

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-2798-07/FGA
May 10-11, 2007

Information Availability on Textbook Costs

- RESOLVED: That the Academic Senate of the California State University (ASCSU) reaffirm the principles contained in its resolution AS-2747-06/FA (“Faculty Role in Mitigating Costs of Textbooks”), specifically those holding that (1) consistent with the principle of academic freedom, nothing shall infringe on the right of the faculty to select textbooks and other educational material for classroom use, and that (2) it is important that, whenever possible, course texts and materials be selected in ways that minimize the cost of a university education to students; and be it further
- RESOLVED: That the ASCSU affirm that the ready availability of textbook pricing information is essential to informed decision-making by faculty in the selection of texts in a way that minimizes student costs; and be it further
- RESOLVED: That the ASCSU support SB 832 (Corbett) “College Textbook Affordability Act,” requiring disclosure by publishers of textbook information as a way of permitting faculty to make more effective textbook choices in order to minimize costs of course textbooks and materials to students; and be it further
- RESOLVED: That the ASCSU urge Senator Corbett, as author of SB 832, to incorporate language in the bill to ensure that nothing in “The College Textbook Affordability Act” limit the ability of the faculty to select the textbooks deemed most appropriate for student learning; and be it further
- RESOLVED: That this resolution be forwarded to the Chancellor, the Board of Trustees, the Associated Students of the California State University, campus senate chairs, and the author of the above legislation (Senator Corbett).

RATIONALE: The ASCSU recognizes that the rising cost of textbooks and other course materials has a significant impact on the affordability of higher education and can adversely affect access to higher education for many students in California. The importance of this issue has also been recognized by the California State Student Association (CSSA), the Legislature, and the Governor and has, increasingly, been of national concern as well. In response, the ASCSU passed AS-2747-06/FA (“Faculty Role in Mitigating Costs of Textbooks”) in May, 2006, recommending that faculty take a variety of steps to reduce the cost of textbooks and other course materials to students.

Central to making rational decisions in the selection of textbooks in order to minimize the financial impact on students is the timely availability of information on both textbook prices and the various options that publishers make available. To this end, the ASCSU strongly supports actions that work to that end. Two bills are currently under consideration by the California State Legislature, SB 832 (Corbett) “College Textbook Affordability Act” and AS 1548 (Solorio) “Transparency in College Textbook Publishing Practices,” that partially address

the issue of college text affordability by requiring information to be made publicly available on textbook prices and related information. Under both bills public institutions of postsecondary education may not allow the sale on its campus of any textbook for this information is unavailable. Both bills define the term "textbook" in such a way as to refer only to those books designed specifically for use as a text in the classroom and not to ancillary texts such as novels, plays, or other supplemental reading. AB 1548 (Solorio) contains provisions that are a source of concern to the ASCSU, however; these include (1) placing responsibility on the university for policing publisher compliance and (2) the provision allowing for state residents to bring a civil action to enforce the requirement. As a result, the ASCSU supports SB 832 (Corbett). The ASCSU supports the intent of AB 1548 (Solorio), although it does not formally support the bill as it stands at this time.

Approved Unanimously – May 10-11, 2007

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-2747-06/FA
May 4-5, 2006

Faculty Role In Mitigating The Costs Of Textbooks

- RESOLVED: That consistent with the fundamental right and responsibility of faculty to select course materials, the principles of academic freedom, and the goal of providing high quality education, the Academic Senate California State University (CSU) reaffirm the fundamental right and responsibility of the faculty to set curriculum and select those materials, either traditional or alternative, that are pedagogically most appropriate for delivering that curriculum; and be it further
- RESOLVED: That consistent with these principles, which ensure the academic and intellectual soundness of course materials, the Academic Senate CSU encourage CSU faculty to consider—when appropriate, pedagogically sound and feasible -- selecting course textbooks and materials that minimize the cost to students; and be it further
- RESOLVED: That the Academic Senate CSU recommend that the campus academic senates, where necessary, work with bookstores to arrive at mutually acceptable timelines for text adoption; and be it further
- RESOLVED: That the Academic Senate CSU encourage faculty to submit their textbook requests within these timelines to ensure the availability of textbooks through the campus and other local bookstores; and be it further
- RESOLVED: That the Academic Senate CSU encourage faculty to notify their campus bookstores as early as possible about re-adoptions of previously used textbooks to allow current students who wish to sell their copies back to the campus bookstore, which would also provide a larger quantity of cheaper, used textbooks for future students; and be it further
- RESOLVED: That the Academic Senate CSU encourage faculty and campus bookstores to communicate clearly with publisher representatives about textbook pricing concerns and options; and be it further
- RESOLVED: That the Academic Senate CSU reaffirm the fundamental right and responsibility of faculty to select traditional textbooks, alternative formats, and ancillary items with intellectual content and teaching effectiveness as the prime considerations.

