Statement of
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To the Joint Higher Education and Employment Advancement Committee
Connecticut General Assembly
On Raised Bill No. 931
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Co-Chairs Bartolomeo and Willis, members of the Committee, thank you for this opportunity to comment on Raised Bill No. 931.

I am David Anderson and I am the Executive Director for Higher Education at the Association of American Publishers.

The Association is a nationwide organization. Its membership includes virtually every major publisher and many small publishers ranging from Harlequin Romance to Princeton University Press. As the Executive Director for Higher Education, I work with our members who publish coursework materials for colleges, universities and community colleges.

Thank you for giving me the opportunity to comment on Raised Bill No. 931. The bill states that "No public institution of higher education, as defined in section 10a-173 of the general statutes, or faculty member of a public institution of higher education shall require a student of such institution of higher education to use a new edition of a textbook as part of a course offered at such public institution of higher education within three years of the date of the initial publication of the previous edition of such textbook."

This bill essentially bans new textbooks in Connecticut. Whatever the problem you are attempting to fix, banning books is never the solution.

- The bill raises monumental concerns under the First and Fourteenth Amendments of the U.S. Constitution.
- The bill also raises serious issues under the Commerce Clause of the U.S. Constitution.
- The bill infringes upon the academic freedom of faculty to teach and students to learn.
- If enacted it would have a devastating impact on the quality of higher education in Connecticut and on the publishing industry.
- Today, higher education publishers are at the dawn of an innovative digital revolution in learning materials that both substantially reduce costs and substantially improve outcomes. This bill, if enacted, would have a chilling effect on innovation in Connecticut.

What the Bill Does and the Problems it Creates

Generally, while Higher Education publishers follow their own individual revision cycles for publishing new editions of textbooks, the average is in the range of three years, and varies based on the subject. These new revisions are required either to account for substantive changes in the subject, changes in the pedagogy of how the subject is taught, or both.

For some subjects, the standard may be even shorter. For example, areas such as law, accounting, and tax are subject to frequent change due to the actions of state and federal courts, regulatory agencies, state legislatures and Congress. Textbooks in these areas, whether at the undergraduate or post graduate level, often require more frequent revision in order to be current with court rulings, regulatory promulgations, etc. This is also true for courses in technology and the sciences, the substance of which change rapidly. Our educational content is of such high quality and in demand throughout the world because of the investment our member Publishers make in keeping the content current.

This bill would effectively ban new textbooks for use by undergraduate and graduate students in the State of Connecticut and require that those students use textbooks that are out-of-date. The ***ability of these students to master the subjects they are studying would be substantially impaired as would be the quality of education offered at the colleges and universities of Connecticut. The competitiveness of both Connecticut's institutions of higher learning and the students they graduate would also be negatively affected thereby putting Connecticut students at a significant disadvantage***.

Think of this law from a parent's perspective***. This school year it costs $28,274 for an in-state student and $48,454 for an out-of-state student to attend the University of Connecticut. Would you choose to pay this amount of money to send your son or daughter to school that, by law, requires that they use out-of-date textbooks.*** Dr. Michael Sproul, an economics professor at UCLA, captured the essence of this debate when he said, "Given the central importance of the textbook to a class…the textbook is the wrong place to scrimp."

By effectively banning so many new college textbooks from the Connecticut student market, this bill would have a devastating impact on the higher education publishing industry.

Because the bill seeks to regulate commerce between out-of-state publishers and in-state students, it may violate the Commerce Clause of the United States Constitution. Most publishers are not located in Connecticut. Just as Connecticut cannot tax internet sales unless the vendor has a sufficient presence in the state, so it cannot regulate other aspects of those sales. Connecticut simply does not have the power to regulate out-of-state websites and out-of-state transactions, even though its residents may be involved at one end of such transactions. The Commerce Clause of the United States Constitution gives to Congress the sole power to regulate interstate commerce. States do not have the right to regulate commerce that occurs outside their borders, as this bill attempts to do.

Book banning, for whatever reason, is an affront to our most basic constitutional values. This bill raises very serious questions under the First and Fourteenth Amendments to the United States Constitution.

By dictating to faculty what textbooks they may or may not use, this bill deeply infringes academic freedom. One of the most important decisions that faculty make is what course materials to assign their students. That choice reflects both the professor's substantive approach to the subject and his or her pedagogical method.

This bill also infringes the right of students to learn. University and college students are adult learners who are continuing their education by choice. There are no truant officers on college campuses. Often, these students are accepted by more than one institution and may choose that institution most suited to their needs and ambitions. Once on campus, students have a choice of majors and a choice of professors and instructors. By tying the hands of faculty in terms of the books they assign this bill also largely defeats student choice and infringes upon their right to learn.

Finally, this bill provides no definition of its key term, "textbook." As such, this bill applies to any book that could be assigned by faculty – which is to say, virtually every book that has ever been published. So, for example, were a revised version of Solzhenitsyn's *Gulag Archipelago* correcting mistakes from the prior edition to be published, should Connecticut students of the Cold War and the Soviet Era in Russian history really have to wait 3 years and a day before they can be assigned the corrected translation?

For the foregoing reasons, the Association of American Publishers (AAP) would oppose Raised Bill No. 931.

