

**LATE**

**SB-2328**

Submitted on: 1/29/2018 4:17:31 PM

Testimony for HRE on 1/30/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Treven Mukai	ASUH Hawaii Community College	Support	No

Comments:

As President of our ASUH-HAWCC Student Government, and standing for our entire student body I supportt bill SB2328

Mahalo Treven Mukai

**LATE**

**SB-2328**

Submitted on: 1/30/2018 11:43:28 AM

Testimony for HRE on 1/30/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Halverson	Democratic Party of Hawaii	Oppose	No

Comments:

The Oahu County Committee of the Democratic Party of Hawaii previously mistakenly submitted testimony in support of this bill. It was a mistake on our side caused by miscommunication, and the testimony previously submitted did not reflect the consensus of the entire committee. We are stongly against this bill.

This bill greatly restricts academic freedom in thinking and progressive approaches for achieving student learning outcomes. In addition, it demeans the academic professional by forcing them to turn over intellectual property without recognizing academic practices or requirements of peer review. Although we favor reduced costs for students, it is not appropriate when it causes academics to violate their professional integrity in the name of lowering student costs.

Please disregard our previous testimony by the Oahu Democratic Party in support of this bill. We absolutely do not support this bill.

**LATE**

**SB-2328**

Submitted on: 1/30/2018 5:52:46 AM

Testimony for HRE on 1/30/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lana Ululani Robbins		Oppose	No

Comments:

Dear Senators Kahele, Chang, Dela Cruz, Galuteria, Inouye, Kidani, and Shimabukuro,

While the intentions of SB 2328 is well-meaning, it deprives professors to choose material that they see fit. They should use material that is accurate and precise not because the material is free. Please end this nonsense. Professors, assistant professors, and teaching assistants at the University of Hawai'i already have it tough as it is. Mahalo.

**LATE**

**SB-2328**

Submitted on: 1/29/2018 3:34:59 PM

Testimony for HRE on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Suthers		Oppose	No

Comments:

Concerning SB 2328: I am a University of Hawaii professor. I'm sensitive to student finances and use free online instructional material whenever I can, which is in general for almost all of my courses. However, SB2328 is misguided in several ways:

- \* In some fields, such as the Algorithms course I teach, a published textbook is the acknowledged authority in the field and should be owned by any practitioner of the field.
- \* It would require years of work to create a free textbook of equal quality.
- \* Requiring that faculty create a textbook and then offer it for free may violate collective bargaining agreements concerning intellectual property.
- \* The legislature should not be micro-managing the university at this level.
- \* Finally, **the greatest increase of college costs to students is due to the Hawaii legislature reducing funding to the University, not to textbooks.**

**LATE**

**SB-2328**

Submitted on: 1/29/2018 4:17:19 PM  
Testimony for HRE on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leanne Riseley		Oppose	No

Comments:

**I believe it was with good intent that SB 2328 was introduced to address the cost of attending college in Hawaii. However, the requirement that all courses at all campuses within the University of Hawai'i system exclusively use open educational resources as their instructional materials is unattainable and will negatively impact student learning in multiple unintended ways.**

**Since 2015, a small group of advocates from around the UH system have diligently promoted OER awareness to faculty and students, provided faculty training, and supported faculty members with identifying, adopting, and adapting OER to replace costly commercial textbooks. In collaboration with instructional faculty, OER advocates have successfully brought awareness about OER to the various campus. Faculty on all campuses are considering, evaluating, and adopting OER. Each semester, more faculty moving away from expensive commercial textbooks and are using OER.**

**At Leeward CC, where I personally support the efforts of OER, we are encouraging all solutions that lower costs for students. Some of these solutions are pure-OER, but many times, the solution is a mixture of OER and other no-cost resources. Some of the no-cost resources include copyrighted print and electronic resources the UH libraries already pay for (subscribe to). Some of the no-cost resources are websites, which are publically available, but are not OER by definition. In the definition of OER, all of these no-cost resources would not be an option for faculty to use as instructional materials. Thereby, limiting faculty choice, not enhancing it. For students, they don't care if the materials are OER, or other no-cost resources because both options meet the goal of no-cost-to-them.**

**Another issue with mandating OER is OER is currently not available in all subject areas. If an OER is available, is of high quality, and meet the course learning outcomes, then OER is definitely the preference. However, if any of those criteria**

