



Textbook Affordability Policies and Resources

A Summary of Ohio Law and Examples of Inclusive Access, Open Educational Resource (OER) and Textbook Auto-Adoption Programs

The Ohio General Assembly enacted uncodified law section 733.20 in HB 110 of the 134th session on June 30, 2021. This section, pasted in full below, states that in furtherance of the State of Ohio's intent to improve affordability in higher education, the State of Ohio is tasking state institutions of higher education with evaluating textbook affordability initiatives to ensure compliance with Title I, Section 133 of the federal "Higher Education Opportunity Act of 2008."

SECTION 733.20. (A) In furtherance of the State of Ohio's intent to improve affordability in higher education, and in recognition of the positive achievements of the Ohio Faculty Council's October 2017 resolution supporting textbook affordability initiatives, the State of Ohio hereby tasks Ohio's institutions of higher education with evaluating their respective implementation of textbook affordability initiatives.

(B)(1) Consistent with requirements in Title I, Section 133 of the federal "Higher Education Opportunity Act of 2008," institutions of higher education receiving federal financial aid shall disclose required and recommended textbooks not later than the time at which students can first begin to register for a course.

(2) Prior to academic year 2022-2023, the administration of each state institution of higher education, as defined in section 3345.011 of the Revised Code, shall work collaboratively with the institution's faculty senate, or equivalent body, to consider adopting a formally recognized textbook auto-adoption policy.

(C) Not later than August 15, 2022, the board of trustees of each state institution of higher education shall adopt a resolution or otherwise formally vote to affirm or decline adoption of the policy. If the board of trustees adopts the policy as agreed upon by the administration and faculty senate, the state institution shall formally transmit a copy of its resolution to the Chancellor of Higher Education.

This federal law requires institutions to the maximum extent practicable to disclose textbooks required for courses not later than the **first day of class registration**. The U.S. Secretary of Education and U.S. General Accounting Office monitor and audit compliance.

As a result of enactment of Section 733.20, each state institution of higher education is also now required to convene the institution's faculty senate, or equivalent body, to consider adoption of a formally recognized *textbook auto-adoption policy*.

A textbook auto-adoption policy, if adopted, states that if textbooks and course materials are not selected by the first day of class registration, then the faculty member is deemed to have selected identical materials

from the prior semester offering of the course. This applies to the same edition of the textbook, not simply the same title.

Not later than August 15, 2022, Section 733.20 states the board of trustees of each state institution of higher education must adopt a resolution or otherwise formally vote to affirm or decline adoption of the textbook auto-adoption policy. Upon adoption, the institution must formally transmit a copy of its resolution or action to the Chancellor of Higher Education (accomplished by emailing a scanned copy to Patty Klein at pklein@highered.ohio.gov).

Given the legislature's expression of intent to support greater textbook affordability, the department (ODHE) is also offering clarification in this guidance memo regarding two additional methods that institutions of higher education may utilize to further lower textbook costs:

- Inclusive Access; and
- Open Educational Resources (OER).

Overview

College textbook affordability is an enduring topic of interest across Ohio and nationally in large part because college students often bear this cost directly.

In 2017, faculty in Ohio made progress towards addressing this issue through an Ohio Faculty Council (OFC) initiative that examined and promoted inclusive access, open educational resources, and textbook auto-adoption policies. This included a survey of state institutions.¹

Most reports on textbook costs are survey based. While the actual cost of college textbooks remains a topic of debate, it is generally acknowledged as a significant contributor to the cost of college that may be partially mitigated when faculty seek and promote more affordable alternatives.

In compliance with ORC 3333.951(D), public IHEs in Ohio conduct annual surveys of textbook costs. Typical ranges indicate new textbooks cost around \$100, used books in the \$60-75 range, rentals in the \$50-60 range and eBooks in the \$50-75 range – all per individual textbook.

Inclusive Access

Inclusive access refers to a textbook delivery model in which course materials (often a textbook with online supplements) are paid for during the course registration process and available to students on “day one” of class, typically at a significant discount to the retail price.

About two-thirds of IHEs in Ohio report to ODHE that they utilize inclusive access. Most indicate that they are using it for less than 10% of their courses, although some report higher percentages.

