Misguided Proposal to Upend Discounted Textbook Programs Could Raise College Costs, Harm Student Outcomes

Recapping the Regulatory State of Play and Assessing Unintended Consequences

Issue Overview

The Department of Education is exploring a new regulation that would make it harder for students to automatically receive discounted textbooks and course materials through affordable access programs (known as Inclusive Access or Equitable Access). These programs ensure students have their required textbooks on or before the first day of classes at competitive, below-retail prices, while providing students the choice to opt out if they want to purchase their materials elsewhere. Today, more than **1,500 colleges** nationwide offer affordable access programs, which have helped **cut student spending on textbooks and course materials by 57%** since 2016. Further, independent research found that access programs resulted in substantial increases in course completion rates for at-risk groups, including Black students (up 21 percent) and students over the age of 25 (up 6 percent).

Regulatory State of Play

The Department's proposal would change the current structure of affordable access programs by requiring the use of an opt-in model and prohibiting institutions from including discounted textbook costs as part of students' tuition and fees. Students could no longer be automatically enrolled in affordable access programs, which means **colleges would lose the bulk buying power that allows them to negotiate steep discounts on course materials on behalf of students, causing textbook prices to increase**.

During the negotiated rulemaking that took place earlier this year, **several negotiators expressed concerns with the Department's proposal** and offered alternate language to preserve the current opt out structure that is key to securing competitive discounts on textbooks and keeping down costs for students. Eleven negotiators expressed strong concerns and only 5 voted in favor, including the department. **However, the Department of Education refused to make changes and negotiators could not reach consensus.** Regulators are now crafting an official proposed rule based on the Department's draft language that will be released in a Notice of Proposed Rulemaking (NPRM) later this year.

The Consequences

Higher education stakeholders, including students, professors, and college presidents, have warned the Department that gutting the current affordable access program structure will have significant negative consequences, including:

- **Higher Costs:** Access programs saved students more than $130 million during the 2022-2023 school year. If these programs are no longer available to help institutions negotiate the best price, student spending on course materials could jump by hundreds of dollars.

- **Reduced Student Preparedness**: If access programs are terminated, students are less likely to have all their materials when classes begin and, as a result, are more likely to struggle to learn.

- **Lower Academic Outcomes**: Research has shown that when textbook prices were at their highest, nearly two-thirds of students chose not to purchase materials at all due to cost – and almost all those students worried that decision would hurt their grades.

- **Harm to Disadvantaged Students:** As currently structured, access programs have been proven to significantly increase course completion rates for underserved students, and if these programs go away, disadvantaged students will face more barriers to success.

- **Less Student Choice**: The Department will remove students' ability to choose whether or not they want to receive bulk discounts on course materials by eliminating that possibility altogether.

To learn more about affordable access programs, view fact sheets and information about this rulemaking, and read case studies from colleges and students, visit www.keeptextbooksaffordable.org