**are not met, then OER is not a viable solution. For example, specialized subject areas have limited or no OER available. In other subject areas, OER exist, but they may not sufficiently address the student learning outcomes for the course.**

**If there are no OER or if there are limited OER available, it is unreasonable to expect faculty to create all of their own OER materials. Imagine asking a faculty to write their own textbook for each of the subjects they teach. Faculty require time, course design skills, and technical skills to do a course redesign. Courses that have not been properly designed will negatively impact student learning, rather than enhancing it.**

**Finally, the University of Hawaii system is a higher education institution protected under academic freedom. Mandating faculty use OER goes against everything academic freedom protects.**

**I humbly suggest that instead of mandating change through legislation, the Senate convey its support of the current UH OER initiative with a resolution. Any funding to assist UH faculty in transitioning to OER will have the effect of spurring faster and more widespread adoptions across the UH system. The return on any investment in support of OER at UH will have a great impact on our students, on higher education, and to the State of Hawai'i.**

**LATE**

**SB-2328**

Submitted on: 1/29/2018 6:27:06 PM

Testimony for HRE on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Jayne Bopp		Oppose	No

Comments:

**With all due respect, Senator Kahele has no idea what he is talking about in this bill. He clearly does not know what OER is and the difference between OER and other no cost or low cost educational materials. What this bill proposes goes against UH BOR and UHPA policies with respect to academic freedom and intellectual property rights among other things. The fact this bill states that if no OER materials are available professors should create them (e.g. write an astrophysics textbook for example) is laughable. Mandating that state employees are expected to do vast amounts of unpaid work outside of their duties is ridiculous. I suggest that this bill is withdrawn.**

**LATE**

**SB-2328**

Submitted on: 1/29/2018 11:31:01 PM

Testimony for HRE on 1/30/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lee Altenberg		Oppose	No

Comments:

SB2328 mandates the use of free instructional materials for all University of Hawai`i courses.

A little reflection reveals that SB2328 does not go nearly far enough to reduce the costs of higher education.

If we invoke the principles behind SB2328 to their fullest, we arrive at an additional provision: the law ought to mandate that University of Hawai`i courses be taught only by volunteers. By eliminating the cost of faculty, not only would the costs to students be reduced, but also the costs to the tax payers as well.

One additional provision would be to mandate that the faculty cite only freely available publications in their research articles. This would take pressure off of the libraries to pay for books and journals, eventually allowing the budget for library acquisitions to be reduced to zero.

One problem with these proposals, of course, is that the quality of faculty willing to teach on a pro-bono basis may be vastly inferior to the quality of current paid faculty. The reputation of the University of Hawai`i might suffer.

This same problem attends to the use of freely available online material, which may be not be up to the quality of materials that are produced by authors who are getting paid for their intellectual products. The reputation of the University of Hawai`i might suffer when potential students learn that their faculty are restricted to teaching with free materials. I can imagine the term "Blogoversity" making the rounds on social media to describe a University run solely on free online material.

So, upon further reflection, I think that the mandate of SB2328 may be short-sighted. It may be "penny wise and pound foolish". Section 1 of SB2329 begins, "The legislature finds that the cost of attending college continues to rise." This is an oddly phrased statement, as though the cost of college were some external fact, when it is the act of the legislature in continuing to under-fund Hawaii's public University that is the primary cause of the increased personal cost to students.



The Hawai'i legislature ought to lead the nation in reversing the privatization of public university funding that has corroded higher education as a public good for forty years now. The original vision of public universities in the United States was that it was necessary for a democracy to have an educated citizenry, that the educated population of Hawai'i that the University contributes toward is to the benefit of all, that education is therefore not merely a means to higher personal income, but a means to higher functioning of the whole society, and is therefore a public good which merits public funding.

Let the legislature therefore propose to eliminate the individual cost of in-state tuition to Hawaii's citizens and return the University of Hawai'i to its founding mission.

Sincerely,

Lee Altenberg

**LATE**

**SB-2328**

Submitted on: 1/30/2018 6:39:11 AM

Testimony for HRE on 1/30/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Hayes		Oppose	No

Comments:

RE: SB2328

Aloha,

As a parent of Native Hawaiian children who are either presently enrolled or are about to be enrolled in the University of Hawaii system, I, too, will request that the committee defer action on this measure.

