



**House  
Legislative  
Analysis  
Section**

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## **ELECTRONIC TEXTBOOK ACT**

### **House Bill 5795 as introduced First Analysis (6-7-00)**

**Sponsor: Rep. Doug Spade  
Committee: Education**

#### ***THE APPARENT PROBLEM:***

Most college courses require the use of specific textbooks. While most students have little difficulty finding printed versions of the appropriate textbook for a class they wish to take, it is another matter entirely for people who are unable to read standard printed text. Students who are blind or otherwise visually-impaired, as well as those who suffer from certain learning disabilities such as dyslexia, often find it difficult to find college textbooks in a media that they are able to use. Recording for the Blind and Dyslexic (RFB&D), a group that provides educational materials in recorded and computerized formats, expects the number of people using their services to exceed 80,000 by the year 2001. However, even though RFB&D has 77,000 books on tape and in computerized form available from its library, a great many textbooks are still unavailable for college and university students. Although some expensive technologies exist that allow students who are unable to read printed text to scan printed material and have it "read aloud" by a digitized voice; many students must rely on others (paid or volunteers) to read the text to them either face to face or on audio tape. Legislation has been introduced to allow colleges and universities to request that publishers provide an electronic version of those textbooks that are adopted for instructional use.

#### ***THE CONTENT OF THE BILL:***

The bill would create a new act, the College and University Electronic Textbook Act. Upon request, a publisher of a textbook adopted by a college or university would be required to furnish the school with an electronic version of the textbook, if the textbook was for a literary subject. For a textbook for a nonliterary subject, the publisher would be required to convert the textbook directly to a format compatible with braille translation software, if the technology was available. A publisher could not charge a price for this electronic version exceeding the price for the print or electronic media version of the textbook.

#### ***FISCAL IMPLICATIONS:***

Fiscal information is not available.

#### ***ARGUMENTS:***

##### ***For:***

The bill is needed to make certain that students with certain visual or learning disabilities are able to find textbooks that they can use. Given that most printed books, in this electronic age, begin in some form of electronic format before being printed, it should not be too difficult for a publisher to supply such a version of the text. The course textbooks that a publisher makes available to college and university students should no longer be limited to printed formats. While technology exists that allows a textbook to be scanned into a computer and then "read aloud" by a digitized voice, this technology is expensive and it can still take a long time to scan an entire textbook into a computer one page at a time. If this is not available, a student must find someone else to read the text to him or her. If the student cannot find taped versions of the text, he or she is left with less freedom to decide when to study, because the student must rely on someone else to read the material to him or her.

Having an electronic version of a book available will allow students to use different programs to translate a textbook into a more useful medium. For example, some visually impaired people have programs that expand the print size on a computer screen to a much larger size or that can translate an electronic version of a book into braille or into an audible version. In the end this will provide a blind or otherwise "print impaired" individual with the same opportunity to buy textbooks that other students have.

##### ***Against:***

Questions have been raised about the potential costs that this requirement could impose upon textbook publishers. An electronic version of a textbook could be significantly more costly than a print version; limiting the publishers to charging only the amount

charged for a print version, as the bill would do, could impose a significant burden on such publishers. Furthermore, there is the risk that requiring the provision of electronic versions of a bill could raise intellectual property issues.

***Response:***

According to a representative from RFB&D, similar legislation already exists in California and has not lead to significant protests from publishing companies there. Further, it should be noted that although the bill requires publishers to provide electronic versions, it contains no penalty for those that do not. Providing electronic versions of textbooks for people with "print disabilities" (which include blindness, visual impairments, learning disabilities or other physical disabilities) is simply the right thing to do. People with disabilities should not have their access to textbooks limited when simple ways to improve their access already exist.

***POSITIONS:***

Recording for the Blind and Dyslexic (a non-profit volunteer service organization that provides educational materials in recorded and computerized formats) supports the bill. (6-6-00)

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■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.