Putting the Price of Textbooks in Perspective

It is often argued that the costs of higher education textbooks place significant financial burden on college students. However, it is important to recognize that students' financial burden is also a result of the high cost of tuition, room and board. Higher education is expensive to provide and to receive, and textbooks are but one part of this. To put these costs in perspective: according to the National Center for Education Statistics (an entity within the U.S. Department of Education):

- Students at the University of Connecticut saw a ***6.9% increase in tuition and fees*** for 2013-14 over the previous academic year and ***no increase whatsoever for books and supplies***.

- Students at Central Connecticut State University saw a ***4.6% increase for tuition and fees*** over the previous academic year and ***no increase whatsoever for books and supplies.***

- and students at Eastern Connecticut State University saw a ***5.2% increase for tuition and fees*** for the same time period. Like their counterparts at the other universities, ***they also saw no increase in the cost of books and supplies***.

According to Student Monitor, which provides syndicated and custom market research services focused exclusively on the college student market:

- The ***average spent by students for textbooks*** (including e-textbooks, used textbooks and rentals) during the 2013-2014 academic year was ***$520***.

- When ***only new, printed textbooks*** are considered, the ***average spent by students*** during the 2013-2014 academic year was ***$245***.

- Since ***Spring of 2010, student spending on printed textbooks has declined by 31 percent*** and across all formats (including e-textbooks and rentals) by 17 percent.

Publishers have made great efforts to bring low cost alternatives to market. Several years ago, five of the largest publishers joined forces to establish CourseSmart.com to provide lower priced digital versions of textbooks to students. ***About 90 percent of all textbooks in print are available through CourseSmart.com at up to a 60 percent discount over the hardcopy price***. Also, publishers have created lower priced paperback and ring-binder versions of textbooks as well as buy-by-the-chapter versions and rental programs. Because students have many choices, their spending on textbooks has been level or gone down over the past few years, according to market surveys conducted by the National Association of College Stores and Student Monitor.

New Digital Learning Platforms Reduce Costs and Increase Student Success

Higher education publishers and digital learning companies have spent the last decade developing, refining and proving a new generation of digital learning platforms that reduce costs and address the needs of both students and faculty. Raised Bill No. 931 would have a chilling effect on that innovation Connecticut.

These platforms can be used on virtually any device: a laptop, tablet or smartphone. They can be designed to be standalone or they can be bundled with a hardcopy textbook. The platforms present the content in more engaging ways and provide interactive activities that improve learning outcomes and student performance.

Perhaps most importantly, these platforms include personalized learning technologies, such as quizzes, tests and games, that use artificial intelligence to assess where a student is strong and where the student needs improvement, and then to drill the student in the areas in which he or she needs assistance.

The results of these programs are sent real-time to the instructor so he or she can monitor both how individual students and the class as a whole are performing. The platform has an email function which enables the instructor to communicate with individual students and the class as a whole to fine tune existing instructions. The instructor also has the opportunity to alter in-class instruction to better adapt to the needs of the class.

Increasingly, digital text is being imbedded in the platform to form a continuous whole with work problems, questions, quizzes and other materials. This method of presenting material closely matches the learning styles of today's smart phone, tablet, and laptop savvy students.

Many – though by no means all – of these digital platforms are developed for introductory classes that often pair one professor with 200 or more students. They provide an effective means for professors to provide individual attention to the students in these large classes that simply was not possible in the past.

Finally, these digital learning platforms typically cost only a fraction of the price of a color, hardbound textbook. The money saved by shifting from print to digital platforms can be as much as 65 percent.

The effectiveness of the new products produced by publishers and digital learning companies has been proven by independent study and review. The results are impressive:

- A study of one publisher compared the results of two microeconomics classes. One class used the textbook alone. The other used the textbook together with the related digital learning platform. The class using the digital technology performed almost 30 percent better than the class that used the textbook alone.

- In a different independent study of another publisher's platform, students were tested upon entering a course and upon the conclusion of the course. Those students in the course using only the textbook showed a 51 percent improvement rate on their end of course test compared with their beginning of course test. Those students who used both the textbook and the digital learning platform experienced a 79 percent improvement rate.

- In yet another independent study from a different publisher, use of its digital platform in six separate courses improved student performance in each course and reduced institutional costs between 10 and 35 percent.

- Finally, an independent study of more than 700 students at six distinct institutions found use of a specific digital learning platform increased their performance. Students using the platform increased their grades by one full letter, with more B students getting As, and more C students getting Bs. Community college students participating in the study saw their graduation rates improve by 12.5 percent and their retention rate increase by 10.5 percent.

These are just a few of the examples of how using new digital learning platforms can significantly improve student outcomes – and do so at a substantially reduced student cost. The market for these products is evolving.

The proposed legislation would curtail the publishers ability to meet market needs and has the potential to diminish progress for new products. The bill is unworkable in the context of evolving digital product offerings because the print textbook may or may not be tied into the revision or updating cycle of a related digital product. The law would cause massive confusion among students and professors as to which product to adopt for classroom use.

Conclusion

In conclusion, the Association of American Publishers adamantly opposes any effort by government to effectively ban books. This bill is contrary to our nation's most fundamental constitutional values and undermines the very notion of what a university is and the pursuit of learning and free

enquiry that should occur there. Should this bill pass, it will do tremendous damage to Connecticut's institutions of higher learning and degrade the education your students will receive. Both your institutions and the students they graduate will be less competitive with their out-of-state counterparts.