

HOUSE BILL REPORT

HB 1119

As Amended by the Senate

Title: An act relating to notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education.

Brief Description: Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education.

Sponsors: Representatives Jacobsen, Simmons, Young, Graham, Pollet, Leavitt, Dolan and Rule.

Brief History:

Committee Activity:

College & Workforce Development: 1/18/21, 1/21/21 [DP];
Appropriations: 2/1/21, 2/4/21 [DP].

Floor Activity:

Passed House: 2/12/21, 96-0.
Senate Amended.
Passed Senate: 4/9/21, 48-0.

Brief Summary of Bill

- Requires the public four-year institutions of higher education to designate whether course materials are "low-cost" in their online course descriptions.

HOUSE COMMITTEE ON COLLEGE & WORKFORCE DEVELOPMENT

Majority Report: Do pass. Signed by 13 members: Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler, Hansen, Hoff, Kraft, Paul, Pollet, Sells and Sutherland.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Megan Mulvihill (786-7304).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: Kate Henry (786-7349).

Background:

Affiliated Bookstores.

Bookstores affiliated with public higher education institutes have certain requirements relating to the sale of course materials. Affiliated bookstores must sell unbundled books, disclose the cost of materials to faculty and staff, disclose how new editions vary from previous editions, and promote book buy-back programs. With some exceptions, students must be provided with information on required course materials, including title, authors, edition, price, and the International Standard Book Number (ISBN) four weeks before the start of the class.

Faculty and staff must take into account cost when assigning course materials, such as adopting the least expensive edition, using free or open textbooks when available, or working with librarians to use free online and library resources.

Open Educational Resources.

Open Educational Resources (OER) are teaching and learning materials that are freely available to students, educators, and the general public. The OER are openly licensed so others may adopt or reuse material for their own purpose. These resources may be retained, reused, revised, remixed, and redistributed. Many OER use licenses to indicate how the resource may be used. Creative commons licenses allow the author to choose how the resource should be cited, adapted, redistributed, and whether it may be used for commercial purposes.

Community and Technical College Course Material Notifications.

In 2017 the community and technical colleges were required to provide students with information during registration about required course materials' costs and whether a course uses OER. The information could be provided by displaying it in the online course description or by providing a link to the bookstore's website. In 2020 the community and technical colleges were also required to identify whether a course uses low-cost

instructional materials. Low-cost means all required materials equal \$50 or less.

Summary of Bill:

The public four-year institutions of higher education (institutions) must designate in their online course descriptions, which students use to register for courses, whether a course uses the OER or low-cost required instructional materials. A course uses low-cost instructional materials if the entire cost of the required materials equals \$50 or less. The institutions may designate whether the course uses low-cost materials or OER at a later date than registration if, at the time of registration, the faculty member has not yet been assigned to the course.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment requires the institutions of higher education to adjust the dollar value at least once every five years to reflect the percentage change in the consumer price index over the preceding five years for the purpose of defining low-cost course materials.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (College & Workforce Development):

(In support) Students deserve to make informed choices when they register for a course. Many students struggle to afford hundreds of dollars in textbooks. In addition, many students are given notice on the first day of class about what course materials are required. This results in students falling behind in class and professors pushing back due dates until all students have access to course materials. These issues are exacerbated during the pandemic due to longer delivery times. This bill supports greater accessibility and equity by ensuring all students have access to course materials.

This requirement adds market pressure for faculty to adopt OER and be more mindful of course materials' cost. The requirement could be taken further by displaying cost estimates for all course materials. The OER provide legal flexibility for faculty to modify and adopt materials to their needs. Use of OER encourages collaboration between faculty, curriculum innovation, and provides students with content-customized learning. The community and technical colleges already have a labeling requirement. In a course that mostly used OER, the cost for materials was about \$20 to cover copying.

The Legislature established a two-year grant program to encourage OER development. Western Washington University received \$36,000 to support faculty development of OER.

This resulted in \$300,000 in savings for 2,000 students. There are also exponential savings over time as more students take classes using OER. Continued investment in OER grant programs would be appreciated.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) Requires four-year institutions to denote what courses are using open educational resources and low-cost materials. Open educational materials are beneficial for students, and this would allow for continued dialogue regarding these excellent and available resources.

(Opposed) None.

(Other) Speaking to the University of Washington fiscal note, currently all class resources are listed separately, so the one-time cost would require a change to the algorithm to total the cost of materials. Faculty report the cost of materials for their own courses.

Persons Testifying (College & Workforce Development): Representative Jacobsen, prime sponsor; Jacob Vigdor, University of Washington; David Lippman; Alexander Lambert; Becca Kenna-Schenk, Western Washington University; and Laura Wagner, Associated Students of Western Washington University.

Persons Testifying (Appropriations): (In support) Representative Jacobsen, prime sponsor.

(Other) Joe Dacca, University of Washington.

Persons Signed In To Testify But Not Testifying (College & Workforce Development): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.