I understand and appreciate the need to minimize the financial burden of education. I remember buying used textbooks to save money as I put myself through the system. While I agree with the spirit in which the bill is submitted, I believe that the letter of the law, in this case, would be counter-productive.

Professors cannot count on open-source materials to be current, accurate, or relevant to their course of instruction. Wikipedia is an open-source, publicly maintained resource. While it can be extremely useful, it can also be dead wrong. Whether due to misinformed editors or due to outright manipulation by an entity for self-serving reasons, we must remember that open-source is a volunteer effort with all the benefits and pitfalls that such an endeavor by its nature includes.

I have and will continue to pay for my keiki's textbooks. While I reserve the right to grumble as I do so, I understand what I am paying for. More and more textbooks are available electronically, and the bookstores have other methods of controlling costs for students. I would rather contribute to a fund to help less fortunate students pay for materials than see them all forced to use substandard materials.

Hawaiian history is a field that is morphing before our eyes. As the contents of Hawaiian Language newspapers are translated and entered into the public record, these materials are being used by scholars to perform new research. If we had to rely only on those materials in the public record, we would miss out on the years of experience of instructors and authors, the nuances of meaning that can only be teased out by those intimate with a subject, and the combination of the written and oral histories that are then combined and interpreted by a knowledgeable source.

In science, current research will never be input into the public domain. Computer technology changes so quickly that only by paying someone to create a snapshot will we be rewarded with current information. So, while I appreciate your intentions, please don't stop the sharing of new and contemporary knowledge with our children. You will be saving us some money. The cost of those savings will be the quality of education available in the UH system.

Mahalo for your time in considering this testimony,

Robert Hayes

Parent of UH System Students (current and future)

**LATE**

**SB-2328**

Submitted on: 1/30/2018 8:26:04 AM  
Testimony for HRE on 1/30/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carol Hasegawa		Oppose	No

Comments:

I have been learning about and advocating for adoption and creation of Open Educational Resources at Honolulu Community College since 2014. So, I'm buoyed by SB2328 recognition of the potential for OER in higher ed, but I am also dismayed by the proposed stick solution.

I question this legislation that imposes restrictions and requirements upon educators and I have doubts about how such a mandate can be enforced. Our approach to date has been that of collaboration, encouragement, building infrastructure, support and training and a lot of communication about what OER is, how to locate, create, and share.

The current bill as written, in tone and intent, runs counter to the spirit and mission of OER.

I would welcome verbiage and a resolution to nurture, inform, and support growing OER in Hawaii schools.

**LATE**

**SB-2328**

Submitted on: 1/29/2018 6:38:45 PM

Testimony for HRE on 1/30/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lani Uyeno	Leeward Community College	Oppose	No

Comments:

SB 2328 attempts to lower the cost of attending college in Hawaii through the use of open educational resources (OER). However, the requirement that all courses on all campuses within the University of Hawai'i system exclusively use OER as their instructional materials is unattainable.

Since 2015, OER advocates have successfully brought awareness about OER to the various UHCC campuses. Faculty are considering, evaluating, and adopting OER. Each semester, more faculty moving away from expensive commercial textbooks and are using OER.

At Leeward Community College where I teach, faculty offer \$0 Textbook courses that are often a mixture of OER and other no-cost resources. Some of these no-cost resources include copyrighted print and electronic resources the UH libraries already pay for; others are publicly available websites. By definition, SB 2328 would not allow for no-cost resources as instructional materials, thereby limiting faculty choice. Students generally do not care if the materials are OER or other no-cost resources because both options meet the goal of \$0 Textbook courses.

May I suggest that instead of mandating change through legislation, that the Senate convey its support of the current UH OER initiative with a resolution. Any funding to assist UH faculty in transitioning to OER will have the effect of spurring faster and more widespread adoptions across the UH system. The return on any investment in support of OER at UH will have a great impact on our students, on higher education, and on the State of Hawai'i.

**LATE**

**SB-2328**

Submitted on: 1/29/2018 5:46:43 PM

Testimony for HRE on 1/30/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Zeebe, Richard	University of Hawaii	Oppose	No

Comments:

Under no circumstances is this bill helpful for teaching at UH.

Oppose, oppose, oppose!

Richard Zeebe, Professor of Oceanography, UH.

