

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on March 24, 2008, in Room 123-S of the Capitol.

Committee members absent:

Committee staff present: Sharon Wenger, Kansas Legislative Research Department
Carol Toland, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Matt Todd, Revisor of Statutes Office
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator Anthony Hensley
Stacy Skelly, Association of American Publishers, Inc.
Courtney L. George, Associated Student Government
President, Emporia State University
Matt Wagner, Student Body President, Kansas State
University

SB 678 – Colleges and universities; textbooks

Matt Todd, Revisor of Statutes Office, explained that **SB 678** relates to text book policies that would be required of post secondary educational institutions, and it has provisions similar to **SB 315**, which was referred to the Senate Education Committee during the 2007 Legislative Session. He went on to say that **SB 678** is a more detailed version of a House floor amendment to **SB 437**, which was currently in conference committee. He explained that the bill would require the CEO of each post secondary educational institution to implement policies, procedures, and guidelines that would require textbook publishers to provide certain information to faculties and institutions. Under the new guidelines, publishers would need to include any marketing materials provided to the faculty or staff. Publishers would also be required to provide for the institutions the retail prices of textbooks and the history of revisions of the textbooks, if any. In addition, the publisher would be required to provide the institutions with the retail price of each textbook that would be required or recommended for each course and the retail price of the last revision of such textbook. This pricing information would have to be provided 90 days prior to the date when the course begins. Additionally, the institution's guidelines would need to ensure that faculty and staff consider the least costly practices in assigning textbooks when educational content is comparable. Each institution would be required to make the price information available to students at the time of enrollment and also post that information on the institution's Web site.

Senator Schodorf called attention to informational written testimony on **SB 678** submitted by Sheila Frahm, Kansas Association of Community College Trustees. (Attachment 1)

Senator Anthony Hensley explained that, earlier in the session, he met with the President of the University of Kansas student body regarding the issue of textbook prices, and he promised the student that he would have a bill introduced to address the full disclosure of the cost of textbooks. Thus, **SB 678** was introduced. Senator Hensley said that he felt that, before professors at regents institutions choose what text book they will use in their class, it is important that they realize what alternatives are available to them, perhaps even a less expensive alternative. He informed the Committee that the language in **SB 678** was no longer his preference. Instead, he preferred the language regarding textbooks in a House floor amendment to **SB 437** by Representative Paul Davis. He distributed copies of the amended version of **SB 437** and called attention to Representative Davis' amendment on page 5, Section 8. He noted that the amendment provides that the Board of Regents, in collaboration with each public post secondary educational institution, shall implement policies, procedures, and guidelines to ensure that faculty and staff consider the least costly practices in assigning textbooks when educational content is comparable as determined by the faculty or staff. Such price information would be made available to students at the time of enrollment in such course. He commented that he felt that the Board of Regents should be the controlling authority rather than each institution. He went on to say that **SB 437** originally dealt with ROTC scholarships, and Senator Schodorf made a motion on March 20 to nonconcur with House amendments and place the bill in a conference committee. He explained that he requested a hearing on **SB 678** in order to make the Senate Education Committee aware of the textbook issue. He suggested that perhaps the conference committee on **SB 437** could address the amendment

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concerning textbooks. He informed the Committee that Illinois and Washington state have passed laws very similar to **SB 678**.

Senator Allen discussed the requirement that the price of the textbook be posted at the time of enrollment. She noted that testimony submitted indicated that this requirement would present challenges for the faculty.

Stacy Skelly, Association of American Publishers, Inc., testified in opposition to **SB 678**. She outlined the Association of American Publishers' concerns about the provisions in the bill as follows:

- The new requirements would drive up prices and slow the delivery of information.
- Unnecessary costs by would be added by requiring publishers to provide the same price and product information in a written format, even when that information has already been provided.
- Requiring publishers to provide a full history of any and all revisions is impractical, expensive, and would serve only to add costs.

