

## The True Cost of Inclusive Access

A college is accused of making it nearly impossible for students to opt out of a program that automatically bills them for textbooks -- a potential breach of government regulations.

By

Lindsay McKenzie February 5, 2019

Trident Technical College is one of many colleges that have embraced the **inclusive-access approach** to curricular materials in the past few years. For colleges like Trident Tech, a public two-year institution in Charleston, S.C., the benefits of inclusive-access programs are compelling. The programs allow colleges to automatically bill students for their course materials as part of their tuition or course fees, meaning that on the first day of class, every student has the right textbook and is ostensibly ready to learn.

But colleges are allowed to offer inclusive-access programs only under certain legal conditions. To automatically bill students for course materials, U.S. Department of Education **regulations** say colleges must offer these materials below a competitive market rate and must also give students a way to opt out of the program.

In a **lawsuit** filed last week, Trident Tech is accused of not fulfilling either of these requirements.

Virginia Pirate Corporation, the company that sued Trident Tech on anticompetitive grounds, owns a secondhand textbook store down the street from the college.

The store, Textbook Brokers Charleston, lost hundreds of potential customers in fall 2018 and spring 2019 due to the college's inclusive-access programs, said Jeremy Cucinella, regional manager for Virginia Pirate Corp.

The lawsuit alleges that Trident Tech was misleading students about the true cost of course materials purchased through inclusive-access programs. The filing

includes screenshots from the website of the college's bookstore, [TTC Bookstore](#), showing several materials listed at \$0.

Students often have no idea what they're actually paying for these materials, said Cucinella.

"They come in and ask why we're charging \$60 for something they get for free," he said. But they are actually being charged large amounts for their textbooks as part of their course fees, he said.

Textbook Brokers Charleston has helped many Trident Tech students opt out of inclusive-access programs and buy cheaper alternatives, said Cucinella.

However, he notes that at least 100 students have had difficulty opting out, despite assurances from the college that this would not be a problem.

In a response to a Freedom of Information Act request filed on behalf of Virginia Pirate Corp., Helen Sughrue, executive assistant to the president at the college, said any student who opts out of an inclusive-access program and purchases the nationally available version of required materials "will not lack access to anything else to which other students have access to."

In reality, this has not been the case, said Cucinella.

In the lawsuit, emails and meeting notes between professors, administrators and publishers, obtained by FOIA request, are used to illustrate that sometimes students are unable to opt out of inclusive-access programs. In some cases, this is because the college has used customized content or is using technology that is not available elsewhere -- a practice that does not appear to be prohibited by the U.S. Department of Education regulations.

In one email cited in the lawsuit, Mark Schmid, a math instructor at the college, suggests that any student who opts out of a course using Pearson's MyLabsPlus platform would experience "automatic failure since they cannot do their work."

David Hansen, spokesman for Trident Tech College, said that the MyLabsPlus platform is only used in two courses in the college's developmental math sequence. The cost of inclusive access for a seven-week course is \$59, and a 14-week course is \$107. Prior to the availability of the inclusive-access program, the cost for the textbook and access code in the college bookstore was \$132.00 for both the seven-week and 14-week courses, he said.

“Like many other colleges in South Carolina and across the nation, we are making digital materials available to our students in an effort to lower the cost of attending college,” said Hansen. “Each term Trident Tech faculty report that more students are not buying the course materials needed to be successful due to the high cost of textbooks. Students in courses that offer digital materials are able to access course materials, including textbooks, online at a substantial cost savings.”

Trident Tech currently has inclusive-access deals with Pearson, Cengage and McGraw-Hill through distributor Redshelf for 35 courses. All materials are selected by faculty members, either individually, as a committee or as a whole department, said Hansen. The program has so far saved students more than \$400,000 based on Trident Tech bookstore prices from the previous year, he said.

“Students who wish to acquire their materials from elsewhere are given the opportunity to opt out of inclusive digital materials,” said Hansen. In the fall semester, 73 students opted out and were fully refunded, he said.

“Innovation in any product or industry is always met by some challenges,” said Scott Overland, Pearson spokesman. Pearson is not a named party in the lawsuit but stands by the inclusive-access model -- which offers “real benefits to students, instructors and institutions,” he said.

“First-day access [to digital course materials] has been proven to increase student retention and performance in class, and busy students, particularly those who are busy juggling work and school, know they are getting a great deal without having to spend time searching for course materials,” said Overland.

“Students may forgo the benefits of inclusive access by opting out at any point during the add/drop period. If a student opts out, they are free to purchase the required course materials from other sources, but that often results in higher total prices or a decision not to purchase materials.”

Susan Aspey, senior vice-president for communications and public affairs at Cengage, echoed Overland's statement. "It's unfortunate that programs created to offer students easier, more affordable ways to buy course materials are subject to criticism and worse," said Aspey. "We comply with federal opt-out regulations and our institutional customers manage the process with students.

Most students choose not to opt-out because they cannot find a lower price elsewhere."

The lawsuit, thought to be the first to tackle inclusive-access programs, raises important questions about this model of textbook delivery, said Nicole Allen, director of open education at the Scholarly Publishing and Academic Resources Coalition (SPARC).

"Many institutions are jumping on the bandwagon to negotiate this kind of publisher deal, but we're only starting to learn what devils might be in the details," she said.

Some publishers require colleges to meet a quota in order to get the best prices for students, said Allen.

"This type of quota puts the institution's financial interest at odds with academic freedom and student choices," she said noting that it is in the institution's interest to discourage students from opting out of inclusive-access programs.

"The complaint lays out multiple illustrations of how opt-out can be confusing, difficult or practically -- if not actually -- impossible, especially in the case of custom materials or platforms tied to mandatory course work," she said.

Matt Reed, vice president for learning at Brookdale Community College and an *Inside Higher Ed* blogger, also has concerns about the inclusive-access model. If a college opts for all of its course materials to be provided by one publisher, then what is to stop that publisher from raising its prices, Reed asked in [a recent blog post](#).

"Whether this particular bookstore's claim has merit, I don't know," wrote Reed.

"But at a larger level, it has a point. Monopolies abuse; that's what they do."

[https://www.insidehighered.com/news/2019/02/05/college-hot-water-over-inclusive-access-programs-and-student-choice?utm\\_source=Inside+Higher+Ed&utm\\_campaign=1e8e10298d-DNU\\_2019\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_1fcbc04421-1e8e10298d-198467257&mc\\_cid=1e8e10298d&mc\\_eid=0c2028f1a2](https://www.insidehighered.com/news/2019/02/05/college-hot-water-over-inclusive-access-programs-and-student-choice?utm_source=Inside+Higher+Ed&utm_campaign=1e8e10298d-DNU_2019_COPY_01&utm_medium=email&utm_term=0_1fcbc04421-1e8e10298d-198467257&mc_cid=1e8e10298d&mc_eid=0c2028f1a2)