**LATE**

**SB-2328**

Submitted on: 1/30/2018 10:05:28 AM

Testimony for HRE on 1/30/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeffrey Marzluft		Oppose	No

Comments:

Aloha,

I am a librarian and OER advocate at the University of Hawaii - Maui College. Although I am an advocate for the use of OER in pedagogy and the benefits they can have in student learning and the student experience, I am against this bill. Although well intentioned, I believe it showed an incomplete understanding of open resources in Higher Education:

- This bill does not respect the right of academic freedom and undermines the responsibilities and rights of faculty members to choose the most suitable materials for their instruction.
- There are many subject areas which do not have suitable or available open resources especially when compared to commercial products.
- This bill would disallow the use of other non-OER materials that are available to students at no cost. Resources such as those from the library's holdings and databases can be valuable instructional materials and remain free for students but do not qualify as true OER and would be disallowed under this bill.
- Mandates without financial support are sloppy and unrealistic. Materials may be free to the students, but it takes time and money to develop and discover appropriate open materials on the faculty side.

I know that textbook costs and their subsequent usage (or non-usage) are crucial issues for our students and your classrooms. In my opinion, a bill related to OER should support faculty and students in as many ways as possible - not mandate their usage.

Respectfully Submitted,

Jeffrey Marzluft

**LATE**

Testimony to the Senate Committee on Education  
Joint Public Hearing – Tuesday, January 30, 2018 at 1:15pm  
State Capitol, Conference Room 224

RE: Senate Bill 2328, Relating to University of Hawaii

Chair Kahele, Vice Chair Kim, and Members of the Committee:

My Name is Gian Hidalgo, I am an alumni of the University of Hawai'i at Mānoa and a current employee of the University of Hawai'i Bookstore. I am testifying in opposition to Senate Bill 2328.

I graduated from UH Mānoa in 2015, and understand and appreciate the intent of this senate bill – to lower student educational expenses. However, I do not believe that requiring faculty members and lecturers to exclusively use open education resources (OER) is the solution.

My main responsibility at the bookstore is to coordinate our Interactive Digital Access Program (IDAP) throughout all bookstores in the University of Hawai'i system. IDAP, also known as inclusive-access in the textbook industry, is driven by two goals – to lower the price of course materials to students and to improve student educational outcomes. By providing students with digital course material for the duration of the semester, prices are drastically lowered. The bookstore also partners with publishers to provide students with competitive pricing and have seen our IDAP prices 70% cheaper than their printed counterparts. IDAP also allows all students in the course to have access to their digital course materials before the first day of instruction. This ensures that all students are prepared for the semester, and no student will need to “catch up” due to not having their course material.

Being the bookstore's IDAP coordinator has given me the opportunity to meet with professors and administrators across various disciplines. They have mentioned that, although there has been a push for them to use OER material, they have decided against using OER material due to the current quality – for lack of a better word – of OER material available. Knowing that some students may pursue post-baccalaureate education, possibly in the mainland, these professor want to use course material that are also being used at some of our nation's top universities.

The UH bookstore first implemented IDAP in the Fall of 2016, since then students across all campuses in the UH system have saved a total of about \$1.2 million by using the course material provided by IDAP. Not only will IDAP provide students with their course material at a much cheaper price, we are also providing them with course material written by subject matter experts, thus preserving the educational standard of the course material.

Thank you for the opportunity to comment on this bill.

2465 Campus Road, Honolulu HI 96828  
Telephone: (808) 956-0380



**LATE**

January 30, 2018

Kaiali'i Kahele  
Senate District 1  
Hawai'i State Capitol  
Room 213  
Honolulu, HI 96813

Dear Senator Kahele:

I am contacting you to oppose the proposed SB 2328 concerning Open Educational Resources (OERs) to be implemented for all UH courses. I am speaking for the Associate Degree Nursing Program, the Practical Nursing Program, the Surgical Technology Program and the Long Term Care Nurse Aide Program at Kapi'olani Community College.

We strongly disagree with the premise that those not in the classroom or discipline can dictate what is best for the course and student. How one teaches and what tools they use have been crafted by examining a multitude of possibilities. We are academic health care professionals that work very hard to make the most engaging courses for our nursing and health care students at Kapi'olani Community College and our student outcomes attest that we are achieving and surpassing our programs' goals.

As health education professors, we choose the best resources for our courses, based on

- most up to date evidence based practice,
- most up to date health care information, including medications
- availability
- readability
- the ability to engage our students with varied learning materials
- additional resources available for students to understand the concepts
- additional resources available for instructors such as learning materials, and test banks.

