 6) Specifies that "function" includes, but is not necessarily limited to, the submission of assignments, collection of grades, and communication between faculty members and students.

EXISTING 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 (EC Section 66406).
- 2) Establishes the College Textbook Transparency Act, which, among others:
 - 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, as of January 1, 2020, any person, firm or corporation that publishes textbooks offered for sale at the UC, CSU, CCC, or a private college or university, to make the textbooks available for sale in electronic format (EC Section 66410).
- 4) Establishes the College Textbook Affordability Act, which, among others:
 - a) Encourages faculty to accelerate the adoption of lower cost, high-quality, open educational resources in order to reduce costs for college students;
 - b) Establishes the Open Educational Resources Adoption Incentive Program ; and,
 - c) Defines "open educational resources" as 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 and free of cost to students (EC Section 67421, et seq.).

FISCAL EFFECT: Unknown

COMMENTS: *Cost of instructional materials.* According to the February 2015 Student Public Interest Research Groups (Student PIRGs) report, entitled, "Open Textbooks: The Billion-Dollar Solution," the cost of a college degree has increased significantly over the past decade. The report finds that, as of 2013, seven in 10 seniors at public and private nonprofit colleges, graduated with student loan debt; and, that as a nation, Americans hold over \$1 trillion in student loan debt. Additionally, the report finds that, during the same time that the cost of obtaining a college degree increased, college textbook costs have skyrocketed. Though textbooks do not represent the majority of costs in pursuing a college degree, they are one of the largest out-of-pocket expenses that students face each year. The report states that, "Since 1978, college textbook costs have increased 812 percent. To put that in context, it means that textbook prices have increased at 3.2 times the rate of inflation."

Citing data from the College Board, the report finds that, the average undergraduate student should budget between \$1,200 and \$1,300 for textbooks and supplies each year; which averages to be as much as 40 percent of tuition at a two-year community college, and 13 percent at a four-year public institution.

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.

Open Educational Resources (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.

Access codes. 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 his or her specific textbook.

Not only are access codes an additional cost to students, access codes 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.

Purpose of this measure. According to the author, "An access code is an identification number or a 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." The author contends that, the digital content protected by an access code can truly enhance a student's learning through informal assessments and immediate feedback. Many professors do not have teaching assistants and the access codes can provide a method to grade digital homework immediately without hours of additional work for the professor.

Recognizing the academic freedom of faculty, and the need for some oversight on how instructional materials are selected for students, this measure tasks the CSU Trustees and CCC BOG, and asks the UC Regents, to create specific policies as to what is acceptable for faculty to require of students when purchasing instructional materials, including, but not limited to, textbooks and access codes.

REGISTERED SUPPORT / OPPOSITION:**Support**

California State Student Association (sponsor)

Opposition

California Federation of Teachers

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