

Recommendations for the Implementation of a No-Cost Designation in Course Schedules – DRAFT
2-23-20

BACKGROUND

At the 2019 ASCCC Spring Plenary, the following resolution was adopted:

Develop Recommendations for the Implementation of a No-Cost Designation in Course Schedules

Spring 2019; Resolution Number: 13.01

Whereas, SB 1359 (Block, 2016) requires all segments of public higher education in California to “Clearly highlight, by means that may include a symbol or logo in a conspicuous place on the online campus course schedule, the courses that exclusively use digital course materials that are free of charge to students and may have a low-cost option for print versions” (California Education Code §66406.9) as of January, 2018;

Whereas, Determinations of what course sections qualify for a no-cost identifier as required by SB 1359 (Block, 2016) are subject to interpretation, with some colleges opting to interpret the legislation very strictly and others opting to highlight all courses with no associated costs (i.e., including those courses that have never required a text); and

Whereas, Developing guidance and suggested practices for local senates to consider for the implementation of SB 1359 (Block, 2016) may result in appropriate consistencies across the colleges;

Resolved, That the Academic Senate for California Community Colleges investigate the approaches used to implement SB 1359 (Block, 2016) across all segments of higher education in California and similar efforts in other states; and

Resolved, That the Academic Senate for California Community Colleges develop suggested guidelines, policies, and practices for implementation of SB 1359 (Block, 2016) no later than Spring of 2020.

As the final resolved asks for the Academic Senate for California Community Colleges (ASCCC) ... to develop suggested guidelines, policies, and practices for implementation of SB 1359 (Block, 2016) no later than Spring of 2020”, this brief paper has been prepared to provide a rationale for recommendations regarding

the implementation of this legislation that will be considered for adoption during the ASCCC Spring 2020 Plenary, with additional guidance to follow.

Senate Bill 1359 (SB 1359; Block, 2016) is codified in California Education Code as follows:

66406.9. (a) Each campus of the California Community Colleges and the California State University shall, and each campus of the University of California is requested to, do both of the following:

(1) (A) Clearly highlight, by means that may include a symbol or logo in a conspicuous place on the online campus course schedule, the courses that exclusively use digital course materials that are free of charge to students and may have a low-cost option for print versions.

(B) The course materials described in subparagraph (A) may include open educational resources, institutionally licensed campus library materials that all students enrolled in the course have access to use, and other properly licensed and adopted materials. Each campus of the California State University, each participating campus of the University of California, and each community college district shall ensure that these materials comply with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the federal Copyright Act of 1976 (Public Law 94-553).

(2) Clearly communicate to students that the course materials used for the courses identified pursuant to paragraph (1) are free of charge and therefore not required to be purchased.

(b) For purposes of this section, the following terms have the following meanings:

(1) “Course schedule” is a collection of available classes, course sections, or both, published electronically, before the start of an academic term.

(2) “Open educational resources” are high-quality teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license, such as a Creative Commons license, that permits their free use and repurposing by others, and may include other resources that are legally available and free of cost to students. “Open educational resources” include, but are not limited to, full courses, course materials, modules, textbooks, faculty-created content, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

(c) This section shall become operative on January 1, 2018.

While the intent of the legislation is laudable and aligned with the system's success and equity goals, elements of its language are problematic. Most notably,

1. the requirement that "courses" be highlighted when it is individual course **sections** that would be marked in online course schedules and
2. the limit of the use of the designation to those course sections that are no cost because they "exclusively use digital course materials".

While it is clearly the intent of the legislation to mark course **sections** as resource selections are typically identified by section, the more problematic element of the legislation is the requirement to limit the use of the designation to only those sections that employ no-cost digital resources. As of early 2020, it appears that most of the colleges have effectively implemented a means of providing a designation in their online schedules, but they are struggling with determining what to mark with that designation. This paper provides recommendations to address this need and is a partial response to the referenced resolution (ASCCC Resolution 13.01, Spring 2019).

OVERVIEW

As the implementation of SB 1359 roughly correlated with the introduction of the ASCCC Open Educational Resources Initiative (OERI) and one intent of the legislation appears to be to encourage use of open educational resources (OER), the OERI initiated an annual survey related to the implementation of SB 1359 in the fall term of 2018. It was anticipated that the use of the no-cost designation could be used to provide a rough estimate of the rate of OER adoption. The findings from fall 2018 revealed that many colleges were struggling with the technical component of implementation - determining how to code the designation into their schedules. A review of the fall 2019 data, however, indicate that the technical challenges have been addressed by most of the colleges. At present, in early 2020, we find that the colleges are struggling with the details of implementation, namely what criteria are to be used to identify sections for marking and how to ensure that information is gathered effectively.

