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Division of Florida Colleges



December 1, 2009

MEMORANDUM

TO: Eric J. Smith, Commissioner

FROM: Willis N. Holcombe, Chancellor *WJH*

SUBJECT: Textbook Affordability Workgroup Final Report

On behalf of The Florida College System's Textbook Affordability Workgroup, I am forwarding this report for your submission to the State Board of Education (Board). State Board Rule 6A-14.092, Florida Administrative Code, required the Department to establish a workgroup of representatives from The Florida College System and submit a report to the Board by December 1, 2009 with recommended policies and strategies for making textbooks available to students unable to afford the cost.

The Textbook Affordability Workgroup conducted extensive research on current policies and strategies within Florida and in other states. Representation from the Florida Distance Learning Consortium's (The) Orange Grove and the Office of the Board of Governors participated fully in the development of the recommendations and provided expertise and support along the way. The report has been vetted with The Florida College System's Councils of Instructional and Student Affairs, select members of the Council of Business Affairs and the Council of Presidents.

In addition to the State Board of Education, you may consider sharing the report with the Governor's Office, the President of the Senate, and the Speaker of the House of Representatives. Please contact me if you have questions.

WNH/jac

Attachment

c: Dr. Judith Bilsky, Executive Vice Chancellor
Ms. Lynn Abbott, State Board Relations/Agency Clerk
Ms. Carole Hayes, Florida Board of Governors
Ms. Susie Henderson, Florida Distance Learning Consortium
Textbook Affordability Workgroup



Textbook Affordability Workgroup
Final Report

Submitted in fulfillment of the requirements contained in Florida Administrative Code,
Rule 6A-14.092
December 1, 2009

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Executive Summary

Textbook prices are rising at a staggering rate, which may present a barrier to college attendance, or limit the number of classes a student can take, for those who have limited financial resources. In response, the federal government passed provisions in the Higher Education Opportunity Act (HEOA) that addressed aspects of the problem. In 2008, the Florida Legislature also passed legislation reinforcing the HEOA requirements and further pressed Florida colleges and universities to pursue additional measures that would reduce costs and make textbooks available to needy students. In addition to section (s.) 1004.085, Florida Statutes (F.S.), entitled *Textbook Affordability*, the Florida State Board of Education adopted Rule 6A-14.092, Florida Administrative Code (F.A.C.), requiring the Florida Department of Education (FLDOE) to establish a workgroup to present recommendations to specifically address textbook availability for students who cannot afford them.

The Textbook Affordability Workgroup, consisting of membership from The Florida College System, has developed this report in cooperation with the Division of Florida Colleges. The report provides a historical and contextual framework for why textbook costs are inflated. Current practices for reducing costs are also included; however, it is important to point out that reform solely focused on policies implemented by the colleges, such as increasing used book sales or developing rental programs, neglects the viewpoint that this may in turn increase the pressure on publishers to revise their products with more frequency in order to capture future sales. Major textbook publishing companies must be willing and collaboratively involved with colleges in efforts to rectify the growing problem of textbook costs.

As a result of months of research, including a survey of current Florida college policies and procedures, the Textbook Affordability Workgroup developed recommendations for making textbooks available to students otherwise unable to afford the cost. The Workgroup recognizes that colleges within The Florida College System are taking steps to address textbook affordability. The recommendations are expected to be considered as a multi-pronged approach, since there is no one tactic that would completely address the issue. Most recommendations are applicable to all students, not just those identified as unable to afford required textbooks. Nonetheless, the process of identifying students unable to afford textbooks is left to the discretion of the college. The Textbook Affordability Workgroup recommends the following policies and strategies that address the availability of required textbooks to students otherwise unable to afford the cost.

The Textbook Affordability Workgroup recommends that:

- 1) The State Board of Education endorse further exploration of open access textbooks.**

Implementation of Open Access Textbooks - Open access textbooks may be available without licensing restrictions. Such textbooks can be viewed online free or downloaded and printed at minimal cost. Therefore, while accessing the materials online may be free to the student, if a student or faculty prefers to have a printed copy, there is an associated cost which is expected to be significantly less than that of a published textbook. Many states, including Florida, are exploring open access textbook options. Open access textbooks are an emerging national

phenomenon offering one of the more promising long-term solutions to textbook affordability. For example, the Florida Distance Learning Consortium is partnering with the University Press of Florida to implement a process by which faculty and students have access to free, peer-reviewed textbooks that may be customized and viewed electronically or printed on-demand at a reduced per page cost. At this time, the number of texts available through this agreement, entitled *Orange Grove Texts Plus (OGTP)*, is minimal and the peer review process has not been implemented. A critical component that will impact the success of OGTP is faculty support; therefore, it is important to explore ways to motivate faculty to develop and use texts available through the partnership. As a point of clarification, open access textbooks differ from electronic textbooks or e-textbooks. E-textbooks are simply electronic versions of published textbooks.

Sample Open Access Textbook:

Introduction to Statistical Thought by Michael Lavine

<http://florida.theorange grove.org/og/items/d1462a9c-bc1e-4a1e-67de-90c5a8ed39f5/1/StatisticalThought.pdf>

2) The Department of Education's Division of Florida Colleges initiate a statewide rental program awareness campaign.

Rental Program Awareness Campaign - Textbook rental programs are becoming a viable option for students. With the growth of online rental Web sites like www.Chegg.com, students are able to rent textbooks for a semester at a fraction of the price of purchasing the book. Colleges with contracts with companies such as Follett Corporation and Barnes and Noble® may be restricted from promoting and/or developing rental programs; therefore, the Textbook Affordability Workgroup identified the Division of Florida Colleges to promote awareness.

3) Colleges within The Florida College System collectively seek to secure e-textbook licenses in order to provide students access to textbooks at no cost.

E-Textbook Licenses in Libraries - E-textbooks, unlike open access textbooks, are electronic versions of published textbooks. The cost of e-textbooks varies and licenses for use vary by publisher. While this is not an approach the Textbook Affordability Workgroup anticipates working on a broad scale for all students, it is a workable solution for high demand courses. The FLDOE may consider working with the colleges to secure a statewide purchasing agreement regarding e-textbooks rather than having each college pursue individual agreements, as a statewide purchasing agreement could result in greater cost-effectiveness.

4) Each college within The Florida College System will develop and monitor policies and guidelines for textbook adoption.

Textbook Adoption Policies and Guidelines - In order to ensure consideration is given to textbook costs during textbook adoption, colleges should develop policies and guidelines for the selection process. Effective policies include adoption timeframes, faculty awareness and selection practices, contract negotiations with internally and externally owned bookstores, and administrative monitoring efforts to ensure practice is consistent with established policies set by local college boards of trustees.

5) The Florida Junior and Community College Student Government Association promote student awareness of ways to minimize textbook costs.

Student Textbook Affordability Awareness Campaign - The Textbook Affordability Workgroup recognizes that there is no one-size-fits-all approach to minimizing textbook costs. To effectively address the problem, collaboration and partnership is needed between all stakeholders including, textbook publishing companies, federal and state governments, colleges and universities, as well as parents and students. Parents and students need to be aware of their options, not just those options available at their local college. They need to research to find the best alternatives that meet their education and financial needs.

6) The Florida Legislature should consider exempting textbooks from sales tax.

Sales Tax Exemption - Although the effect would be small (from 6 to 6.5 percent), it would encourage students to buy textbooks from local providers and keep dollars within the community. Students often order online through national book sellers, as shipping is often free and purchases are tax exempt. It would improve competition, as the sales tax would not be a deciding factor to buy online.

These recommendations address textbook availability and affordability for students who find the rising costs associated with textbooks to be unaffordable. The Textbook Affordability Workgroup recognizes that these recommendations do not address the critical factor in rising textbook costs - the major textbook publishing companies. Without a comprehensive and collaborative solution aimed at reinventing the business model of major textbook publishing on a national scale, states and colleges can only employ policies and procedures that work around, but do not directly address, the cost of new textbooks.