RATIONALE: The Academic Senate CSU recognizes that the high cost of certain textbooks and ancillaries can adversely affect the affordability of higher education for CSU students; it also recognizes that the California State Student Association (CSSA) and the California legislature have expressed ongoing concerns about the rapid rise in textbook prices for CSU students and about associated cost factors such as the bundling of textbooks with sometimes unneeded supplements. These problems have received attention in the national media and in other legislatures as well. In 2004, the California Legislature and the Governor approved legislation

(AB 2477) urging book publishers to offer lower-price textbook options whenever possible and encouraging campus faculty and bookstores to do likewise and to generally pursue more economical textbook pricing practices. Among options available to faculty are

- *adopting the least expensive edition of books they wish to use;*
- *using the same book and edition as long as it remains appropriate pedagogically;*
- *telling students the probable cost of books and materials for their class(es);*
- *reviewing textbook adoption timelines and procedures with the campus bookstore;*
- *working with publishers and bookstores if bundles are necessary to ensure that they are economically sound;*
- *adopting texts and materials in a manner that allows students to buy parts of a bundle;*
- *developing coursepacks (course readers),*
- *using e-reserves.*

While the Academic Senate CSU recognizes that course packs and e-reserves help reduce costs to students, it also urges faculty to remember that content included in such delivery mechanisms must follow federal fair use and copyright guidelines.

Even though they understand the financial constraints with which many students are faced, the Academic Senate CSU and the CSU must also protect the academic freedom necessary for and inherent to effective and independent faculty selection of textbooks. This resolution proposes that faculty can develop ways of both maintaining their professional and curricular integrity and helping students contain the cost of their education.

APPROVED– May 4-5, 2006

AMENDED IN SENATE APRIL 18, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 832

Introduced by Senator Corbett
(Coauthors: Senators Alquist and Romero)

February 23, 2007

An act to add Section 66407 to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 832, as amended, Corbett. ~~Public postsecondary~~ *Postsecondary* education: textbooks.

The Donahoe Higher Education Act authorizes the activities of the 4 segments of the higher education system in the state. These segments include the 3 public segments: the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. Private and independent institutions of higher education constitute the other segment. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.

Existing law urges textbook publishers to take specified actions aimed at reducing the amounts that postsecondary education students currently pay for textbooks. Existing law requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, among other things, to work with the academic senates of

each respective segment 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, to review procedures for faculty to inform college and university bookstores of textbook selections, and to encourage faculty to work closely with publishers and college and university bookstores in creating bundles and packages that are economically sound and deliver cost savings to students.

Existing law expresses the intent of the Legislature to encourage private colleges and universities to work with their respective academic senates and to encourage faculty to consider practices in selecting textbooks that will result in the lowest costs to students.

This bill would express findings and declarations of the Legislature relating to the cost of college and university textbooks. The bill would add the College Textbook Affordability Act to the Donahoe Higher Education Act. The bill would require the publisher of a textbook, as defined, its agents, and employees to make available to each prospective purchaser, *as defined to mean the faculty member who selects the textbooks for his or her students*, of that textbook at a ~~public~~ postsecondary educational institution, a complete list of all of the products, as defined, offered for sale by that publisher, for each product listed, the wholesale price of that product and the estimated length of time that the publisher intends to keep that product on the market, and a complete list of all differences or changes made between the current edition and previous editions of the textbook.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Textbooks are an essential part of a comprehensive and
- 4 high-quality postsecondary education. The availability and
- 5 affordability of textbooks directly impact the quality and
- 6 affordability of postsecondary education. It is in the best interests
- 7 of the state that high-quality course materials be available and
- 8 affordable to students.

1 (b) Textbooks are expensive. The General Accounting Office
2 and independent student research have shown that textbook prices
3 are, as of 2005, 26 percent of the cost of tuition at an average
4 four-year university and 72 percent of tuition at the average
5 community college.