While the Senate Floor Analysis of the bill (8/19/16) makes it explicit that the reference to "exclusively" digital resources was intentional, it is not clear that there was a consideration of no-cost efforts that were already in progress in the system when the legislation was introduced. Namely, significant investments were being made to increase the availability of Zero Textbook Cost (ZTC) degree pathways that consisted of course sections with no instructional materials costs. ZTC sections may achieve their no-cost status by employing digital OER, but they also may so do by other means, such as providing print versions of a text to students. In addition to sections which are no-cost to students because the required text is free or provided to the student, there are other course sections which require no text (as documented in the course outline of record) and are, consequently, no-cost sections. Across the state, each of the colleges has developed its own interpretation of which sections are to be marked or faculty are

left to make the determination on their own as individuals, departments, or divisions.

Conclusions and Recommendations

If the true intent of the bill is to facilitate student identification of no-cost sections and to create pressure on faculty to adopt no-cost options, limiting the use of the designation to only those sections that rely on digital resources is not warranted. At the same time, excluding those sections with no text would also be inconsistent with the ultimate goal. If, however, tracking the use of the designation was intended to be a metric for assessing a college's progress with respect to lowering textbook costs, including those courses that have no text would be problematic. After considering the presumed intent and the potential utility of the designation as a meaningful metric, it is the ASCCC's recommendation that colleges implement both:

1. a no-cost designation for course sections that require a text but no-cost is passed on to students and
2. a separate designation to recognize those courses that do not require a text (per the course outline of record) and, consequently, have no associated costs for instructional resources.

The use of two such designations would both provide students with the information they need and facilitate useful data collection. While the focus here is on no-cost resources, many colleges are considering – or have – implemented low-cost designators. Ideally, we would have systemwide consistency with respect to the implementation of both the two no-cost designations and a low-cost one.

As colleges have always had clearly defined textbook selection processes, creating a separate process for identifying no-cost sections should not be necessary. The identification of no-cost sections should be integrated into the textbook selection process to ensure consistency in what is marked across the college and to ensure consistency in the available information regarding all course sections both in the online course schedule and the bookstore. This process integration may also have the benefit of spurring the conversations and collaboration that are needed to ensure that there is a “a low-cost option for print versions.”

Recommendations for the Implementation of a No-Cost Designation in Course Schedules

Whereas, Resolution 13.01 (Spring 2019) asked that the "...Academic Senate for California Community Colleges develop suggested guidelines, policies, and practices for implementation of SB 1359 (Block, 2016) no later than Spring of 2020.";

Whereas, Most California community colleges have overcome the technical challenges associated with implementing a "no-cost" designation in their online course schedules and are now seeking to perfect this implementation by ensuring consistency in the criteria used to determine which sections are marked with this designation and establishing procedures to ensure that no qualifying sections are missed;

Whereas, The details of the legislation (i.e., the requirement that sections marked with the no-cost designation be those "that exclusively use digital course materials") is inconsistent with how "zero textbook cost" (ZTC) had been defined by the California Community Colleges Chancellor's Office and does not address how courses that have never required a text (as documented in the course outline of record) should be treated; and

Whereas, Consistency and transparency across the colleges is beneficial to students, faculty, and anyone with an interest in assessing the impact of efforts to reduce text book costs;

Resolved, That the Academic Senate for California Community Colleges recommend that colleges implement both:

1. a no-cost designation for course sections that require a text but no-cost is passed on to students and
2. a separate designation to recognize those courses that do not require a text and, consequently, have no associated costs for instructional resources;

Resolved, That the Academic Senate for California Community Colleges recommend that the no-cost designation be used to recognize those sections that use digital resources (consistent with SB 1359[Block, 2016]) and those sections that require a text yet are "no-cost" due to something other than a digital alternative;

Resolved, That the Academic Senate for California Community Colleges recommend integration of identification of a course section as being no-cost into the existing textbook selection process; and

Resolved, That the Academic Senate for California Community Colleges provide additional guidance and resources related to SB 1359 no later than the fall 2020 plenary.

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