



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

THE ASSISTANT SECRETARY

DCL: GEN-10-09

Subject: Textbook Guidance

Summary: Guidance to Assist Textbook Publishers and Institutions of Higher Education in Implementing Section 133 of the Higher Education Act of 1965, as amended

Dear Colleague:

As noted in GEN-08-12, the Higher Education Opportunity Act (HEOA), Pub. L. 110-315, made a number of changes to the Higher Education Act of 1965, as amended (HEA), including adding a provision designed to lower the costs of course materials and increase the transparency of their prices. The central features of this new provision are requirements for textbook publishers and institutions of higher education that will provide greater transparency of pricing information at the time faculty members select texts for the classes they teach and when students register for classes. The purpose of this letter is to remind program participants and textbook publishers that this provision, codified in section 133 of the HEA, takes effect on July 1, 2010.

The Department of Education has prepared this non-regulatory guidance to help publishers and college officials understand the requirements of this new provision.

This guidance represents the Department's current thinking on this topic. It does not create or confer any rights for or on any person. This guidance does not impose any requirements beyond those provided under applicable law.

What the New Law Requires of TEXTBOOK PUBLISHERS:

When a publisher provides information about a college textbook or supplemental material to faculty or any college entity or person in charge of selecting course materials at an institution that receives Federal financial assistance, the information must be in writing, which may be conveyed by means of an electronic communication. This information must include:

- The price the publisher would charge the bookstore on the campus of, or otherwise associated with, the institution of higher education for the textbook and any supplemental material (this is often referred to as the "net price") and, if available, the price the publisher would charge the public for the same materials (this is often called the "list price").
- The copyright dates of the three previous editions of the textbook or supplemental material (if any).

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- A description of major differences or revisions between the current and previous editions of the textbook or supplemental material (if any).
- Whether the textbook or supplemental materials are available in other printed formats, including paperback or unbound, and, if so, the price(s) the publisher would charge campus bookstores and bookstores associated with institutions of higher education for these alternate printed formats, and, if available, the prices that would be charged to the general public for the same materials.
- The same information as described above for custom textbooks, to the extent possible.

In addition, for any textbook bundle (i.e., one or more textbooks bundled with supplementary materials, such as workbooks, CDs, or DVDs) made available by the publisher, the publisher must make each part of the bundle available separately (with separate pricing). This requirement does not apply to “integrated textbooks.” An integrated textbook is defined in section 133(b)(6) of the HEA as a college textbook that is--

(A) Combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined; or

(B) 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.

Textbooks without explicit third-party contract limitations should not generally be considered as “integrated textbooks” if an identical textbook or supplemental material, including a book or material that is used, is commonly available to students in a form that is fully usable for its intended purpose and which meets the requirements of a course at an institution.

What the New Law Requires of INSTITUTIONS OF HIGHER EDUCATION:

An institution of higher education receiving Federal financial assistance is required, to the maximum extent practicable, to post verified textbook pricing information for both required and recommended materials for each class on the institution’s online course schedule or linked to the course schedule from another site, such as a college-designated bookstore, in a manner of the institution’s choosing. This pricing information must include:

- The International Standard Book Number (ISBN) and retail price of the materials charged by the institution or a bookstore on the campus of, or otherwise associated with, the institution.

- If no ISBN is available, the author, title, publisher, and copyright date of the textbook or supplemental material.
- If the institution determines that disclosure of this pricing information is not practicable for some reason, the designation of “To Be Determined (TBD)” in lieu of the required pricing information.

At the request of a college bookstore that is operated by or in a contractual relationship with or otherwise affiliated with an institution of higher education receiving Federal financial assistance, the institution must provide to the bookstore, as soon as is practicable, the most accurate information available regarding the institution’s course schedule for the subsequent academic period. For each course or class offered by the institution for the subsequent academic period, the institution’s online course schedule must include information on the required and recommended textbooks and supplemental material, the number of students enrolled, and the maximum student enrollment for each class or section using the identified materials, to the maximum extent practicable.

Should you have questions concerning this guidance, please contact Jessica Finkel by phone at (202)-502-7647 or by e-mail at jessica.finkel@ed.gov.

Sincerely,



Daniel T. Madzellan

Delegated the Authority to Perform
the Functions and Duties of the
Assistant Secretary for
Postsecondary Education