Health care courses are not available in OER form. OERs can be useful, but often hard copy resources provide more active learning by student... therefore greater success. Our publishers also offer our resources in e-book form that traditionally costs less. Many students avail themselves of this choice and some have the texts in print and in ebook form.

In an effort to contain the cost of textbooks for our nursing students, a vast majority of the textbooks purchased in the first semester are used for duration of the nursing program, wherein, for example, students in the Associate Degree in Nursing program will use their (first-semester) textbooks for the entire two years of the program.

On another related issue, the UH and the State government should move towards allowing equitable journal access across all of the UH System. Currently an undergraduate student at UH-Mānoa has better journal access than a Ph.D. professor at any Community College. Vice-President John Morton (and M.R.C. Greenwood before him) are aware of this two-tiered

platform and vowed to level the playing field of online resource access. To date though, nothing has changed.

Although the cost of student tuition is stated as a justification of OERs implementation in SB 2328, the reality is that Community College tuition in Hawai'i is amongst the cheapest in the nation. These students are just testing the waters of their career and academic lives, and forcing them to use more "passive" methods of OER learning is a disservice to all. Our college must be seen as leaders that give our students the most up to date information that leads to excellent health care of our Hawai'i population.

Please consider addressing equitable electronic (journal) access across the UH System, but leave the teaching tools at the instructor level. We do have a driving professional integrity and constantly experiment to find the perfect resources for student teaching and success... and in many cases we choose electronic platforms that are interactive and they are not OERs.

Simply put, I trust you are an expert in your area and discipline, and therefore would not dictate what resources you use to accomplish your work... whereupon, I would hope that the same professional courtesy is accorded to faculty within the UH system.

The Nursing Faculty at Kapi'olani Community College  
Patricia Taylor, MSN Ed, RN - scribe

**LATE**

**SB-2328**

Submitted on: 1/30/2018 12:25:09 PM

Testimony for HRE on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lance Uyeda		Oppose	No

Comments:

To the members of the Senate Higher Education Subcommittee:

Please do not let SB 2328 out of your subcommittee. This bill on open educational resources is visionary but misguided.

There are vivid examples of the textbook industry's effects on students' overall college expenses, but prohibiting materials-related fees would be an act of over-reaching, centralized micromanagement. This bill would have disastrous effects on our higher education system, which has complex needs currently being filled (if not ideally, in many cases) by the market.

Open educational resources are not a one-size-fits-all solution for college courses for the following reasons.

**1) OERs are limited and primarily for introductory-level classes.** For example, a leading purveyor of peer-reviewed OER textbooks, the OpenStax project housed at Rice University, has a catalog of just 44 texts. In an article published last July in the leading online academic news site, Inside Higher Ed, Open Stax was identified as "one of the leading publishers of open educational resources"; at the time, it only had 35 titles on offer. Even now, these offerings are limited primarily to three subject areas, math, physics, and economics, with 6-12 texts each. In biology, chemistry, and statistics, Open Stax offers 2-3 texts. The only text they offer in any humanities field is a single US history textbook. As a Rice alumnus, I assure you that no Rice student could complete a single year of study by restricting herself to Open Stax texts. Nor would she want to.

**2) OERs are generic.** As a more or less brand-new products, OER texts are (at the moment) designed to replace doorstop textbooks, which in some cases represent the lowest common denominator in teaching and are often overpriced. Beginning instructors are sometimes drawn to these textbooks because they come with a variety of lesson planning materials. But experienced instructors often veer away from these textbooks. For example, I could choose to assign English 100 students the Bedford Guide for College Writers, which is sold new on Amazon.com for \$104. Instead, I assign topical, single-author nonfiction books such as Barbara Demick's book of reportage on North Korea, Nothing to Envy, and Wolfgang Bauer's Crossing the Sea: With Syrians on the Exodus to Europe. My required English 100 books sell for a total of \$25 on Amazon.

In English, my field, there is no usable OER textbook that I know of, and if there were one, I doubt I would use it. If SB 2328 is passed, I will have to create, following fair use laws, a Frankenstein packet of chapters from a selection of texts, which will likely lack the narrative interest of the texts I currently assign. This will be a step backward in teaching and learning in my classroom.

Please vote this bill down. Thank you for your time and attention.

Sincerely,

Lance Uyeda

English associate professor

Curriculum committee chair