

Department of Legislative Services  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**

**Third Reader - Revised**

Senate Bill 667

(Senators Rosapepe and Ready)

Education, Health, and Environmental Affairs

Appropriations

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**University System of Maryland – Textbooks – Availability of Free or Low-Cost  
Digital Materials  
(Textbook Transparency Act of 2020)**

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This bill requires each constituent institution of higher education in the University System of Maryland (USM) to develop a method to clearly and conspicuously show in the online scheduling application which courses (1) provide students access to all required course materials in the form of free or low-cost digital materials and (2) may provide students access to course materials with a low-cost print option as an alternative to free or low-cost digital materials. The free or low-cost digital materials must, to the extent practicable, include openly licensed educational resources and must be equally accessible to and independently usable by individuals with disabilities. **The bill takes effect July 1, 2021.**

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**Fiscal Summary**

**State Effect:** Some USM institutions may incur one-time programming costs in FY 2022 to update their online scheduling application to display the required course material information. These costs cannot be reliably estimated at this time; however, they are likely absorbable by most institutions. Once the online scheduling applications have been updated, USM institutions can make the information regarding course materials available using existing resources, as explained below. Revenues are not materially affected.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law/Background:** The College Textbook Competition and Affordability Act of 2009 (Chapters 520 and 521) requires public institutions of higher education, excluding the overseas programs of the University of Maryland Global Campus, to develop and implement specific practices and processes relating to textbook selection and adoption. All institutions of higher education must post specific information, including international standards book numbers, on their website within specified timeframes.

Requirements for the disclosure of specific information about textbooks are also established for textbook publishers and institutions of higher education. Publishers and campus bookstores are required to provide and sell textbooks and supplemental materials in the same manner as selected and ordered by faculty; however, with the permission of the faculty member, a campus bookstore may sell lower-cost options. Publishers are required to make bundled materials available separately, each separately priced.

As required by the Act, three reports regarding textbook costs were produced: a report on the steps taken by USM and its constituent institutions to reduce the cost of textbooks and implement the Act; a summary of findings from the Maryland Digital Marketplace and textbook rental program feasibility reports; and a summary report of institutional efforts and best practices under the Act.

The Maryland Open Source Textbook (MOST) Initiative at the William E. Kirwan Center for Academic Innovation began in August 2013 to launch activities related to the adoption of openly licensed learning materials. Since its launch, MOST has encouraged faculty to evaluate available open educational resources and consider adopting them for use in a course. The Kirwan Center has been working with Lumen Learning to provide participating faculty with the support they need to locate materials and incorporate them effectively into their courses. From spring 2014 to spring 2018, 89 courses at 19 institutions across Maryland switched to open educational resources. Chapter 763 of 2017 required the Governor to include \$100,000 in the fiscal 2019 State budget as a grant for the MOST Initiative.

### *Salisbury University*

As an example, Salisbury University reports it supports the need for transparency in informing students regarding textbook fees and the availability of free digital materials. To that end, there is already a mechanism that links students to the bookstore and course materials list at the time of registration. While every effort is made to ensure this information is accurate, there are times when the information is delayed as faculty are still evaluating course material options. This is especially true when students are preregistering for fall courses during the preceding spring semester.

**State Revenues:** To the extent publishing the availability of free or low-cost digital materials encourages students to sign up for courses with free or low-cost digital materials rather than other courses, sales tax revenues may decrease because free materials and low-cost digital downloads do not generate sales tax. However, any such decrease is likely not material because, under the bill, course size limits are not affected. Moreover, the bill does not require institutions to offer additional courses with free or low-cost digital materials.

**State Expenditures:** Some USM institutions may incur one-time programming costs in fiscal 2022 to update their online scheduling application to display clearly and conspicuously which courses provide students access to all required course material in the form of free or low-cost digital materials and may provide students access to course materials with a low-cost print option as an alternative to free or low-cost digital materials. These costs cannot be reliably estimated at this time; however, they are likely absorbable by most institutions.

The University of Maryland, Baltimore Campus advises that a full-time staff member will need to be hired to survey courses and required materials, coordinate development of an inventory of digital materials, maintain and update the inventory, and ensure that the materials are equally accessible and usable by individuals with disabilities.

The Department of Legislative Services advises that institutions can use the same process and staff as is used under the College Textbook Competition and Affordability Act of 2009 to update the availability of free or low-cost digital materials. Although not required, some institutions may choose to develop guidelines for instructors regarding choosing digital materials that are accessible and independently usable by individuals with disabilities.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 318 (Delegate Stewart, *et al.*) - Appropriations.

**Information Source(s):** University System of Maryland; Department of Legislative Services

**Fiscal Note History:**  
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First Reader - February 7, 2020

Third Reader - March 16, 2020

Revised - Amendment(s) - March 16, 2020

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Analysis by: Caroline L. Boice

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510