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Introduction

According to the United States Government Accountability Office (GAO), between 1986 and 2004, textbook prices rose 186 percent in the United States, or slightly more than six percent per year (2005). The 2005 GAO report indicated that nearly half of all undergraduate students received some form of federal financial aid and that the rising cost of textbooks posed an access issue for those students who have limited financial resources. While there are many factors that affect textbook pricing, the price of textbooks has increased in recent years as a result of the increase in costs associated with new features, such as Web sites, digital learning resources, and other instructional supplements (GAO, 2005). Currently, a full-time college student can expect to spend more than \$1,000 on textbooks over the course of an academic year (Southern Regional Education Board, 2009). Many states have passed legislation aimed at making textbooks more affordable to students otherwise unable to afford the cost. The issues most frequently addressed in the legislation included publisher pricing information, the un-bundling of course materials, and the tax-exemption status for textbooks.

During the 2008 Legislative Session, the Florida Legislature authorized the creation of section (s.) 1004.085, Florida Statutes (F.S.) (Appendix A). Section 1004.085, F. S., charged Florida colleges with establishing policies which address the availability of textbooks to students otherwise unable to afford the cost. The statute also gave the Florida State Board of Education the authority to develop rule to implement the statute. As a result, Rule 6A-14.092, Florida Administrative Code (F.A.C.) (Appendix B), was passed by the Florida State Board of Education in March 2009. Rule 6A-14.092, F.A.C., required the FLDOE to establish a workgroup and develop a report with recommendations and strategies for addressing the availability of textbooks to students otherwise unable to afford the cost. The workgroup consisted of members from eight Florida colleges, including Broward College, Daytona State College, Miami Dade College, Palm Beach Community College, Polk State College, Santa Fe College, Seminole State College of Florida, and Tallahassee Community College. Members served in various functional areas at their respective institutions, including academic affairs, student affairs, library services, and assessment. Student enrollment at the represented institutions ranged from 20,079 to 129,361 during the 2007-08 academic year. The workgroup began meeting in June, 2009 and held meetings each month through October, 2009.

In order to assess current policies and procedures at the Florida colleges, a survey was conducted (Appendix C). Twenty-two of Florida's twenty-eight colleges responded to the survey. More than half of the colleges that responded indicated that they had a textbook affordability policy, and twelve of the colleges indicated that they had textbook affordability procedures and guidelines in place. Many of these guidelines included provisions for the amount of time a text edition will be in use, the textbook selection process, and textbook cost. All but one of the colleges that responded to the survey indicated that they offered foundation funding or other funds to students unable to afford textbooks. When asked for the criteria the college employs to determine whether a student is unable to afford textbooks, many colleges responded that they require students to fill out the Free Application for Federal Student Aid, commonly referred to as the FAFSA, to verify financial need. All colleges surveyed made used textbooks available to students and fourteen kept copies of required textbooks on reserve at the library. Seven of the

colleges indicated that they operate college-owned bookstores, while the remaining 21 colleges used outside companies to run the bookstore. The book companies most commonly associated with Florida colleges were Follett Corporation and Barnes and Noble®. Seven of the colleges provided faculty with guidelines or strategies on textbook pricing during the selection process. The strategies most often cited included an extended adoption cycle, customizing the textbook, and having faculty author textbooks. Seventeen colleges indicated that institutional representatives communicated with textbook publishers to ensure textbooks were purchased at the lowest possible price. Some of the strategies involving the publishers included having textbooks printed, placed in a three ring binder and shrink-wrapped, and negotiating directly with the publisher for reduced prices. The colleges were also asked to describe any textbook affordability strategies in place or planned. Common strategies included open access textbooks, book sharing programs, and textbook rentals.

This report will provide: 1) a history and background on the issue of textbook affordability, 2) recommendations for short-term and long-term solutions for addressing the affordability of textbooks, 3) a list of best practices for making textbooks more affordable, 4) elements of an effective textbook policy for colleges, and 5) specific recommendations to the State Board of Education to improve the availability and affordability of textbooks.

Background and History

A college education has long been considered the backbone of America's middle class in helping to provide access to high-paying careers. The cost of college, as measured by tuition, fees, and related costs, has risen so dramatically in the past two decades that families and students are increasingly finding college unaffordable. As a part of this national debate, the rising cost of college textbooks has recently garnered public and governmental concern. National studies have shown that the price of college textbooks has risen at more than twice the rate of inflation (GAO, 2005). Concern among the stakeholders has risen because the price of textbooks has reached the "tipping point," where cost is causing some to reconsider going to college or continuing their education.

Many different perspectives have been provided as to why textbook cost has risen so dramatically in recent years. Some point to publishers who have added additional content through the process of "bundling," where several items such as the textbook, a workbook, a compact disc read-only memory (CD-ROM), and Web site access codes are provided in one package to the student and not sold individually to the student. Even if the student sells the items as "used" back to the bookstore or through a resale service, the purchasing student must buy a new Web site access code, which in many cases substantially reduces the savings from buying a used textbook. According to the GAO report (2005), mergers and acquisitions among textbook publishers has resulted in five publishers controlling over 80 percent of the textbook market.

Others have blamed faculty who adopt new editions when little new information is provided or do not use all the resources they require students to purchase. Additionally, publishers work with faculty on creating "customized" versions of the textbook for use in their classes. Such customized versions may include the college's logo on the front cover and have fewer chapters than a normal edition of the textbook. Faculty argue that such special editions save students

money, but specialized editions can have limited resale value due to the customization. Many of the faculty arguments regarding textbook selection and use in the classroom are typically defended with the academic freedom standard. For colleges and universities who contract with faculty through a collective bargaining agreement, the discussion regarding the use of textbooks can be restricted by language set forth in the various contractual agreements. Section 133 of the 2008 Higher Education Opportunity Act (HEOA) specifically mentions that the HEOA is not meant to impede academic freedom. A 2009 Southern Regional Education Board report that reviewed several national studies suggested that because faculty select the exact textbook a student must use for a course, there is no way to shop for a comparable but less expensive product as one would do when comparing a national brand to a store brand in a retail environment. There is not one single reason or cause for textbook price increases; it is the result of many factors that evolved together to cause high textbook prices.

Figure 1 from the GAO Report (2005) provides a good overview of the life cycle of a typical textbook. As can be seen, the amount that a student pays for a book or receives back when the book is sold is dependent upon many factors, such as if a new edition of the book is issued.

