ASCCC OERI Summer Update for ASCCC Executive Committee (8-10-21)

• Cal OER •

The 2021 Cal OER Conference was held virtually on August 4 – 6. Registrants will have access to the event's resources in Pathable for the year and selected presentations have been – and will be – made available on the Cal OER YouTube channel at tinyurl.com/CalOERYouTube. At present, the 3 keynote presentations have been made available. Please visit to view the impactful presentations made by Hal Plotkin, Lark Park, and Keith Curry. Hal opened the event with an overview of the state's OER and ZTC efforts, Lark spoke to the role of policy and legislation. She was, notably, instrumental in ASCCC obtained its OER funds. And, finally, Dr. Curry laid out his vision of moving towards 100% OER at Compton College. Attendees have been invited to request that additional presentations be made available. The full program can be accessed on the Cal OER website (www.caloer.org).

The Cal OER Conference focused on OER efforts and impact, broadly defined, across the state of California and especially across the state's three public higher education systems, the California Community Colleges, California State University, and University of California.

• 115 for the 115 •

As you have likely heard, the state has made a historical investment in zero textbook cost (ZTC) degrees. While the trailer bill language allotted 115 million to the California Community Colleges to expand ZTC degrees, it specifies impossible accountability measures and does nothing to direct how these funds will be used wisely. As the ASCCC has various existing positions that can (and should) inform this effort, the OERI is in communication with the Chancellor's Office and various stake holders to ensure that these funds are used with accountability and sustainability as guiding principles. It is critical that the impact of such a large sum of money be demonstrable. How can this 115 million be effectively spent to serve the systems 115 accredited colleges in a manner that is non-duplicative and student-focused?

• IDEA Audit •

In response to <u>a resolution adopted at the Spring 2021 ASCCC Plenary</u>, the ASCCC OERI has developed a draft process for reviewing OER to determine if it is inclusive, diverse, equitable, and anti-racist. An approach to sharing it for further revision and for piloting its use is currently being developed.

The narrative and image below was recently used in a presentation as a demonstration of the "before" state of a resource – how can this narrative and image be modified to reflect IDEA principles? The IDEA audit includes elements to review and suggestions for remediation. Where possible, it also includes examples.

Melissa loves wearing high heels when she goes out at night, like the stiletto heels shown in Figure 14.1.1. She knows they are not the most practical shoes, but she likes how they look. Lately, she has been experiencing pain in the balls of her feet — the area just behind the toes. Even when she trades her heels for comfortable sneakers, it still hurts when she stands or walks.

Figure 14.1.1: Image used with permission (CC By 2.0; stokpic; via flickr.com).

The "after" of the image on the prior page.

Amari loves wearing high heels when they go out at night, like the stiletto heels shown in Figure 14.1.1. Amari uses gender-neutral pronouns, such as they, them, and their. They know high heels are not the most practical shoes, but they like how they look. Lately, Amari has been experiencing pain in the balls of their feet—the area just behind the toes. Even when they trade heels for comfortable sneakers, it still hurts when they stand or walk.

Figure 14.1.1: high heels

• Public Speaking, Introduction to Psychology, and OER/ZTC •

During June and early July of 2021, the Fall 2021 schedules of all 115 accredited California Community Colleges were reviewed to determine whether textbook information was readily available and if a Zero Textbook Cost (ZTC) mark had been implemented. Both elements of textbook information are required to be available to students at the time of registration. To provide an additional benefit to the analysis, data were gathered with respect to the availability of information specifically for public speaking (C-ID COMM 110, Public Speaking) and introduction to psychology (C-ID PSY 110, Introductory Psychology) course sections.

Even though the Higher Education Act has required textbook information to be available in the schedules of institutions of higher education that receive federal funding since July of 2010, an alarming number of colleges provide no such

information and even when there is a place in the online schedule for such information, it is commonly missing. The provision of such information is not only required, but it is critical for students who require accommodations (e.g., the student who needs a text in Braille) and allows all students to not only plan for the cost of their texts, but to seek out less expensive alternatives.

The requirement that sections with no cost for students be "marked" in the California Community Colleges has been in effect since January 1, 2018 (California Education Code 66406.9). As this legal mandate, like the federal textbook requirements, does not have a clearly identified responsible party at the local level, its implementation has been uneven and inconsistent. In addition, there are no consequences for failing to implement either.

Despite the alarming compliance issues, there are numerous positive findings, including the ease of accessing information at some colleges and the large number of sections of the target courses that were ZTC.

Initial Findings

As manually gathering data from the colleges is subject to errors, these data should be viewed as in draft form and subject to further refinement. It is our hope to find ways to simplify the data collection moving forward to make it possible to expand the courses for which section-level analyses can be provided. Five colleges provided only a PDF of their schedule. All five have been excluded.

An obvious solution to the lack of responsibility for implementing the requirements noted above would be the introduction of a section-level data element that would allow for the centralized collection of data related to college textbook cost efforts. The ASCCC supports the implementation of such a data element and the use of means to encourage its implementation, including making the implementation of such a data element a requirement for accessing ZTC funds.