It is important to note that federal law requires each student to be given the right to “opt out” of any inclusive access bulk purchase deal. Participation may not be forced or mandated.

¹ https://www.ohiofacultycouncil.org/sites/ohiofacultycouncil.wright.edu/files/page/attachments/OFC_Textbook-Ordering-Policies_Sep2016.pdf

Uncodified language in prior state budget bills specifically exempted inclusive access program fees from annual tuition and fee limitations. Upon enactment this year, however, HB 110 eliminated the uncodified law exemption for “fees, which may appear directly on a student’s tuition bill as assessed by the institution’s bursar, to offset the cost of providing textbooks to students.”

Although this specific exemption quoted above no longer exists, “elective service charges” remain exempt from annual tuition and fee limitations. Because the “opt out” is required by federal law for inclusive access programs, each student is effectively electing a service by choosing to participate in an inclusive access offering.

Therefore, institutions that wish to offer inclusive access materials and assess fees for that limited purpose may define them as an “elective service charge” exempt from the tuition and fee limitations as authorized in section 381.160 (A)(2) of Sub. H.B. 110 of the 133rd GA.

Institutions with student material fee options that fit this fact pattern should notify David Cummins, Special Projects Advisor, at dcummins@highered.ohio.gov of their intention to utilize the “elective service charge” exemption.

Please provide a summary of the institution’s policy for assigning a fee and providing students with required textbooks. Specifically, an inclusive access policy will meet the elective service charge if the institution confirms:

- The instructional materials are required for the course;
- The student fee is equal to the cost of the text, or other materials provided to the student; and
- A process is in place to inform students of their right to opt out of the fee.

ODHE will then review the institution’s policy as quickly as possible, make a final determination and notify the point of contact at the IHE requesting review.

Open Educational Resources

Open educational resources (often simply known as OER) refer to freely accessible, openly licensed text, media and digital assets including college textbooks, online supplements, etc. OER is popular with students because it is free to use at no additional cost to the student.

Popular examples of OER nationally include OpenStax, OER Commons, Open Textbook Library and more. OpenStax features peer-reviewed textbooks ranging from foundational math courses (algebra, calculus, etc.) to humanities (U.S. history, sociology, economics), business (accounting, statistics, entrepreneurship, etc.), and science (biology, chemistry, anatomy), among other subjects.

In recent years, a significant number of faculty have turned toward OER, either as the primary assigned material/textbook for a course, supplemental material or completely original content developed by the faculty member.

In all cases, students benefit from no cost and access on “day one.” It is not uncommon for faculty to assign a blend of purchased materials with OER materials in a particular course syllabus.

The State of Ohio

The State of Ohio has actively supported and funded open educational resources through the development of the Ohio Open Educational Collaborative (OoEC).

In 2017, ODHE awarded a \$1.3M Innovation Grant to create 23 course content packages of OER for high-enrollment courses. The grant lasted from July 2017-July 2020 with a goal to reduce the cost of current textbooks by at least 70% in high-enrollment courses.

OoEC was led by a steering committee including 15 community colleges, Ohio Dominican University, The Ohio State University, the Ohio Association of Community Colleges (OACC) and OhioLINK.

According to OACC and OhioLINK, during the 2019-2020 academic year, 43,468 students across 15 IHEs replaced commercial textbooks with OER, saving more than \$6.2M (more than four times the initial \$1.3M investment). Savings are expected to have increased again this year.

OhioLINK manages the online repository for these open educational resources here: <https://ohiolink.oercommons.org/hubs/OoEC>

OhioLINK also has a wider repository of OER content called the OhioLINK Open Course Content Library at <http://ohiolink.oercommons.org>. This site profiles OER content created by Ohio faculty and provides opportunities for individual Ohio institutions to highlight their OER programs.

NOTE: If your institution would like assistance with adoption or creation of OER materials, please contact Anna Bendo, abendo@ohiolink.edu, Director of Affordable Learning, at OhioLINK.