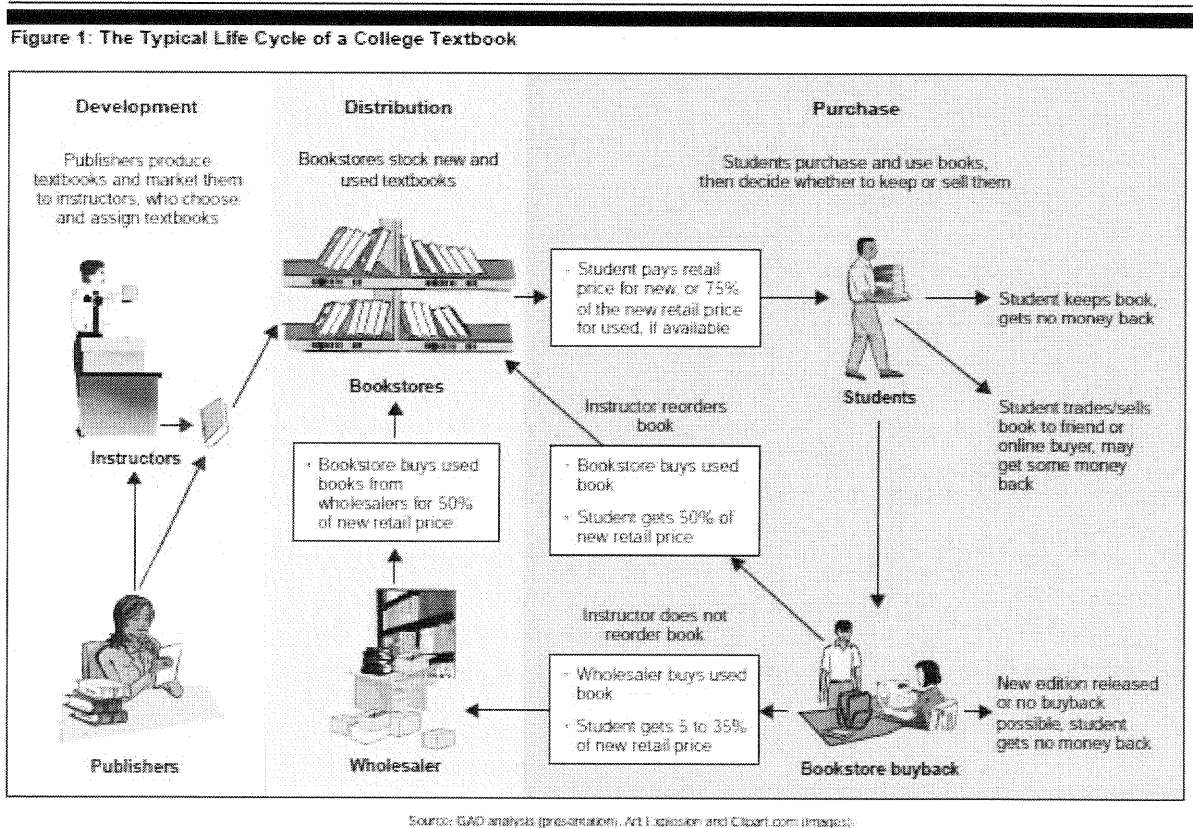


Table 1 provides sample textbook prices that an average full-time college freshman in the state of Florida might pay in a semester if they were to buy new textbooks from a college bookstore.

Table 1 – Sample Freshman Fall Semester Book Costs

Course Number	Course Title	Book/Author	ISBN	Cost (new)
ENC 1101	College Composition 1	Writing with a Thesis/Skwire	9781413030822	\$72.75
MAC 1105	College Algebra	College Algebra/Kaufman	9780495554035	\$171.25
BSC 1005	Introduction to Biology	What is Life/Phelan	9781429223188	\$109.50
MUL 1010	Music Appreciation	Experience Music	9780077260705	\$95.25
TOTAL				\$448.75

Source: E-Follett Bookstore

Although many different examples could be presented that would be substantially higher or lower depending upon subject matter and the number of classes a student takes, this example illustrates what an average student taking twelve credit hours would pay for new textbooks in a semester. One student who was interviewed for a newspaper article stated, “I bought a \$250 chemistry book. That was painful.” The microbiology major says knowing what books are needed earlier will help her plan ahead. Besides shopping online for deals, the student had other suggestions on how to save money. “Talk to your friends, it's a great way to network. If your friend doesn't have it, the friend of a friend may have it, and talk to your teacher about using an old book.” Students from around the nation have joined efforts to help curb textbook prices. Many students run textbook swap Web sites to exchange books with one another rather than go through traditional channels. Efforts such as this are more grassroots in nature and lack the organization to make a substantive change in textbook prices.

Federal and State Legislation

While concerns about textbook prices began to surface in California in the mid 1990s, recent legislative changes have brought the issue to the forefront for colleges and universities. The HEOA, section 133, sets forth new requirements for colleges and universities “to ensure that students have access to affordable course materials.” The provisions of the section include requiring publishers to provide detailed pricing information and requiring institutions to provide International Standard Book Number (ISBN) information and pricing for all required textbooks used in courses. In addition, the HEOA requires publishers to unbundle textbooks and materials, allowing faculty to adopt textbooks without accompanying resources they do not intend to use. According to a 2008 *Washington Post* article, three-quarters of states have enacted legislation to help curb textbook prices.

As previously mentioned, the State of Florida also passed legislation related to textbook affordability in 2008 with the creation of s. 1004.085, F.S., requiring textbook information posting, faculty confirmation that all course materials to be purchased by students will be used in the course, and that changing to a new edition is caused by “substantial” changes in content. These requirements were codified through F.A.C., Rule 6A-14.092 and center around reinforcing the HEOA requirements and those of the Florida Statute. Other higher education entities in Florida have helped in these efforts. The Florida Board of Governors has provided resources for universities and students to reduce the costs of textbooks by providing brochures with practical tips.

Cost Reduction Strategies from Other States

Many of the ideas to reduce the costs of textbooks to students are strategies that are aimed at the purchaser and not at the publisher. California has been a leader in the effort to reduce textbook costs and make them more affordable, as is evidenced by the 2005 California State University Report. Cost reduction strategies utilized by other states, such as California and Minnesota, include:

- Promoting the use of used textbooks
- Increasing library resources by having more textbooks on reserve
- Ordering “no frills” version of textbooks
- Textbook rental programs
- E-textbooks through computers or reading devices
- Open source textbooks using faculty-developed materials and placed in the public domain
- Submitting textbook orders on time so students know well in advance of the required textbooks and can comparison shop
- Requiring faculty to retain textbooks for a fixed amount of time
- Informing college faculty of the cost of textbooks and asking for consideration of comparable but less expensive textbooks
- Using the same textbook for multiple courses, especially sequential courses

Effective Policies and Practices

There does not appear to be proven best practices in reducing textbook costs for students; however, many “good ideas” are being implemented in hopes of reducing the cost of textbooks, or at least stemming the steep increase in prices. However, the absence of solid research or proven results has not gone unnoticed. There are calls for more research on textbook affordability strategies from state legislators in California and Ohio and from state student public interest research groups (PIRGs). The issue of textbook affordability is still relatively new to the mainstream public, so longitudinal research on the effectiveness of applied strategies is unavailable.

“Make Textbooks Affordable” was one of the first national advocacy efforts aimed at making textbooks more affordable. Information about this effort can be found at <http://www.maketextbooksaffordable.org/textbooks.asp?id2=14226>. Public awareness can also be traced back to the work of student PIRGs which began surveying students on the affordability of textbooks in 2003. As early as 2000, legislative interest in textbook affordability began to emerge with the submission of bills and the passing of legislation regarding textbook adoption guidelines, the posting of ISBN information, and proposed sales tax exceptions for textbooks. As previously noted, the government took notice of this issue and in 2008, the Higher Education Opportunity Act (HEOA) added language regarding textbook affordability, the responsibility of publishers, and the need to pilot textbook rental programs.

When assessing effective policies and practices, it is important to assess all stakeholders who play a role in making textbooks more affordable. All stakeholders (students, faculty, colleges, bookstores, libraries, and publishers) need to be involved in finding lasting and comprehensive solutions to the rising cost of textbooks. The University System of Ohio facilitated a statewide

symposium in April 2008 that brought together students, faculty, bookstore managers, publishers, and key civic and community leaders to share best practices and to develop strategies for helping to reduce student out-of-pocket costs for college textbooks and related material.

The California State University (CSU) Report (2007) also reiterated that real textbook affordability cannot be achieved by attempting to tweak the existing flawed system. It is apparent that stakeholders (publishers, bookstores, and faculty), “while sensitive to the cost issue and attempting to address it, necessarily do so from the vantage point of their own interests, resulting in a polarized system that has students bearing most of the costs.” Reform which seeks to address textbook affordability solely by seeking to increase the number of used books or to provide for book rentals neglects the fact that this will in turn increase pressure on publishers to revise their products with greater frequency in order to capture future sales. The following section addresses effective policies and practices employed by various groups of stakeholders including students, bookstores, publishers, libraries, and faculty.