Textbook Information

Of the 110 colleges that were reviewed, 33 provided no opportunity to access text information. While a link may have been provided to get more section information, there was no place for text information to be presented. A number had a space titled "Books Total" followed by no information, some referenced a non-existent "My Text Books Link", and others provided either a dead link or an indication that the term information was not available.

ZTC Marking

Twenty-eight colleges did not have a "ZTC mark" in their schedules. While some of these may have allowed a student to search specifically for ZTC sections,

these options were often hard to find. A number "marked" their sections using text in a way that was less than optimal, using very small font or burying the information in a narrative about the section.

ZTC and Public Speaking

Nine colleges indicate that 100% of their sections of public speaking are ZTC. Another eight are in the 80 – 97% range. Unfortunately, a large number appear to have no sections that are ZTC, but this could be due to the information not being readily available.

ZTC and Introductory Psychology

Six colleges indicate that 100% of their sections of introductory psychology are ZTC. Another three are in the 80 – 97% range. As with public speaking, a large number appear to have no sections that are ZTC, but this could be due to the information not being readily available

Advocate for Development of a ZTC Data Element

Spring 2021; ASCCC Resolution Number: 11.02

Whereas, California Education Code §66406.9 requires that each of the California community colleges "(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," a legislated mandate for which little guidance has been provided;

Whereas, Resolution 9.01 F20 established that the Academic Senate for California Community Colleges recommends that the no-cost designation required by Education Code §66406.9 be used to recognize sections that use digital resources and sections that require a textbook yet are no-cost due to something other than a digital alternative, effectively aligning the requirements of the legislation and with those established by the California Community Colleges Chancellor's Office for courses that are zero textbook cost;

Whereas, California Code of Regulations Title 5 §59404 mandates that districts that require students to "provide instructional materials for a course shall adopt policies or regulations" that "shall direct instructors to take reasonable steps to minimize the cost and ensure the necessity of instructional materials"; and

Whereas, No mechanisms presently exist for gathering data regarding local efforts to reduce the cost of instructional materials, confirming or encouraging compliance with Education Code 66406.9, or assessing compliance with Title 5 §59404;

Resolved, That the Academic Senate for California Community Colleges collaborate with appropriate constituent groups and the California Community Colleges Chancellor's Office to implement a management information system course section data element that, at a minimum, is used to identify course sections that have no associated instructional materials costs;

Resolved, That the Academic Senate for California Community Colleges support the establishment of a course section data element that, at a minimum, differentiates between sections requiring purchase of a textbook or other instructional materials including those requiring purchase of an access code and all instances when a printed resource is required and not provided, those sections that are zero textbook cost (ZTC) due to the use of no- cost open educational resources, those that are ZTC but the resources have a cost that is not passed on to students, those that use no textbook, and those that are low-cost as defined locally;

Resolved, That the Academic Senate for California Community Colleges encourage the California Community Colleges Chancellor's Office to make a proposed course section data element field regarding zero textbook cost materials available as soon as possible and include an appropriate timeline for its required use; and

Resolved, That the Academic Senate for California Community Colleges support actions by the California Community Colleges Chancellor's Office to encourage early adoption of a proposed data element regarding zero textbook cost materials, such as requiring its use in order to access zero textbook cost funding.

OERI Textbook Affordability and Cost Transparency Proposal (DRAFT)
August 10, 2021

The California Community Colleges have benefitted from the availability of funds to promote the adoption of open educational resources (OER) and expand zero textbook cost (ZTC) degrees in the past, but the potential of these funds was never fully realized. Intersegmental OER-related efforts were effective in initiating OER adoption and ZTC funds served to further advance these efforts. But the mechanisms for distributing ZTC funds created a system of "haves and have nots", did nothing to prevent duplication, and created no structure for ensuring accountability. In addition, no efforts were made to encourage expansion or ensure sustainability.

The legislature has designated 115 million dollars to expand zero textbook cost (ZTC) degrees in the California Community Colleges. While the bill and legislation language are unclear and introduce definitions that conflict with existing definitions in California and beyond, it is hoped that appropriate constituencies can collaborate to ensure these funds are spent responsibly with an emphasis on growing the availability of no-cost course sections across the state in a sustainable manner. With this in mind, it is critical to begin by ensuring a minimum level of readiness at the colleges for growing local ZTC efforts and establishing a system for accountability. At present, compliance with related requirements and regulations is inconsistent as is the level of support for ZTC and/or open educational resource (OER) efforts more generally.