6 (c) Textbook publishers artificially inflate prices through a
7 number of practices, including:

8 (1) Undermining the used book market by often producing new
9 editions of textbooks that contain few, if any, changes from one
10 edition to the other.

11 (2) Inflating textbook prices by “bundling” textbooks with
12 additional items that both students and faculty report are not
13 actually used for class, but which do drive up the price of the
14 textbooks.

15 (3) Keeping faculty members in the dark about the costs of
16 textbooks, so that they are unable to make educated purchasing
17 decisions for their students.

18 (d) To deliver high-quality materials to students that are
19 affordable, all of the following should occur:

20 (1) Textbook publishers should produce textbooks that are as
21 inexpensive as possible without sacrificing the educational quality
22 of the textbooks.

23 (2) Textbook publishers should keep their products on the
24 market for as long as possible without sacrificing educational
25 quality. Textbook revisions should only be done if there is
26 significant new content to the subject materials.

27 (3) Textbook publishers should disclose to faculty members
28 and the public all of the different products they sell, and they
29 should list how much each of those products cost and the length
30 of time they intend to produce each product.

31 (4) Textbook publishers should ensure that any textbooks and
32 supplementary items that are bundled together should also be
33 available for purchase separately.

34 (5) Faculty should consider the least costly practices in assigning
35 textbooks when these practices are educationally sound, as
36 determined by the appropriate faculty.

37 (6) College and university bookstores should work with faculty
38 to review timelines and processes involved in ordering and stocking
39 selected textbooks, disclose textbook costs to faculty and students,
40 and actively promote and publicize book buyback programs.

1 (7) Colleges and universities should do everything within their
2 power to promote a vibrant used book market, including, but not
3 necessarily limited to, used book exchange and rental programs.

4 (e) The production and pricing of college textbooks deserves a
5 high level of attention from educators and lawmakers because
6 textbooks impact the quality and affordability of higher education.

7 (f) The Legislature urges textbook publishers, faculty members,
8 bookstores, and colleges and universities to adopt the solutions
9 proposed in subdivision (d).

10 SEC. 2. Section 66407 is added to the Education Code, to read:

11 66407. (a) This section shall be known as, and may be cited
12 as, the College Textbook Affordability Act.

13 (b) For purposes of this section, the following terms have the
14 following meanings:

15 (1) *“Postsecondary educational institution” includes both public*
16 *and private postsecondary educational institutions.*

17 ~~(1)~~

18 (2) *“Product” includes each different version of a particular*
19 *textbook or set of textbooks in a particular subject area, and*
20 *includes a supplemental item, whether that item is sold separately*
21 *or concurrently with a textbook.*

22 (3) *“Purchaser” means a member of a college or university*
23 *faculty who chooses the textbooks to be assigned to the students*
24 *enrolled in the classes taught by him or her.*

25 ~~(2)~~

26 (4) *“Textbook” is a book intended for use as a source of study*
27 *material for a class or group of students, a copy of which is*
28 *expected to be available for the individual use of each student in*
29 *that class or group.*

30 (c) Each publisher, agent, or employee of a publisher of
31 textbooks intended for use at a postsecondary educational
32 institution shall provide prospective purchasers at a ~~public~~
33 postsecondary educational institution with all of the following:

34 (1) A complete list of all of the products offered for sale by that
35 publisher.

36 (2) For each product listed pursuant to paragraph (1), the
37 wholesale price of that product and the estimated length of time
38 that the publisher intends to keep that product on the market.

39 (3) A complete list of all differences or changes made between
40 the current edition and previous editions of the textbook.

1 (d) The lists required by subdivision (c) shall be made available
2 to the prospective purchaser at the start of any sales interaction at
3 a public postsecondary educational institution, whether that
4 interaction is in person, by telephone, or electronic. The lists
5 required by subdivision (c) shall also be made available in a
6 prominent position on the Internet Web site of the publisher.

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AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1548

Introduced by Assembly Member Solorio

February 23, 2007

An act to add Section 66406.7 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1548, as amended, Solorio. Public postsecondary education: Transparency in College Textbook Publishing Practices Act.

(1) The Donahoe Higher Education Act authorizes the activities of the 4 segments of the postsecondary education system in the state. These segments include the 3 public postsecondary segments: the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. Private and independent postsecondary education institutions constitute the other segment.

Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.

