April 20, 2009

To: Dr. Linda O. Stanford, Associate Provost for Academic Services

From: Dr. Dugald McMillan, Acting University Registrar

Subject: Textbook Information

I recommend that the new federal Textbook Information requirement be included as an information item in the agenda of the April 21, 2009 meeting of the Academic Council.

Section 112 of the 2008 Higher Education Opportunity Act requires that colleges and universities make available to students detailed lists of required course materials prior to the opening of the enrollment process for a particular semester/term. Institutions are expected to have this system in operation no later than July 1, 2010. This implementation date is not relevant in our calendar as the course materials will need to be listed by the first week in April for the coming fall and spring semesters to satisfy the federal rule. We should strive to have the information available by April of 2010, and we could use the following three months to maximize the data set prior to July 1, 2010.

The textbook managers of the three Nebraska bookstores and the Student Bookstore are compiling a list of necessary data elements which we will compare and expand as necessary to satisfy the federal specification. The RO will be responsible for data collection and will pass the information to the bookstores in a timely manner.

The RO will build a web application to provide departments the most convenient input process possible. The application will draw on national data bases to greatest possible extent to minimize manual processing. The system will include ongoing statistics on compliance by course, subject, department, and college. Our friends at Michigan and Wisconsin, who have already brought up sites, have expressed their willingness to help us with the implementation. We expect the web site to be operational by November, 2009.

In order to make an acceptable effort to fulfill the requirement, given the realities of our enrollment system, a concerted campaign will need to be implemented to impress upon the teaching units and faculty the need to begin to submit required course material much earlier than at present. In fall 2008, by the time the semester began on August 25, of 11,279 scheduled sections of all types, 4,185 sections reported required materials to the bookstores while 766 reported that there were no required materials. In contrast, as of March 16 of this year only 274 sections have input materials requirements and 275 reported no materials needed for fall 2009, and there are only 11 days before enrollment begins for fall 2009 and spring 2010 (current input for spring 2010 was not requested).

Assuming the fall 2008 total of 4,951 reporting sections to be a satisfactory level, the current fall 2009 total of 549, at 11% of the 2008 total, is patently unacceptable. The federal language does include “as practicable”, but we will have to produce a much higher compliance rate than at present and also be able to document our efforts to produce a satisfactory result. The academic community should be made aware that submission of fall 2010/spring 2011 required course materials data should begin promptly following submission of schedule of courses work copy at the beginning of November, 2009 and be completed to the greatest possible extent prior to the beginning of enrollment at the end of March, 2011.
Textbook Information
HEOA section 112
HEA section 133
Effective date: July 1, 2010
The HEOA supports the academic freedom of faculty to select high quality course materials for their students while imposing several new provisions to ensure that students have timely access to affordable course materials at postsecondary institutions receiving Federal financial assistance. These provisions support that effort and include the following:

- When textbook publishers provide information on a college textbook or supplemental material to faculty in charge of selecting course materials at postsecondary institutions, that information must be in writing (including electronic communication) and must include
  - the price of the textbook;
  - the copyright dates of the three previous editions (if any);
  - a description of substantial content revisions;
  - whether the textbook is available in other formats and if so, the price to the institution and to the general public;
  - the separate prices of textbooks unbundled from supplemental material; and
  - to the maximum extent possible, the same information for custom textbooks.

- To the maximum extent practicable, an institution must include on its Internet course schedule for required and recommended textbooks and supplemental material
  - the International Standard Book Number (ISBN) and retail price;
  - if the ISBN is not available, the author, title, publisher, and copyright date; or
  - if such disclosure is not practicable, the designation “To Be Determined.” If applicable, the institution must include on its written course schedule a reference to the textbook information available on its Internet schedule and the Internet address for that schedule.

- A postsecondary institution must provide the following information to its college bookstores upon request by such college bookstore:
  - the institution’s course schedule for the subsequent academic period; and
  - for each course or class offered, the information it must include on its Internet course schedule for required and recommended textbooks and supplemental material, the number of students enrolled, and the maximum student enrollment

- Institutions disclosing the information they must include on their Internet course schedules for required and recommended textbooks and supplemental material are encouraged to provide information on college:
  - renting textbooks;
  - purchasing used textbooks;
- textbook buy-back programs; and
- alternative content delivery programs.

The HEOA also requires the Government Accountability Office (GAO) to study the implementation of this section and report to Congress (See Non-institutional Studies, Reports, and Summits, U.S. Government Accountability Office (GAO) Studies and Reports, Textbook Information)

The Secretary is prohibited from regulating on this section of the HEA, but will monitor institutions and review student complaints relating to these provisions.

U.S. Government Accountability Office (GAO) Studies and Reports

Textbook Information
HEOA section 112
section 133
HEA

Due date: July 1, 2013

The HEOA requires the GAO to study the implementation of this section and report to Congress. In particular, the GAO will examine
- the availability of textbook information on course schedules;
- how publishers provide pricing information to college faculty;
- the use of bundled and unbundled material in the college textbook marketplace;
- how institutions implement this section, including the costs and benefits to students and to the institutions.