In order to ensure the impact of the ZTC funds allotted to the colleges, there should be minimum standards with which the colleges must comply in order to access the funds. Distributing dollars across the state based on a prescribed formula makes sense when every college has a comparable – or minimum – infrastructure for those funds. Absent this "backbone", the potential of the funds cannot be realized and accountability can't be assured. Based on these concerns and existing ASCCC positions, the proposal that follows has been developed

1. To access ZTC funds, colleges must demonstrate compliance with existing requirements, regulations, and laws relating to textbooks and materials fees. At a minimum, this would mean:
   a. the federal requirement that colleges provide textbook information in their online schedules at the time of registration (read more at tinyurl.com/TextLeg) and
   b. mark no-cost (ZTC) course sections as required in California law. The latter is a recently enacted unfunded mandate that many colleges have struggled to implement.
   A recent analysis of CCC schedules for Fall 2021 revealed that at least 33 of the California community colleges do not provide textbook information in their online schedules and at least 28 colleges have not implemented the legislated ZTC marking requirement.
2. Develop a ZTC section-level MIS data element that colleges must implement to access ZTC funds. The requirement to implement a data element would elevate

schedule-related textbook issues that are often overlooked, if not neglected. The implementation of a data element would facilitate the collection of data related to the effectiveness of the ZTC funds, ensuring consistency in reporting. At present, the metrics delineated in the bill language would be impossible to track in a meaningful way. As a consequence of observing local struggles to implement a ZTC marker in course schedules, the ASCCC has proposed the development of such a data element ([Advocate for Development of a ZTC Data Element, Resolution 11.02, Spring 2021](#)).

3. Adopt local policies and practices that advance ZTC and textbook affordability more generally. At a minimum, this would include those necessary for compliance with existing regulation (e.g., Title 5 § 59404) and, ideally, policies to support the implementation of existing laws.
4. Provide technical and financial support to colleges to accomplish #1 and #2.
5. Establish a formula to distribute some element of the funds to colleges to establish a baseline ZTC infrastructure. Such funds could have specified limited usages, such as:
   a. Purchase print copies of resources to be made available in libraries, on reserve to for check-out.
   b. Purchase low-cost resources for student use to allow courses that can't eliminate costs to be ZTC.
   c. Funding staff to support faculty in adopting resources that require remediation due to accessibility concerns or require other modification.
   d. Professional development for faculty.
   e. Release/reassigned time for a faculty ZTC lead.
6. In the process of distributing funds to colleges, distinguish between local generic professional development efforts and the development of resources intended to serve a statewide need. Encourage cross-district collaboration and intersegmental efforts (as referenced in the legislation).

If the potential impact of this historical support of ZTC is to be realized, it is critical that every college be prepared to use the funds effectively and that a centralized infrastructure be developed to prevent duplication of effort. Most notably, there are ZTC resources that faculty would like to use and/or are using that require remediation with respect to accessibility. Absent coordination, every college could invest time and money into remediating a given resource. Similarly, absent meaningful data regarding the availability of ZTC resources for specific courses, funds might be inappropriately used to incentivize faculty to transition to a new text.

Advocate for Development of a ZTC Data Element

Spring 2021
Resolution Number: 11.02

Whereas, California Education Code §66406.9 requires that each of the California community colleges "(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," a legislated mandate for which little guidance has been provided;

Whereas, Resolution 9.01 F20 established that the Academic Senate for California Community Colleges recommends that the no-cost designation required by Education Code §66406.9 be used to recognize sections that use digital resources and sections that require a textbook yet are no-cost due to something other than a digital alternative, effectively aligning the requirements of the legislation and with those established by the California Community Colleges Chancellor's Office for courses that are zero textbook cost;

Whereas, California Code of Regulations Title 5 §59404 mandates that districts that require students to "provide instructional materials for a course shall adopt policies or regulations" that "shall direct instructors to take reasonable steps to minimize the cost and ensure the necessity of instructional materials"; and

Whereas, No mechanisms presently exist for gathering data regarding local efforts to reduce the cost of instructional materials, confirming or encouraging compliance with Education Code 66406.9, or assessing compliance with Title 5 §59404;

Resolved, That the Academic Senate for California Community Colleges collaborate with appropriate constituent groups and the California Community Colleges Chancellor's Office to implement a management information system course section data element that, at a minimum, is used to identify course sections that have no associated instructional materials costs;

Resolved, That the Academic Senate for California Community Colleges support the establishment of a course section data element that, at a minimum, differentiates between sections requiring purchase of a textbook or other instructional materials including those requiring purchase of an access code and all instances when a printed resource is required and not provided, those sections that are zero textbook cost (ZTC) due to the use of no- cost open educational resources, those that are ZTC but the resources have a cost that is not passed on to students, those that use no textbook, and those that are low-cost as defined locally;

Resolved, That the Academic Senate for California Community Colleges encourage the California Community Colleges Chancellor's Office to make a proposed course section data element field regarding zero textbook cost materials available as soon as possible and include an appropriate timeline for its required use; and

Resolved, That the Academic Senate for California Community Colleges support actions by the California Community Colleges Chancellor's Office to encourage early

adoption of a proposed data element regarding zero textbook cost materials, such as requiring its use in order to access zero textbook cost funding.