Students

Best practices for students include developing “book-share” programs where students can share textbooks with one another or sell textbooks for a nominal fee, and getting involved in student organizations such as PIRGs. In the textbook affordability report released by the CSU system in 2007, recommendations included that the state student senate develop student information brochures, materials and strategies to provide to local colleges and associated student organizations to educate the general student population on strategies students can use to reduce textbook costs. This information was to be made available at registration, in orientation material, student newspapers, posters, brochures, and in campus bookstores.

Bookstores

Another group of stakeholders are college bookstores. Bookstores, in collaboration with students and used book wholesalers, provide consistent access to used books as well as substantial marketing support that promotes buyback programs and communicate to faculty the importance of on-time requisitions. According to the CSU Report (2007), independent bookstores and used book wholesalers saved CSU students an average of \$15 million annually. This savings is in addition to student savings achieved through a campus’ own retail book buyback program. Optimal cost savings are realized from used books when the book is adopted for multiple years and there is consistent sales volume per semester. Bookstores can also participate in book rental programs, which provide significant cost savings for students. Historically, this model requires that institutions initially purchase textbooks. These are then rented to students at a substantially lower than retail cost. Rentals are typically best suited for high-enrollment and/or multi-section courses that make consistent use of the textbook over several years, and where currency of content is not essential to student success. Additional best practices highlighted in the CSU Report (2007) include educating faculty, students, and campus administrators on need for early requisitions, investigating price matching and lowest price guarantee with non-auction or student-to-student Web sites, and offering e-books.

Publishers

Textbook publishers also play a significant role in making textbooks more affordable. All major textbook publishers now offer digital versions of their popular textbooks to students. The

student can either purchase access to such textbooks through a bookstore or directly from the publisher. Most digital versions include a range of ancillary features in addition to the text itself. These include online homework management, assessment/testing, adaptive learning services, and tutoring, which can usually be customized to faculty specifications. Publishers will frequently bundle such additional features with the book itself, as well as allow for the purchase of such materials on a standalone basis. Typically, a student purchasing a text in digital form would gain access to such material for a limited period of time (e.g., one semester) by using a one-time access code. According to the CSU Report (2007), many major publishers, representing 90 percent of the textbook market, also offer custom publishing services. These services enable faculty to select modules of publisher content and create a custom textbook.

The custom textbook only includes content that will be assigned in the course. Custom textbooks are consistently lower in cost for large enrollment courses. They appear to be the primary way of publishers offering quantity discounts without violating the Robinson-Patman Act. According to the Federal Trade Commission (2009), the Robinson-Patman Act prohibits a seller of commodities from selling comparable goods to different buyers at different prices, except in certain circumstances. The Robinson-Patman Act seeks to limit the ability of large, powerful buyers to gain price discounts through the use of their buying power. Some publishers also provide the option of buying content one chapter at a time, thus enabling students to pay off their purchase over the course of the semester.

The CSU Report (2007) identified best practices of publishers which can make textbooks more affordable. The Report indicated that a best practice of publishers included offering e-content, available for sale through bookstores or directly from their own Web sites at cost savings of up to 50 percent. Additional best practices of publishers included offering customized textbook content, abbreviated editions, black and white editions, and loose-leaf editions to students, all at significant savings.

Another practice identified through the CSU Report (2007) was custom publishing and digital delivery. Customization of textbook content can potentially reduce costs for large enrollment courses and improve the perceived value of the content, providing a stronger correlation between what is purchased and what is assigned in the course. Customization can include faculty-authored or third-party content integrated with the textbook (in print or digital form) to reflect precisely what faculty might assign in a course. Digital texts provide cost savings for students of up to 50 percent of the cost of an equivalent new print textbook and up to 30 percent of the cost of an equivalent used print textbook, while providing additional pedagogical features not found in a standard textbook.

Libraries

Another primary partner in making textbooks more affordable is the college library. Some of the methods employed by libraries to reduce textbooks costs include placing hardcopy textbooks on reserve, accepting donations for inclusion in the collection, purchasing textbooks, and more recently exploring digital solutions. A best practice becoming more prevalent in college libraries is the availability of course materials through library e-reserves. E-reserve allows students to have access to course materials online for their respective courses through a secure site for students enrolled in the course. The biggest concern libraries currently have is that there is not

enough space in their libraries to store physical copies of reserve textbook materials and e-reserves are one viable alternative. The use of electronic alternatives such as e-books, wiki books, open source materials, and print on-demand services via the library catalog are also a best practice emerging at many institutions. Access to digital and, where appropriate, physical copies of materials, is an area that libraries are already modeling and will continue to expand. Another possible practice includes promoting and expanding the use of currently available library resources as alternatives to course materials. Another best practice catching on at higher education institutions is the use of electronic readers which may be checked out through the library.

Faculty

Faculty play a vitally important role in textbook affordability. Custom course packs was a best practice identified in the CSU Report (2007). Custom course packs created by faculty typically consist of materials from one or more textbook publishers, journal articles, material taken from the Internet, or self developed content. These packs have not only the potential of cost savings, but also the potential of providing the student with a more focused set of readings. Another best practice utilized by faculty cited in the report was submission of requisitions to the bookstore in a timely manner. Earlier submission of requisitions has a direct impact on the number of used books a store can procure from its own buyback and on the number of used books a store can procure from national used book wholesalers, which essentially allows stores to access all buybacks across the country. Additional best practices include use of course-wide adoptions for courses with many sections; thorough use of the course materials that are required, which helps with student value perception; not using a text in the course if it is deemed unnecessary; multi-semester adoptions, which allow bookstores to guarantee buyback; and the use of old editions when a revised edition is released.

College-Wide

The CSU Report (2007) also outlined models which can be adopted on a college-wide level. One such model addressed the adoption of a licensing fee. In this approach, the college would collect a licensing fee for the intellectual property contained in each textbook. This fee is remitted to the publisher and buys students the right to an electronic version of the course material. For those students who wish also to have a hard copy of the text, publishers would agree to sell a customized (often abbreviated) book to campus bookstores at close to cost. Another model identified in the report was revenue sharing. Revenue sharing entails the publisher providing rental textbooks to the bookstore at a greatly reduced price (or possibly retaining ownership of the book and not charging the bookstore anything). Under this model, the bookstore would, in turn, share the revenue received from renting the text with the publisher. Buying textbooks in large quantity was also a model identified in the CSU Report (2007). The discount for purchasing large quantities of textbooks could be scaled so that a higher volume of adoptions yields a greater discount. Faculty choosing a book could be made aware of “preferred providers” who have agreed to offer a discount to the system or college. Such savings could then be passed on to students. The final model highlighted in the CSU Report (2007) was a system-wide approach to the purchase of course materials. Under this approach, the campus/system contracts with a publisher to make available all educational material at a single price. Students are then charged a fee to cover all instruction materials costs. The University System of Ohio (USO) also utilized this approach. As of August, 2008, the USO entered into an agreement with

six of the largest commercial publishers to offer Ohio college students at public and private institutions significant discounts on electronic textbooks purchases. Students purchasing textbooks through the Ohio Textbook Portal <http://textbooks.uso.edu> receive a discount on their purchases.

The USO created two new programs to combat rising textbook prices. As of March 2009, the USO began offering compensation to faculty from university and community college teams to develop, build, and package collections of course materials which, once developed, would be offered free to students in selected courses across the system. Another program developed by the USO focused on rewarding faculty members. Ten faculty members and teams received \$1,000 awards and were recognized on the floor of the Ohio General Assembly on March 24, 2009, for work they did to introduce digital course material in the classroom. Many awardees completely replaced printed textbooks in the classroom and made digital materials available at no cost to the student. Additional recent developments in effective policies and practices nation-wide include:

- In summer 2009, both Barnes and Noble® and Follett Corporation book stores announced they will pilot book rentals in a small number of their stores to evaluate the feasibility of book rentals; included in the Follett pilot is the University of North Florida.
- In July 2009, The Fund for the Improvement of Postsecondary Education (FIPSE) released a Request for Proposal (RFP) for the development of course material rental models.
- McGraw Hill announced that it will partner with the online book renter, Chegg.com, in a revenue sharing venture in which McGraw Hill will provide Chegg.com access to books for an undisclosed percentage of the rental revenues.
- On August 14, 2009, one of the nation's largest publishers, Cengage Learning, announced it will start renting books directly to students at 40 to 70 percent off the list price.

