The Higher Education Opportunity Act
Understanding and Implementing the Textbook Provisions — Getting Started

Presented by:
Richard Hershman, Director of Gov’t Relations
National Association of College Stores
Washington, D.C.

October 28, 2008
The Higher Education Opportunity Act
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- The program will begin at:
  2 p.m. Eastern Time
  1 p.m. Central Time
  12 p.m. Mountain Time
  11 a.m. Pacific Time
Welcome

Melanie Sparks, CCR
NACS President
If you need any help while this live event is in progress call the webcast hotline at 877-863-2113
Today’s program is underwritten by a grant from the
The Higher Education Opportunity Act
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Agenda for Today’s Webcast

- Congress and Textbook Affordability
- Publisher Requirements
- Institutional Information Disclosures
- Questions
- Possible Solutions and Next Steps
- Questions

Illinois State University
Senator Dick Durbin (IL) in front of the bookstore at Illinois State University to discuss the textbook provisions of the Higher Education Opportunity Act.
9/2/2008 • Normal, IL
Purpose of Today’s Webcast

- Increase your awareness of HEOA textbook provisions.
- Prepare you for upcoming changes and help you initiate the conversation on your campus.
- Although textbook provisions are effective July 2010, institutions and bookstores need to **begin now** to implement the provisions and ensure systems and policies are in place to successfully implement the law.
Federal Efforts to Address College Course Material Issues

- Higher Education Act reauthorization.
- Student tax credit reform bills propose adding books to allowed expenses.
- Stand alone textbook legislation introduced and eventually incorporated into HEOA (2006-2008).
Higher Education Act (HEA) and College Course Materials

Approximately every six years, the Congress renews HEA, exploring ways to improve the law.

Higher Education Opportunity Act of 2008 signed into law on August 14, 2008

Core theme of the new law is empowering consumers through “sunshine” and transparency in college costs information—including course materials.

Congressman George Miller (D-CA), Chairman of the House Education and Workforce Committee discussing the textbook provisions in HEOA on the floor of the U.S. House of Representatives.

February 7, 2008
HEOA Textbooks – General Provisions Sec. (133)(a)

- The purpose is to ensure that students have access to affordable course materials by decreasing costs to students and enhancing transparency with respect to the selection, purchase, sale, and use of course materials.

- To encourage all parties to work together to identify ways to decrease the cost of college textbooks while supporting the academic freedom of faculty.

HEOA Textbooks – Definitions sec (133)(b)

- Nine different terms are defined.

- Definitions are important in understanding provisions and what is required.

- Of particular note:
  - (3) Course Schedule
  - (6) Integrated Textbook
HEOA Textbook Provisions—Publishers sec (133)(c)

Requires publishers to provide to the faculty and staff:

1) The net price to the campus bookstore and if available the price the publisher would charge the public (could mean a list or direct sale price).

2) The copyright dates of the three previous editions.


4) What alternative formats are available and the net price to the campus bookstore and if available the price the publisher would charge the public.
HEOA Textbook Provisions—Publishers (133)(c)

- Requires publishers to offer unbundled textbooks and supplemental materials each separately priced, unless it is part of an integrated textbook.
HEOA Textbook Provisions—Publishers (133)(c)

- Integrated Textbook:
  - Bound by third party contract, or
  - 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.

- Congressional intent: Waiver is not intended to restrict students use of used textbooks and that bundles without third-party contract limitations should not be considered as integrated if an identical used textbook or used supplemental material is commonly available making the materials fully usable for its intended purpose.
Q & A
HEOA Textbook Provisions – Institutions sec (133)(d)

- Requires institutions of higher education who receive federal funding to the “maximum extent practicable”:
  - Make accurate required and recommended textbook information “in a manner of its choosing”, including ISBN and retail price, available on its internet course schedule used for pre-registration and registration purposes.
  - May provide the book information through a link in the internet course schedule to another appropriate web site such as the bookstore.
  - When ISBN is not available, the institution is to provide author, title, publisher, and copyright date.
  - If information is deemed by the institution as not practicable to provide, then indicate “to be determined” in lieu of the information.
HEOA Textbook Provisions – Institutions sec (133)(d)

- If applicable, include in a written course schedule an internet address to the location of the internet class schedule and the textbook information.

- Congressional intent: Institutions without a printed course schedule or an internet course schedule do not have to create one to comply with the law. It is implied, however, that textbook information should be available online for students.
HEOA Textbook Provisions – Institutions sec (133)(e)

- Requires institutions to 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 and upon request, the most accurate information available regarding the institution’s course schedule, class enrollment, class size, and adoption information.

- Encourages institutions to disseminate information to students on campus based initiatives to reduce costs such as used books, guaranteed buy-back, rental programs, alternative delivery (e-books, PoD, reserves, etc).

- Requires a new GAO study in 2013 to review the implementation of sec (133) by institutions, bookstores, and publishers, as well as the costs, and benefits to institutions and students of the textbook provisions.

- Establish an advisory commission and competitive grant program to make course materials more accessible for students with disabilities.
HEOA Textbook Provisions – Textbook Rental Pilot sec (803)

- **Purpose**
  Not more than 10 institutions of higher education to support pilot programs that expand the services of bookstores to provide the option for students to rent course materials in order to achieve savings for students.

- **Use of Funds-**
  1. purchase of course materials;
  2. any equipment or software;
  3. hiring staff needed for the conduct of a rental program, with priority given to hiring enrolled undergraduate students; and
  4. building or acquiring extra storage space dedicated to course materials for rent.

- **Evaluation and Report**
HEOA Textbook FAQs

- Does the book information have to be in or on the registrar’s web site or can it reside on another web site, such as our campus’ college bookstore?
HEOA Textbook FAQs

- Is there a specific date that textbook and supplemental materials information are to be posted online?
Our school primarily rents or provides students with textbooks through a mandatory fee. What information should we provide?
Do we have to disclose information regarding required or recommended supplies, such as medical goggles?
HEOA Textbook FAQs

- Are institutions and their bookstores required to sell in lieu of or in addition to an adopted textbook bundle, the individual items of that bundle?
Example of class schedule with book information imbedded links

Schedule of Classes

Students can access textbook information three ways: 1) when they register through the registration portal (REGLINK), 2) browsing the online course schedule as seen above; and 3) students may go directly to www.ccsfbookstore.com and compile a listing for all courses they are interested in.

Registrar, Bookstore and IT department involved. Supporting vendors: Banner by SunGuard and MBS.

Courtesy of Don Newton, City College of San Francisco Bookstore
Imbedded link takes student directly to the bookstore
HEOA Textbooks – Next Steps

- Begin the conversation about what these provisions require — **there are significant misperceptions.**
- Ask questions and share information.
- Evaluate what you are currently doing and what more you need and can do.
HEOA Textbooks – Next Steps

- Document what you are doing. We need to hear from you so we can convey this information to Congress and other policymakers so they are aware of the progress being made.

- NACS will be releasing additional implementation assistance documents and holding presentations in consultation with other associations.
Q & A
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Thank you for attending!

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