

March 18, 2011

**MEMORANDUM**

To: CUNY Faculty

From: Alexandra W. Logue *AWL*  
Executive Vice Chancellor and University Provost

Frederick P. Schaffer *FPS*  
General Counsel and Senior Vice Chancellor for Legal Affairs

Re: Compliance with Textbook Requirements of HEOA

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On August 14, 2009, President Obama signed The Higher Education Opportunity Act (HEOA) which reauthorizes, as amended, the Higher Education Act of 1965. HEOA is applicable to institutions like CUNY that receive Title IV financial aid funds and includes a number of requirements regarding textbooks that are intended to ensure that students have access to affordable course materials by, among other things, enhancing transparency and disclosure regarding textbooks and other course materials. These requirements became effective on July 1, 2010.

**Textbook Requirements of HEOA**

HEOA requires the following:

- Institutions must disclose “to the maximum extent practicable” on their Internet course schedule the International Standards Book Number (“ISBN”) and retail price for required and recommended textbooks and supplemental materials for each course listed on the schedule. If the ISBN number is unavailable, the institution must disclose the author, title, publisher and copyright date of the text or material instead. If it is not practicable to disclose either the ISBN number or the alternative information, the institution shall place “To Be Determined” on the schedule.
- If an institution also publishes a written course schedule, that schedule must note that the above information is available on the institution’s Internet schedule and must include the web address for the Internet schedule.
- Institutions must make available to their college bookstores, “as soon as is practicable upon the request of the bookstore,” the course schedule for the subsequent academic period, and for each class offered during the period the ISBN and other information

described above, the number of students enrolled in each class and the maximum enrollment for the class.

## **CUNY Compliance**

Central CIS is in the process of testing a system to be used by the campuses to meet the HEOA requirements, with CUNY-wide rollout scheduled for summer and fall 2011. The system will require faculty members to input their course material data, but will allow much of the required information to be pulled from Google Books, Bowker and other sources. The system will allow the export of data to campus bookstores so that faculty members will not have to submit book information twice - once to the electronic course schedule and once to the book store. The system is based on that currently in place at Brooklyn College.

The Central CIS system is intended to be temporary; as colleges move to CUNYfirst, they will utilize the component that is part of the CUNYfirst system. In addition, colleges that have developed their own solutions may continue to use them until such time as these colleges move to CUNYfirst.

## **Faculty Obligations**

In order for CUNY to comply with HEOA, faculty members must provide the required course material information to the system. Faculty members must do this even if they plan to include the information on their syllabus. Access to the system is through the CUNY Portal so faculty members should activate their Portal accounts (if they have not already done so) as soon as possible.

It is worth remembering that the purpose of the textbook provisions of HEOA is to give students course materials information at the time of registration so that there is transparency regarding the actual cost of a course. In addition, because the campus bookstores will be receiving course material lists from the system, it is critical that faculty members submit their course material information sufficiently in advance of the semester to enable the bookstores to confirm the availability of the materials and, when appropriate, the availability of used textbooks or alternative formats. Consequently, CUNY strongly encourages faculty to submit course book information by April 5 for the summer and fall sessions and October 12 for spring and winter sessions.

If course material information is not available by a submission deadline because, e.g., the instructor has not yet been hired, the department chair is responsible for ensuring that a "To Be Determined" notice is added to the system with respect to course material information for the course. However, in general faculty members should use their best efforts to supply the required course material information by the deadlines to ensure that students have the information by registration and the campus bookstores have enough time to procure the materials.

## **Frequently Asked Questions**

**What do I do with respect to independent study or similar courses for which there are no required or recommended materials?** A faculty member should post a statement that there are no required or recommended materials.

**What if my class uses several literary texts and students are free to choose any edition they find?** The author, title and copyright date should be provided, as well as the ISBN and retail price information for at least one edition, along with a notation that students may choose to purchase other editions. The point is to give the student a sense of what the materials for a course will cost. If a faculty member has a preferred edition, or if she or he is aware of a particularly inexpensive edition, the faculty member might choose to post information about that edition (again, with the notation that students may choose to purchase other editions). If a work is in the public domain, the faculty member might also include a link to Project Gutenberg or other site where the book may be downloaded for free.

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