In conclusion, sustainable effective policies and practices for textbook affordability must include input from all stakeholders, including students, faculty, libraries, bookstores, colleges, and publishers, who must collaborate as partners in the solution. The stakeholders must view the solutions beyond the narrow lens of their self-interest. We are seeing the beginnings of new models of content development and delivery; however, we are still a long way from having proven best practices to manage the cost of course materials while maintaining academic quality.

Common Strategies

Common strategies are utilized to reduce the cost of textbooks but there are constraints posed by such strategies. Common strategies include online textbooks, library resources, adoption of faculty guidelines, textbook rental programs, and student involvement.

Online Textbooks

Online textbooks have become one of the focal points of the textbook affordability initiative. Students have access and are able to view textbooks online, including in the Kindle format provided by Amazon.com. The Amazon Kindle is a wireless, 6-inch display, reading device that

allows readers to subscribe to newspapers, books, and blogs from across the world. There are currently over 300,000 books available, including 109 of the 113 current *New York Times* Best Sellers. The best sellers and new releases often sell for \$9.99 while many of the “classic” works are free (Amazon.com/Kindle, 2009). The use of online textbooks would reduce associated costs of printing and distributing books that drive prices up, and serve as a solution to one of publishers’ biggest concerns-- production runs that are too large and don’t sell (Rube, 2005). One concern with online or digital textbooks is that publishers will restrict the use to single computers or Internet Protocol (IP) addresses. Several agencies, as well as the State PIRGs Higher Education Project, have recommended that students who purchase or subscribe on a continual basis maintain the ability to access information more than one time and from several computers, have the ability to print sections, to back up information should a technical issue arise, and to update the text if needed (Rube, 2005).

E-textbooks are an *electronic* version of a traditional print publisher textbook with limitations. A majority of electronic textbooks are encumbered with Digital Rights Management (DRM) that limits printing to 10 pages per session, imposes a 120 to 180-day expiration period, and may limit access from a single computer or IP address. Despite the restrictions, the electronic textbooks do not cost significantly less than physical textbooks. In fact, the total cost is roughly the same in cases where students sell textbooks back to the school bookstore at the end of a semester. For students that do not complete a course in one semester, they would be forced to purchase the access rights to the textbook for an additional semester.

An additional drawback to online textbooks is that access to the textbook may be limited. After a period of roughly four months to two years, the textbook is no longer accessible (Yonutas, 2009). The results of a 2009 report published in *Course Correction: How Digital Textbooks are Off Track and How to Set Them Straight*, reprinted in *Educause Review*, highlighted a number of problems associated with e-textbooks, including: (1) many e-textbooks cost the same as the printed version; (2) on average, e-textbooks cost 39 percent more than a used hard copy; (3) 75 percent of students surveyed would prefer a printed textbook to a digital one, even if the digital one was free; (4) printing e-textbooks is costly and difficult; and (5) students frequently must choose between online or offline use of the e-textbook – they could not do both. In addition, the Amazon Kindle has been under recent scrutiny for its limited functionality for individuals with visual impairments. Until these issues are addressed, e-textbooks will be of limited use (Allen, 2009).

The Textbook Affordability Workgroup wishes to emphasize the difference between e-textbooks and open access textbooks (OATs). OATs represent a special category of online textbooks; OATs are digital or electronic textbooks that are freely available with nonrestrictive licenses. They offer alternatives to the high cost of traditional textbooks through immediate, online access to the texts. They are available for free download, and cost-effective print copies can often be ordered online through print-on-demand (POD) publishers, avoiding book shortages that sometimes occur and greatly reducing the financial burden of textbooks. Licensing permits instructors to customize or modify the texts to better meet their teaching and learning needs. Also, most e-textbooks are only available online for a limited time period, usually have restrictions on the amount of material students can print out, and do not permit modification of

the text. Unlike e-textbooks, open access textbooks have few licensing restrictions, and can be downloaded permanently.

Many OATs have what is called a “Creative Commons” copyright. This form of copyright enables faculty members to modify text as long as the original copyright holder is cited correctly. For example, The Orange Grove Repository (a learning object repository), Connexions and Flat World Knowledge have OATs available in a variety of subject areas, many of which are peer-reviewed. These OATs are distributed to students at no charge. In addition, if students wish to have a printed copy, a number of printing companies will print a limited number of copies, frequently at less than \$30 a copy (Seidel, 2009).

Emerging today are multimedia enhanced open access textbooks that are freely available online with nonrestrictive licenses, but also embed and present Flash Adobe animations, podcasts, vodcasts, faculty notes, electronic glossaries, and practice problems or exams. Many students report that they are only willing to give up a print copy of the book when offered this type of media rich textbook.

To bring high-quality open access textbooks to Florida, our 60-year-old statewide Florida press, the University Press of Florida (UPF), is partnering with The Orange Grove Repository. The UPF will provide print-on-demand services, marketing, and informational support. Customized versions of these open access textbooks will be permanently maintained in the repository, with unique ISBN numbers. To learn more about open textbooks, see:
http://www.theorange Grove.org/open_textbooks.asp.

In 2009, the Florida Legislature requested (in HB 7121 [Lines 88-114] or SB 844) that an Open Access Textbook Task Force (OATTF): 1) create an inventory of existing open access textbooks; 2) make recommendations for encouraging and promoting faculty development and use of open access textbooks; 3) identify barriers to the implementation of open access textbooks; 4) recommend undergraduate courses, in particular general education courses, for the use of open access textbooks; 5) create strategies for production and distribution of open access textbooks; 6) identify necessary technology security standards and guidelines to safeguard the use of open access textbooks; and 7) create a standardized process for the review and approval of open access textbooks. The OATTF members represent a cross section of Florida colleges, state universities, student governments, business officers, bookstores, the Florida Distance Learning Consortium, and the coordinating entities of the Division of Florida Colleges and Office of the Florida Board of Governors.

Library Resources

Colleges are encouraged to place more textbooks on reserve at college libraries for students to use. A report issued by the West Virginia Higher Education Commission found that up to 20 percent of students utilized textbooks on reserve at libraries. The same report suggested that faculty members that receive free copies of textbooks should be encouraged to donate them to college libraries (Butler, 2008). However, library reserves are only available during library hours, and the number of reserve copies of a particular text may be limited. Physical space within a library to house copies of all required textbooks is also an issue for larger colleges.

Adoption of Faculty Textbook Guidelines

Several reports focus on the need for faculty to take a leadership role in reducing textbook costs. Several reports suggest common strategies for reducing cost that can be utilized by faculty including using the same textbooks across the discipline and using them for a longer period of time. It was also suggested that faculty select textbooks as early as possible so bookstores can acquire additional used copies. Faculty should use “no frill” textbooks that may not be as bright and colorful as others but have the same information. Finally, institutions are encouraged to make sure faculty know and understand the cost of textbooks, including what the bookstores pay for them and what they are sold for. The 2008 reauthorization of the HEOA included stipulations that pricing information be disclosed by the publisher to the faculty, including: 1) wholesale price and suggested retail price; 2) copyright dates for the last three editions; 3) substantial changes between the last and current edition; and 4) the existence and prices of alternative formats (Congress, 2008).

