



**Testimony on Behalf of the National Association of College Stores
By Richard Hershman
Before the
House Education Committee**

HB 2213

February 25, 2019

Chairman Doherty and members of the Education Committee, on behalf of the National Association of College Stores (NACS), I thank you for the opportunity to provide written testimony regarding HB 2213.

My name is Richard Hershman and I am the Vice President of Government Relations for NACS.

NACS is headquartered in Oberlin, Ohio. Our members are primarily college and university owned and other non-profit college and elementary and secondary owned stores here in Oregon and across the United States and the world. We conduct extensive research into course material use and affordability, establish best practices, and partner with innovative non-profits and companies. We also operate several buying and discount consortiums available to Oregon's postsecondary institutions and schools that help lower costs for students.

NACS supports the goals of HB 2213 in supporting the textbook provisions of the Higher Education Opportunity Act (HEOA) of 2008. We welcome the legislation's support for campus stores in the promotion of timely selections of course materials by faculty and encouraging institutions to support the academic mission of campus stores in helping with student success and affordability. That said, we reluctantly cannot support the legislation as introduced and ask the committee to support stakeholders as we continue to explore ways to address concerns and propose ways to enhance the legislation.

As introduced, the bill conflicts with the HEOA requirements to provide students accurate and actionable information to make informed choices on their options for course materials. We are especially concerned that the bill as introduced will require the posting of verified required course material information that students and bookstores will use to procure course materials, that is then allowed by statute to be changed after publishing the information. This will lead to costly procurement mistakes by students and bookstores driving up costs for both.

For students, when an institution publishes online what is required to purchase that is later changed, some students may purchase the wrong materials that may not be returnable if purchased in a peer to peer transaction or from online sellers. For institutions, many publishers do not allow for returns or impose restocking/return fees or limitations on returns from campus

bookstores. Campuses will also be faced with increase shipping and handling costs and bank transaction fees, while requiring additional cash held in return credits by publishers for future purchases. These added costs will eventually be passed on to students.

We are also concerned the legislation conflicts with HEOA by proposing the course material information reside within the course description versus HEOA that requires the information to the maximum extent practicable and in a manner of the institutions choosing be on or linked from the course schedule. HB 2213 also identifies such materials that are only required for purchase, which appears to be narrower than HEOA's requirements which requires the price to the student of required and recommended textbooks and supplemental materials.

The bill further establishes what will be in many cases an unrealistic timeline as much as five months before the start of term for posting accurate verified information for students. The bill does not have HEOA's allowances for when course material information is not yet available –for example, when pricing is not yet established months before a term.

Finally, while we welcome timely faculty course material selections which help lower costs and increase accessibility, the bill would undermine academic freedom of some faculty and constrain the amount of time bookstore employees and librarians will have to engage and assist faculty in considering no cost and low cost alternatives in support of Section 3 and ORS 348.757.

Since the formal introduction of HB 2213 we have been gathering information and talking with stakeholders including faculty, students, institutions, campus stores, and the Oregon Higher Education Coordinating Commission. We believe with additional time, the community can address various concerns with the legislation and we are committed to working together to achieve good public policy language that places students first and supports faculty, institutions and campus stores in serving their academic mission.

NACS supports efforts to enhance affordable and equitable access to quality course materials, and will continue to work as an ally for student interests. Thank you for this opportunity to submit testimony on this important issue and we are happy to answer any questions the committee has as it continues to work on this issue.