Existing law urges textbook publishers to take specified actions aimed at reducing the amounts that students currently pay for textbooks. Existing law requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, among other things, to work with the academic senates of each respective segment

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, to review procedures for faculty to inform college and university bookstores of textbook selections, and to encourage faculty to work closely with publishers and college and university bookstores in creating bundles and packages that are economically sound and deliver cost savings to students.

Existing law expresses the intent of the Legislature to encourage private colleges and universities to work with their respective academic senates, and to encourage faculty to consider practices in selecting textbooks that will result in the lowest costs to students.

This bill would express findings and declarations of the Legislature relating to the cost of college and university textbooks. The bill would add the Transparency in College Textbook Publishing Practices Act to the Donahoe Higher Education Act. The bill would prohibit a public postsecondary education institution from buying, selling, or allowing the sale on its campus of a textbook, as defined, unless and until the publisher of that textbook posts on its Internet Web site specified information about that textbook or otherwise makes this information available in a manner acceptable to the trustees, board of governors, or regents as appropriate. The bill would authorize the Attorney General, a district attorney, or any affected resident of this state to bring a civil action to enforce the bill.

Pursuant to existing law, the bill would apply to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable. Because the bill would impose new duties on community college districts, the bill would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Textbook prices ~~have climbed to levels that deny some~~
4 ~~students access to~~ *add to the total cost of postsecondary education,*
5 *which can serve to deny lower-income students the opportunity to*
6 *receive high-quality, affordable education in California. According*
7 *to a 2005 GAO report, college textbook prices have increased by*
8 *186 percent from 1986 to 2004, inclusive, which is almost triple*
9 *the rate of inflation over the same period.*

10 (b) Textbook affordability is an issue that directly affects all
11 students in California. California students spend an average of
12 nine hundred dollars (\$900) per year on textbooks, an amount that
13 exceeds tuition for many community college students. With rising
14 tuition, fees, and living expenses, and diminishing student aid, the
15 price of textbooks represents an increasing portion of the overall
16 cost of education.

17 (c) Several factors contribute to rising textbook prices.
18 Publishers have shortened revision cycles, so that as new editions
19 become available, used textbooks become obsolete and students
20 are no longer able to sell or buy less expensive, used versions.
21 Textbook publishers also “bundle” supplemental materials such
22 as workbooks and CD-ROMs with textbooks to increase prices.
23 However, 65 percent of faculty interviewed for the California
24 Public Interest Research Group study reported that they rarely or
25 never use these additional bundled materials. Some faculty
26 members and administrators may also receive compensation from
27 textbook publishers as inducement for adopting particular
28 textbooks.

29 (d) Students, families, faculty members, and administrators do
30 not have adequate information about factors influencing the high
31 costs of textbooks. This act will create more transparency in the
32 practices of college textbook publishing companies serving
33 California, and will provide the public, and especially students,
34 with the information they need to have access to affordable,
35 high-quality textbooks.

36 SEC. 2. Section 66406.7 is added to the Education Code, to
37 read:

1 66406.7. (a) This section shall be known, and may be cited,
2 as the Transparency in College Textbook Publishing Practices Act.

3 (b) A public postsecondary education institution shall not buy,
4 sell, or allow the sale on its campus of a textbook unless and until
5 the publisher of that textbook posts all of the following on its
6 Internet Web site or otherwise makes the following information
7 available to the public in a manner acceptable to the governing
8 body of the segment:

9 (1) For any bundled textbook, the price difference between the
10 bundled textbook and the same unbundled textbook.

11 (2) For any new editions of textbooks, a summary of the
12 substantive differences between the new edition and the prior
13 edition.

14 (3) For any new editions of textbooks, an estimate of how long
15 the new edition will remain in print.

16 (4) The amount and recipient of any compensation provided to
17 faculty or administrators of a public postsecondary education
18 institution as inducement to adopt particular textbooks for
19 university courses, except for sample copies or royalties.

20 (c) The Attorney General, a district attorney, or any affected
21 resident of this state may bring a civil action to enforce this section.

22 (d) As used in this section:

23 (1) “Bundled textbook” means a textbook that is packaged with
24 additional materials, including, but not necessarily limited to, a
25 supplemental workbook or a CD-ROM.

26 (2) “Textbook” means a book that is intended for use as a source
27 of study material for a class or group of students, a copy of which
28 is expected to be available for the individual use of each student
29 in that class or group.

30 (3) “Unbundled textbook” means a textbook that is offered for
31 sale without any additional materials.

32 SEC. 3. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.