Textbook Rental Programs

Several studies showed that multiple higher education institutions had established a textbook rental program. Data showed that the various textbook rental programs, estimated to be at 25 different institutions in 2005, saved students over \$500 a year in textbook costs. One of the larger rental programs, at Southern Illinois University, offered a rental program that serves over 11,000 students and has over 70,000 textbooks available. The cost to participate in the rental program was \$8.85 per credit hour (Advisory Committee on Student Financial Assistance, 2007). In addition, a number of major bookstores such as Barnes and Noble® and Follett Corporation, along with companies such as Chegg.com, are now offering this service. Students who opt for textbook rental need to read the contract carefully. At the University of North Florida bookstore, failure to return the book by the due date will result in the imposition of a late fee equivalent to 75 percent of the cost of the textbook, plus an additional 7.5 percent processing fee. In addition, many textbook rental programs have restrictions on the types of annotations and highlighting that participants may use (Bauerlein, 2009).

Encouraging Student Involvement

Another common strategy focuses on student involvement. Students are encouraged to set up book exchanges and use outside sources like EBAY and Amazon.com to buy and sell textbooks. Students are also encouraged to work with the college bookstores to promote guaranteed buyback amounts. An example of this is the buyback procedure at Polk State College in Florida. If students sell their books back to the bookstore and agree to having the buyback amount placed on a bookstore gift card, they will receive an additional 10 percent of the buyback price on the card.

Survey results of participants in the Southwestern College Textbook Rental Program also showed favorable results including: 82 percent of the respondents reported using the savings to buy additional books or take additional classes; 60 percent reported that having a rental book was a deciding factor in succeeding in their class; 100 percent of the participants planned to use the program again, were satisfied with their experience with the program, and requested that the book selection be expanded for future terms (Larkin, 2006).

There are several options available for colleges to make textbooks more affordable and accessible for students. Colleges must become creative in helping students make textbooks affordable, as well as implementing and continuing such programs such as the ones listed above.

Conclusion and Recommendations

The literature on effective textbook policies is voluminous and constantly evolving as are the issues involved in selecting textbooks. Any textbook adoption process should take into consideration all stakeholders: faculty, students, staff, publishers, booksellers, and libraries. All those involved should work cooperatively to assure that students have access to the most up-to-date, affordable texts in whatever delivery mode is deemed acceptable. The following is an attempt to develop a set of guidelines to achieve that goal, while leaving enough flexibility for faculty and booksellers to make the appropriate choices. It is important to note that any policies which are adopted should provide institutions with substantial latitude in textbook adoption in order to serve the specific needs of the institution. The Workgroup finds that an effective textbook affordability policy includes the following elements:

- The selection and adoption of textbooks shall be a divisional, departmental, or individual instructor responsibility depending on institutional rules governing textbook selections.
- Institutional policies should address the issue of requiring additional texts and readings beyond the text selected for the course.
- Evaluation criteria for textbook selection shall be left to the discretion of the individual college selection committee and should include all or some of the following: readability; accuracy; currency in the field; text should reflect culture of varied ethnic groups and different socioeconomic levels; maps and graphic representations should be related functionally to the text; and the text should have a table of contents, preface, effective summaries, glossary, and complete index. Text should contain supplementary materials where appropriate.
- Textbooks shall remain in use for at least two academic years; any changes made prior to that time must get the permission of the appropriate college administrator.
- If changes are made prior to the two-year period, they must be done for “substantive reasons” and the definition of “substantive reasons” shall be defined in written policy.
- Deadlines for book selections/discontinuances must allow sufficient time (at least one semester) so that bookstores can provide required information to students in timely fashion, in accordance with state and federal law (for required information see Florida Textbook Affordability Act or Federal Higher Education Opportunity Act).
- Deadlines for book buyback should be included in the cycle of adoption and discontinuance to assure students access to used books while allowing them the opportunity to sell their books elsewhere if they wish to do so.
- Faculty should be discouraged from using bundled materials if it increases textbook costs and students should not be required to purchase bundled materials unless the course syllabus specifically states that all materials will be used in the class.
- A textbook affordability committee, including representatives from the academic areas, faculty, student services, counseling and advising, library, the bookstore, and

students shall be established and operate continuously to keep up with changes in the textbook industry which might lower costs to students.

To implement the policies above, procedures should be put in place by each college. Procedures should be developed to:

- Document faculty intention to use the text and all accompanying items in the appropriate courses.
- Require academic departments, student services, faculty, and bookstores work together to ensure that instructors and students have easy access to textbook cost information.
- Ensure each stakeholder in textbook adoption and use is aware of the roles of the other stakeholders and how they impact the cost of the book.
- Require that all alternative formats and options be investigated by faculty and departmental committees before a textbook is adopted to keep cost to a minimum.
- Distribute financial aid as early in the term as possible to ensure student access to funds to purchase textbooks; financial aid offices should provide a line of credit so that students can purchase texts until financial aid is awarded.
- Encourage institutions to set aside foundation or emergency funds to help students cover the costs of textbooks if they can provide reasonable explanations for their inability to pay.

Recommendations

As a result of months of research, including a survey of current Florida college policies and procedures, the Textbook Affordability Workgroup developed recommendations for making textbooks available to students otherwise unable to afford the cost. The Workgroup recognizes that colleges within The Florida College System are taking steps to address textbook affordability. The recommendations are expected to be considered in whole as a multi-pronged approach since there is no one tactic that would completely address the issue. Most recommendations are applicable to all students, not just those identified as unable to afford required textbooks. The process of identifying students unable to afford textbooks is left to the discretion of the college. The Textbook Affordability Workgroup recommends the following policies and strategies that address the availability of required textbooks to students otherwise unable to afford the cost.

The Textbook Affordability Workgroup recommends that:

1) The State Board of Education endorse further exploration of open access textbooks.

Implementation of Open Access Textbooks - Open access textbooks may be available without licensing restrictions. Such textbooks can be viewed online free or downloaded and printed at minimal cost. Therefore, while accessing the materials online may be free to the student, if a student or faculty prefers to have a printed copy, there is an associated cost which is expected to be significantly less than that of a published textbook. Many states, including Florida, are exploring open access textbook options. Open access textbooks are an emerging national

phenomenon offering one of the more promising long-term solutions to textbook affordability. For example, the Florida Distance Learning Consortium is partnering with the University Press of Florida to implement a process by which faculty and students have access to free, peer-reviewed textbooks that may be customized and viewed electronically or printed on-demand at a reduced per page cost. At this time, the number of texts available through this agreement, entitled *Orange Grove Texts Plus (OGTP)*, is minimal and the peer review process has not been implemented. A critical component that will impact the success of OGTP is faculty support; therefore, it is important to explore ways to motivate faculty to develop and use texts available through the partnership. As a point of clarification, open access textbooks differ from electronic textbooks or e-textbooks. E-textbooks are simply electronic versions of published textbooks.

Sample Open Access Textbook:

Introduction to Statistical Thought by Michael Lavine

<http://florida.theorange Grove.org/og/items/d1462a9c-bc1e-4a1e-67de-90c5a8ed39f5/1/StatisticalThought.pdf>

2) The Department of Education's Division of Florida Colleges initiate a statewide rental program awareness campaign.

Rental Program Awareness Campaign - Textbook rental programs are becoming a viable option for students. With the growth of online rental Web sites like www.Chegg.com, students are able to rent textbooks for a semester at a fraction of the price of purchasing the book. Colleges with contracts with companies such as Follett Corporation and Barnes and Noble® may be restricted from promoting and/or developing rental programs; therefore, the Textbook Affordability Workgroup identified the Division of Florida Colleges to promote awareness.

3) Colleges within The Florida College System collectively seek to secure e-textbook licenses in order to provide students access to textbooks at no cost.

E-Textbook Licenses in Libraries - E-textbooks, unlike open access textbooks, are electronic versions of published textbooks. The cost of e-textbooks varies and licenses for use vary by publisher. While this is not an approach the Textbook Affordability Workgroup anticipates working on a broad scale for all students, it is a workable solution for high demand courses. The FLDOE may consider working with the colleges to secure a statewide purchasing agreement regarding e-textbooks rather than having each college pursue individual agreements, as a statewide purchasing agreement could result in greater cost-effectiveness.

