

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Higher Education Appropriations Committee

BILL: CS/SB 2350

INTRODUCER: Senate Committee on Higher Education Appropriations and Senators Atwater and Haridopolos

SUBJECT: Textbook Affordability

DATE: April 8, 2008

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>HE</u>	<u>Favorable</u>
2.	<u>Bryant</u>	<u>Hamon</u>	<u>HI</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill requires the State Board of Education (SBE) and the Board of Governors (BOG) to adopt policies by March 1, 2009, to further efforts to minimize the cost of textbooks for community college and state university students.

The bill prohibits employees of a community college or state university from demanding or receiving any payment or anything of value in exchange for requiring a student to purchase a specific textbook for coursework and instruction. The bill provides exceptions for sample copies, royalties for one's own work, review of course materials and supporting materials, and training in the use of course materials.

The bill requires community colleges and state universities to post on their websites the books that would be required for each course and requires the SBE and BOG to adopt policies for textbook notification for classes added after the notification deadline.

This bill creates section 1004.09, Florida Statutes.

**II. Present Situation:**

Textbook affordability is a national issue because the rising cost of textbooks affects the affordability of postsecondary education. A 2005 study by the U.S. Government Accountability Office found that college textbook prices nearly tripled from December 1986 to December

2004.<sup>1</sup> College textbook prices rose at double the rate of inflation for the preceding two decades. The study found that the increasing costs were related to the evolution of the college textbook as a stand-alone book to bundling the book, ancillary instructional aids, and technology.<sup>2</sup>

In the fall of 2006, the BOG administered a survey to all state universities for information on their textbook ordering policies and practices. According to BOG, the survey responses revealed that:

- Most universities require instructors or academic departments to select and order textbooks at least two months in advance of the term.
- Many universities' online registration tools allow students to view and even purchase their textbooks at the time they register for classes, which can be three or four months in advance of the beginning of the term.
- Advance notice is helpful to bookstores and students in permitting the ordering and purchasing of used textbooks, but it can be difficult to implement fully as course sections are often added or course enrollment capacities are increased at the beginning of the term to meet student demand.
- Over half of the state's universities do not have a written policy regarding textbooks. Some universities that do not have written policies do have reporting requirements to recommend policies to improve the timeliness and availability of textbook ordering and purchasing.
- Students at a majority of universities can find out required course materials either from the university's online textbook-ordering tool at the time of registration, from the university's bookstore website, or the course syllabus at the beginning of the term.
- Most of the state's public universities have no express prohibition to faculty entering into agreements with publishers to receive some form of compensation from the sale of required texts or course materials. They do have policies whereby faculty members wishing to use their own textbooks must either receive permission to do so or complete an outside activities/conflict of interest form.
- The selection of bundled textbook packages is a common practice at all universities. Usually, this decision was made by a course instructor or academic department. None of the universities had information regarding whether or not the supplemental materials included in the bundles were used. For some classes, such as foreign language classes, bundled packages were the most likely to be ordered and used. For other classes, supplemental materials were to be used as resources for students needing additional study opportunities.

Florida's Office of Program Policy and Government Accountability is finalizing a report on textbook affordability. In this review, OPPAGA surveyed community colleges and universities about the price of textbooks and required course materials for the courses with the most student enrollment across 13 disciplines. Preliminary information found that community college students can expect to pay about \$117 for required course materials per course. This results in an expense of approximately \$468 per semester if a student takes a full course load (four courses), which is 58 percent of the tuition cost for those courses. At state universities, students can expect to pay

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<sup>1</sup> United States Government Accountability Office, "College Textbooks: Enhanced Offerings Appear to Drive Recent Price Increases," GAO-05-806, July 2005, p. 2.

<sup>2</sup> *Id.* at 25.

about \$127 per course for required materials. This results in an expense of approximately \$508 per semester for a full course load (four courses), which is 37 percent of the tuition cost for those courses.

OPPAGA's preliminary information shows that students can, on average, save a small amount by purchasing required course materials either online or from local, private bookstores. OPPAGA identified five commonly used potential cost-saving mechanisms among the state's public postsecondary institutions:

- Provide textbooks on reserve in the school library;
- Implement textbook buy-back programs;
- Encourage faculty to consider textbook costs before selecting and assigning course materials;
- Provide unbundled course materials; and
- Provide electronic textbook subscriptions.

Fewer institutions use the following five potential cost-saving mechanisms:

- Provide students with money-saving tips;
- Request publishers to disclose textbook shelf-life;
- Use customized textbooks;
- Request publishers to disclose textbook revisions; and
- Implement a textbook advisory committee.

### **III. Effect of Proposed Changes:**

This bill prohibits employees of a community college or state university from demanding or receiving any payment or anything of value in exchange for requiring a student to purchase a specific textbook for coursework and instruction. The bill provides exceptions that permit an employee to receive:

- Sample copies, instructor copies, and instructional materials;
- Royalties for books that include the instructor's own work;
- Honoraria for peer review of course materials;
- Compensation for activities such as reviewing and preparing supporting material that are performed under guidelines adopted by the SBE and the BOG; and
- Training in the use of course materials.

The bill requires community colleges and state universities to post on their websites the books that will be required for each course, including the International Standard Book Number (ISBN) and other relevant information for identifying the book, at least 30 days before the first day of class. The SBE and BOG are required to adopt policies for textbook notification for classes added after the notification deadline.

This bill requires the SBE, for community colleges, and the BOG, for state universities, to adopt policies by March 1, 2009, to further efforts to minimize the cost of textbooks. These policies must include:

- Sufficient time for bookstores to confirm availability, especially with regard to used books;
- Confirmation, as part of the adoption process, that all required bundled materials would be used;
- Confirmation, as part of the adoption process, that the new edition differs substantially from the earlier editions; and
- Ways to provide required textbooks to students who could not otherwise afford them.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

To the extent that the required policies and procedures lead to lower costs for textbooks, postsecondary students would realize a cost savings.

**C. Government Sector Impact:**

The requirement to provide textbooks to students who could not otherwise afford them would require community colleges and universities to determine who meets this specific qualification and perhaps to pay for the provision of the textbooks.

The cost of posting textbook information on the institutions' websites should be minimal. At the present time a number of institutions already do this.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Higher Education Appropriations Committee, April 8, 2008:**

The CS for SB 2350 delineates the accompanying information a community college or university must post on its website about a required textbook. This information must include, at a minimum, the title, all authors, publishers, edition number, copyright date, published date, and other information necessary to identify the textbooks required for a course.

- B. **Amendments:**

None.