Other Textbook Affordability Resources

OpenCon Cleveland 2021 – Virtual Conference – Cleveland State University – OpenCon Cleveland was held online from May 13 - May 14, 2021. OpenCon is an annual regional event which celebrates the benefits of open education to student learning. Faculty, students, librarians, instructional designers, and administrators, especially in the Northeast Ohio region, were all welcome to this free series of presentations and discussions. <https://engagedscholarship.csuohio.edu/oa/opencon2021>

One Year Reflection of Using Open Educational Resources from a Department Chair's Eyes – Dr. Wendi Keller is a faculty member at Stark State College and wrote about her experience being an OER advocate on campus and the money she and her colleagues saved for students. <https://journals.sagepub.com/doi/10.1177/1086482220962094>

Franklin University – OER Etextbook Use – Franklin University has created an online summary of OER usage and savings for students available here: <https://franklin.libinsight.com/fvl>

OhioLINK PressBooks licenses – OhioLINK maintains PressBooks licenses to assist faculty members who wish to create OER content. Please contact Anna Bendo, abendo@ohiolink.edu, Director of Affordable Learning, at OhioLINK for more information.

OhioLINK Affordable Learning Ambassadors – Would you like to connect with an Ohio leader in OER development and advocacy? We have ambassadors to help! <https://affordablelearning.ohiolink.edu/Guide/Ambassadors>

Midwest Higher Education OER initiative – Ohio is a state member of the Midwest Higher Education Compact, a multi-state collaborative authorized by the Ohio General Assembly. MHEC is helping to coordinate OER efforts across its member states. Read more here: <https://www.mhec.org/policy-research/open-educational-resources>

OER Commons – a public digital library of open educational resources. OER Commons was created by ISKME, a global nonprofit. <https://www.oercommons.org>

OpenStax – part of Rice University, established partners include The Ohio State University, Sinclair College, and many universities. OpenStax is a peer-reviewed, openly licensed, 100% free digital library of open educational resources. <https://openstax.org>

Open Textbook Library – part of the University of Minnesota, the Open Textbook Library offers textbooks licensed by authors and publishers to be freely used and adapted. Download, edit and distribute them at no cost. <https://open.umn.edu/opentextbooks>

Specific College and University Examples

Cleveland State University: The Michael Schwartz Library at Cleveland State University, in partnership with the Provost's Office, has offered grants each semester to encourage faculty to adopt, adapt, or create OER materials. As of October 2020, 38 library Textbook Affordability Grants have been distributed totaling \$33,500. CSU estimates nearly 9,000 students have benefited.

The CSU OER Committee offered its first Textbook Affordability Summer Symposium, funded by the Provost's Office, in August of 2020. Twenty faculty were accepted into the program, each provided with a \$600 stipend to complete a set of online learning modules about open education, review an OER, adopt at least one OER in a course, provide an advocacy plan for informing their peers, and provide a short presentation about their experience to the campus community. Of the participants in the course, 11 have decided to replace a commercial textbook with an open alternative.

Miami University: Miami's University's Affordable & Open Educational Resources Committee, which includes faculty representation from all academic divisions, has launched several programs and a set of resources designed to target faculty teaching courses with the highest-cost textbooks and largest enrollments: OER Explore is a two-hour workshop designed to help faculty better understand textbook affordability issues and possible solutions for addressing them. OER Adopt is a selective grant program that supports faculty in replacing their commercial textbook with an OER. OER Create is a grant program that supports faculty who wish to write and publish their own OER textbook and learning materials.

To accomplish this, the university agreed to be an inaugural partner (with nine other higher education institutions) in the OTN Publishing Cooperative. OER published as part of this grant program will be published to the OER Collection in Miami's institutional repository, the Scholarly Commons, and in the Open Textbook Library (OTL). Miami University projects student savings of ~\$2.6 million in FY 20.

Sinclair Community College: Sinclair Community College identified three high enrollment courses in which to introduce OER materials. The combined savings to students from replacing assigned textbooks to OER was \$850,000 last year. In addition, Sinclair recently contracted with a third-party textbook fulfillment vendor, eCampus, to provide lower cost options including rentals to its students. This virtual online bookstore model is projected to save students 20-30% in textbook costs (\$1.3 to \$2 million in the aggregate). The program went live in spring semester of 2020.