4) Each college within The Florida College System will develop and monitor policies and guidelines for textbook adoption.

Textbook Adoption Policies and Guidelines - In order to ensure consideration is given to textbook costs during textbook adoption, colleges should develop policies and guidelines for the selection process. Effective policies include adoption timeframes, faculty awareness and selection practices, contract negotiations with internally and externally owned bookstores, and administrative monitoring efforts to ensure practice is consistent with established policies set by local college boards of trustees.

5) The Florida Junior and Community College Student Government Association promote student awareness of ways to minimize textbook costs.

Student Textbook Affordability Awareness Campaign - The Textbook Affordability Workgroup recognizes that there is no one-size-fits-all approach to minimizing textbook costs. To effectively address the problem, collaboration and partnership is needed between all stakeholders including, textbook publishing companies, federal and state governments, colleges and universities, as well as parents and students. Parents and students need to be aware of their options, not just those options available at their local college. They need to research to find the best alternatives that meet their education and financial needs.

6) The Florida Legislature should consider exempting textbooks from sales tax.

Sales Tax Exemption - Although the effect would be small (from 6 to 6.5 percent), it would encourage students to buy textbooks from local providers and keep dollars within the community. Students often order online through national book sellers, as shipping is often free and purchases are tax exempt. It would improve competition, as the sales tax would not be a deciding factor to buy online.

These recommendations address textbook availability and affordability for students who find the rising costs associated with textbooks to be unaffordable. The Textbook Affordability Workgroup recognizes that these recommendations do not address the critical factor in rising textbook costs - the major textbook publishing companies. Without a comprehensive and collaborative solution aimed at reinventing the business model of major textbook publishing on a national scale, states and colleges can only employ policies and procedures that work around, but do not directly address, the cost of new textbooks.

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Appendix A

Section 1004.085, Florida Statutes, Textbook Affordability

(1) No employee of a community college or state university may demand or receive any payment, loan, subscription, advance, deposit of money, service, or anything of value, present or promised, in exchange for requiring students to purchase a specific textbook for coursework or instruction.

(2) An employee may receive:

(a) Sample copies, instructor copies, or instructional materials. These materials may not be sold for any type of compensation if they are specifically marked as free samples not for resale.

(b) Royalties or other compensation from sales of textbooks that include the instructor's own writing or work.

(c) Honoraria for academic peer review of course materials.

(d) Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks pursuant to guidelines adopted by the State Board of Education or the Board of Governors.

(e) Training in the use of course materials and learning technologies.

(3) Community colleges and state universities shall post on their websites, as early as is feasible, but not less than 30 days prior to the first day of class for each term, a list of each textbook required for each course offered at the institution during the upcoming term. The posted list must include the International Standard Book Number (ISBN) for each required textbook or other identifying information, which must include, at a minimum, all of the following: the title, all authors listed, publishers, edition number, copyright date, published date, and other relevant information necessary to identify the specific textbook or textbooks required for each course. The State Board of Education and the Board of Governors shall include in the policies, procedures, and guidelines adopted under subsection (4) certain limited exceptions to this notification requirement for classes added after the notification deadline.

(4) By March 1, 2009, the State Board of Education and the Board of Governors each shall adopt policies, procedures, and guidelines for implementation by community colleges and state universities, respectively, that further efforts to minimize the cost of textbooks for students attending such institutions while maintaining the quality of education and academic freedom. The policies, procedures, and guidelines shall provide for the following:

(a) That textbook adoptions are made with sufficient lead time to bookstores so as to confirm availability of the requested materials and, where possible, ensure maximum availability of used books.

(b) That, in the textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is confirmed by the course instructor or the academic department offering the course before the adoption is finalized.

(c) That a course instructor or the academic department offering the course determines, before a textbook is adopted, the extent to which a new edition differs significantly and substantively from earlier versions and the value of changing to a new edition.

(d) That the establishment of policies shall address the availability of required textbooks to students otherwise unable to afford the cost.

History.--s. 1, ch. 2008-78

Appendix B

Rule 6A-14.092, Textbook Affordability

Pursuant to Section 1004.085, F.S., institutions within the Florida College System shall:

(1) Adopt textbooks no later than forty-five (45) days prior to the first day of classes to allow sufficient lead time to bookstores to work with publishers so as to confirm availability of the requested materials and to ensure maximum availability of used books. Where courses are added after this forty-five (45) day deadline, textbooks for such courses shall be adopted as soon as is feasible to ensure sufficient lead time.

(2) Pursuant to Section 1004.085(3), F.S., for those classes added after the thirty (30) day notification deadline, institutions shall post textbook information on their websites immediately as such information becomes available.

(3) Collect and maintain, before textbook adoption is finalized, written or electronically transmitted certifications from course instructors attesting:

(a) That all textbooks and other instructional items ordered will be used, particularly each individual item sold as part of a bundled package, and

(b) The extent to which a new edition differs significantly and substantively from earlier versions, and the value of changing to a new edition.

(4) Provide assistance as requested by the statewide textbook affordability workgroup established by the Department of Education to recommend policies and strategies that address the availability of required textbooks to students otherwise unable to afford the cost. The workgroup shall consist of nine representatives from institutions within the Florida College System chosen based on variable student enrollment (small and large student populations), geographic location (north, central and south) and economic status of student body (high population receiving need-based financial aid). A report shall be submitted by the workgroup to the State Board of Education by December 1, 2009, that identifies the policies.

Specific Authority 1004.085(3), (4) FS. Law Implemented 1004.085 FS. History—New 2-25-09.

Appendix C

Textbook Affordability Survey July 2009

1. **Does your institution have a textbook affordability policy?**
 - 45% yes
2. **Does your institution have textbook affordability procedures and or guidelines?**
 - 60% yes
3. **Does your institution provide financial resources such as foundation dollars or other funds to students who are unable to afford to buy textbooks?**
 - 95% yes
4. **What criteria does your institution employ to determine whether a student is unable to afford to buy textbooks?**

Common Themes:

 - Must complete the federal financial aid form to determine need
 - Extenuating circumstances taken into account
5. **Are used textbooks made available to students for purchase?**
 - 100% yes
6. **Does your institution maintain copies of required textbooks on reserve at the library?**
 - 67% yes
7. **Does your institution have set guidelines for faculty with regards to textbook adoptions?**
 - 95% yes
 - Common Themes:
 - Decision is made by committee
 - Three year adoption cycle
 - No employee benefit
 - Cost consideration
8. **Does your institution provide faculty with guidelines or strategies on textbook pricing during the selection process?**
 - 32% Yes
 - Common Themes:
 - Information is shared with department and/or committee chairs

9. Does your institution communicate with textbook publishers to ensure adoptions are purchased at the lowest possible price?