She noted that there are more than 4,500 textbook publishers, that publishers' practices vary, and publishers actively compete over the best way to provide information. In her opinion, attempts to regulate how this information is delivered might actually decrease competition. Additionally, she pointed out that another key issue is the range of product and price choices that would be impacted by the bill. She clarified that there is no one publisher or textbook that dominates any course sector, and the faculty members make their own decisions without being influenced by publishers. ([Attachment 2](#))

Courtney George, Associated Student Government President, Emporia State University, testified in opposition to **SB 678**. She encouraged the Committee to delay discussion of the bill until such time as all higher education institutions have had a chance to carefully review the bill. Instead of the passage of **SB 678**, she proposed a recommendation to the Board of Regents that each institution submit their current policies regarding textbooks to the Board. ([Attachment 3](#))

Matt Wagner, K-State Student Body President, testified in opposition to **SB 678**. At the outset, he distributed copies of a K-State textbook proposal prepared by a task force in December 2005. ([Attachment 4](#)) He pointed out that the textbook proposal was a collaborative effort between faculty, students, and administration. He expressed his concern that **SB 678** would be more detrimental to the collaboration than allowing each institution to govern their own policies. Because there is a variation in university policies, he felt that a "one size fits all" across the state would not benefit K-State or its students in the best possible manner. He went on to say that he was also concerned about the House amendment to **SB 437**. He suggested that perhaps the Board should oversee the policies or hear about the policies that are taking place on each of the campuses rather than making a policy covering six institutions. In this regard, he said that K-State works on a fair governance model between administration, faculty, and students. Thus, everyone has a voice at the Board of Regents' monthly meeting.

Written testimony in opposition to **SB 678** was submitted by Allie E. Crouse, Student Body President at Wichita State University ([Attachment 5](#)) and Chelsey Gillogly, Student Body President at Fort Hays State University ([Attachment 6](#)).

Chris Worthington, Manager of the Johnson County Community College Bookstore, submitted written testimony in which he stated that, while he supported of the spirit of **SB 678**, he had some concerns relating to publisher disclosure and timing. ([Attachment 7](#))

Reginald L. Robinson, President and CEO, Kansas Board of Regents, submitted written testimony regarding **SB 678** and the textbook amendment to **SB 437**. He noted that price of textbooks is not an issue that the Board has been asked to address and that the Board would be happy to review the amendment to **SB 437** over the interim. In his opinion, this is an issue that would be best addressed through Board policy and consideration rather than through statutory language. ([Attachment 8](#))

Senator Schodorf observed that the Committee had testimony from Emporia State, K-State, Wichita State, and Fort Hays State; however, a representative from the University of Kansas, the college which brought the

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textbook issue to the Legislature, did not appear at the hearing or submit written testimony.

There being no others wishing to testify, the hearing on **SB 678** was closed.

Senator Schodorf called the Committee's attention to the minutes of the March 13, 18, and 19 meetings.

Senator Vratil moved to approve the minutes of the March 13, 18, and 19 meetings, seconded by Senator Lee. The motion carried.

Senator Schodorf announced that the Committee will work two previously heard bills, **SB 620** and **SB 646**, at the next meeting. In addition, at the request of the Board of Regents, the provisions in the following bills not in the Senate Education Committee will be discussed: **SB 403** (partnership for faculty of distinction program), **SB 415** (deferred maintenance for post secondary educational institutions), and **HB 2611** (staff benefits clarification).

Theresa Kiernan, Revisor of Statutes Office, reminded the Committee that **SB 620** would create a new state aid which would replace the money that is lost from the Medicaid state aid. As drafted, the bill addresses pupils who are eligible for Medicaid and pupils who are actually receiving Medicaid, and it is subject to appropriation. The fiscal note is \$23 million.

Ms. Kiernan said that **SB 646** provides that, beginning in school year 2008-09 and school years thereafter, increased amounts appropriated for special education and related services would first be distributed to those school districts which did not receive 92 percent of the excess costs in the prior school year. The balance after catching those districts up would be distributed on a per teacher basis.

The meeting was adjourned at 2:25 p.m.

The next meeting is scheduled for March 25, 2008.