- 81% Yes
- Common Themes:
 - Bookstore negotiates price with publisher
 - Faculty textbook committee negotiates directly with publisher
 - Negotiate for customized texts

10. Describe any other textbook affordability strategies in place or planned at your institution.

- Outsourcing bookstore operations
- E-books
- Custom books
- Community College Consortium on Open Educational Resources
- Open access texts
- Book exchange programs
- Faculty write their own textbooks (paid by college)
- Amazon KINDLE/ Sony PRS
- Lending Library
- Textbook Rentals

11. Does your college use an outside company to operate the bookstore?

- 75% used an outside company to operate the bookstore

Appendix D

HIGHER EDUCATION OPPORTUNITY ACT OF 2008

HEOA 2008
Table of Information for College Bookstores

PURPOSE AND INTENT	Text is self explanatory – This bill affects every college in the USA that receives any federal funds. (almost everyone)
DEFINITIONS.	Carefully read about “Bundle” and “Integrated Book”
PUBLISHER REQUIREMENTS.	<ol style="list-style-type: none"> 1. Must be sure faculty & other adopters on campus are aware of net price, copyright date history, and alternate formats and net prices of those alternates, if any 2. Bundles must be available in parts, each separately priced, except for integrated textbooks (read the definition of bundles)
COURSE SCHEDULES <ol style="list-style-type: none"> 1. Course Schedules posted on the internet must have textbook information. 2. Printed schedules must explain how students may look it up on the internet. 	To the maximum extent practicable: <ol style="list-style-type: none"> 1. ISBN and Retail Price must be listed on the college’s internet course schedule or linked from the schedule to another appropriate web site such as the bookstore. 2. If ISBN is not known the author, title, and copyright date must be posted. 3. If the college determines this information is not available or posting this information is not practical, then the college must post “to be determined” for any such affected course.
INFORMATION FOR COLLEGE BOOKSTORES Colleges must supply certain information to the bookstores which it owns or operates itself or under a management contract (lease.)	All colleges must supply this information to their bookstore (s): <ol style="list-style-type: none"> 1. The course schedule for the next term 2. The adoption information. 3. The number of students enrolled 4. The maximum student enrollment for such course or class.
ADDITIONAL INFORMATION <i>An institution disclosing the information required by subsection (d)(1) is encouraged to disseminate to students information regarding—</i>	If a college has these programs they are encouraged to publicize information about them. <ol style="list-style-type: none"> 1. Available programs for renting textbooks or for purchasing used textbooks; 2. Available guaranteed textbook buy-back programs; 3. Any available institutional alternative content delivery programs; or 4. Other available cost-saving strategies.
GAO REPORT The Government Accountability Office must make a report by July 2013.	The GAO report must examine and report on: <ol style="list-style-type: none"> 1. The availability of textbook information on course schedules. 2. have Publishers made pricing information available to faculty. 3. The use of bundles 4. The implementation of this law by colleges and the costs and benefits to the institutions and students for doing so.
RULE OF CONSTRUCTION	Institutional Autonomy and Faculty Academic Freedom to choose books remains unimpeded by this law.
NO REGULATORY AUTHORITY	The Education Department may NOT promulgate any regulations regarding this law as it applies to textbooks. What is written is to be interpreted just as it is written.
EFFECTIVE DATE	July 1, 2010 (The effective date applies to this section only)

This table was prepared by CACS to inform members about a federal law. It is not a legal opinion.

SEC. 112. TEXTBOOK INFORMATION. (Creates a new section #133, in the HEA)

“(a) PURPOSE AND INTENT.—*The purpose of this section 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. It is the intent of this section 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.*

“(b) DEFINITIONS.—In this section:

“(1) BUNDLE.—*The term ‘bundle’ means one or more college textbooks or other supplemental materials that may be packaged together to be sold as course materials for one price.*

“(2) COLLEGE TEXTBOOK.—*The term ‘college textbook’ means a textbook or a set of textbooks, used for, or in conjunction with, a course in postsecondary education at an institution of higher education.*

“(3) COURSE SCHEDULE.—*The term ‘course schedule’ means a listing of the courses or classes offered by an institution of higher education for an academic period, as defined by the institution.*

“(4) CUSTOM TEXTBOOK.—*The term ‘custom textbook’—*

“(A) means a college textbook that is compiled by a publisher at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education; and

“(B) may include, alone or in combination, items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, and elements unique to a specific institution, such as commemorative editions.

“(5) INSTITUTION OF HIGHER EDUCATION.—*The term ‘institution of higher education’ has the meaning given the term in section 102.*

“(6) INTEGRATED TEXTBOOK.—*The term ‘integrated textbook’ means a college textbook that is—*

“(A) combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined; or

“(B) combined with other materials that are so interrelated with the content of the college textbook that the separation of the college textbook from the other materials would render the college textbook unusable for its intended purpose.

“(7) PUBLISHER.—*The term ‘publisher’ means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.*

“(8) SUBSTANTIAL CONTENT.—*The term ‘substantial content’ means parts of a college textbook such as new chapters, new material covering additional eras of time, new themes, or new subject matter.*

“(9) SUPPLEMENTAL MATERIAL.—*The term ‘supplemental material’ means educational material developed to accompany a college textbook that—*

“(A) may include printed materials, computer disks, website access, and electronically distributed materials; and

“(B) is not being used as a component of an integrated textbook.

HEOA 2008

“(c) PUBLISHER REQUIREMENTS.—

“(1) COLLEGE TEXTBOOK PRICING INFORMATION.—*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.

“(D) (i) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound; and

(ii) 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.

“(2) UNBUNDLING OF COLLEGE TEXTBOOKS FROM SUPPLEMENTAL MATERIALS.—*A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundle shall also make available the college textbook and each supplemental material as separate and unbundled items, each separately priced.*

“(3) CUSTOM TEXTBOOKS.—*To the maximum extent practicable, a publisher shall provide the information required under this subsection with respect to the development and provision of custom textbooks.*

“(d) PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN

COURSE SCHEDULES.—*To the maximum extent practicable, each institution of higher education receiving Federal financial assistance shall—*

“(1) disclose, on the institution’s Internet course schedule and in a manner of the institution’s choosing, the International Standard Book Number and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution’s course schedule used for preregistration and registration purposes, except that—

“(A) if the International Standard Book Number is not available for such college textbook or supplemental material, then the institution shall include in the Internet course schedule the author, title, publisher, and copyright date for such college textbook or supplemental material; and

“(B) if the institution determines that the disclosure of the information described in this subsection is not practicable for a college textbook or supplemental material, then the institution shall so indicate by placing the designation ‘To Be Determined’ in lieu of the information required under this subsection; and

“(2) if applicable, include on the institution’s written course schedule a notice that textbook information is available on the institution’s Internet course schedule, and the Internet address for such schedule.

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“(e) AVAILABILITY OF INFORMATION FOR COLLEGE BOOKSTORES.—

An institution of higher education receiving Federal financial assistance shall make available to a college bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution, as soon as is practicable upon the request of such college bookstore, the most accurate information available regarding—

“(1) the institution’s course schedule for the subsequent academic period; and

“(2) for each course or class offered by the institution for the subsequent academic period—

“(A) the information required by subsection (d)(1) for each college textbook or supplemental material required or recommended for such course or class;

“(B) the number of students enrolled in such course or class; and

“(C) the maximum student enrollment for such course or class.

“(f) ADDITIONAL INFORMATION.—*An institution disclosing the information required by subsection (d)(1) is encouraged to disseminate to students information regarding—*

“(1) available institutional programs for renting textbooks or for purchasing used textbooks;

“(2) available institutional guaranteed textbook buy-back programs;

“(3) available institutional alternative content delivery programs; or

“(4) other available institutional cost-saving strategies.

“(g) GAO REPORT.—*Not later than July 1, 2013, the Comptroller General of the United States shall report to the authorizing committees on the implementation of this section by institutions of higher education, college bookstores, and publishers. The report shall particularly examine—*

“(1) the availability of college textbook information on course schedules;

“(2) the provision of pricing information to faculty of institutions of higher education by publishers;

“(3) the use of bundled and unbundled material in the college textbook marketplace, including the adoption of unbundled materials by faculty and the use of integrated textbooks by publishers; and

“(4) the implementation of this section by institutions of higher education, including the costs and benefits to such institutions and to students.

“(h) RULE OF CONSTRUCTION.—*Nothing in this section shall be construed to supercede the institutional autonomy or academic freedom of instructors involved in the selection of college textbooks, supplemental materials, and other classroom materials.*

“(i) NO REGULATORY AUTHORITY.—*The Secretary shall not promulgate regulations with respect to this section.”.*

(b) EFFECTIVE DATE.—*The amendment made by subsection (a) shall take effect on July 1, 2010.*

The Higher Education Act (HEA) was originally passed in 1965. The act is subject to reauthorization periodically. The Higher Education Opportunity Act (HEOA) of 2008 is the most recent reauthorization. Section 112 is one of the Amendments in HEOA and is now Section 133 of the HEA.