

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2103

By: Cargill, Terrill, Martin
(Steve), Sears, Wesselhoft,
Kern and Key of the House

7 and

8 Johnson (Mike) and Reynolds
9 of the Senate

10
11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to schools; amending 70 O.S. 2001,
13 Section 3218.8, as amended by Section 2, Chapter 4,
14 O.S.L. 2003 (70 O.S. Supp. 2006, Section 3218.8),
15 which relates to higher education tuition and
16 mandatory fees; specifying application of tuition
17 limits; directing the State Regents for Higher
18 Education to anticipate certain revenue needs for
19 certain period; directing institution to provide a
20 guaranteed tuition rate to certain students for
21 certain period; making guaranteed tuition rate
22 optional for students; requiring institutions to
23 provide certain information prior to enrollment;
24 limiting tuition charged for certain period to
participating students to amount charged upon initial
enrollment; specifying limit for guaranteed rate;
providing for extension of guaranteed time period for
certain undergraduate program; providing for
extension of guaranteed time period for students who
withdraw for certain reasons; providing for an
increase in tuition upon transfer to another
institution; providing for tuition rate upon a change
in majors or certain transfers; requiring
participating students to be enrolled full-time;
providing for determination of full-time enrollment;
stating legislative findings; stating legislative

1 intent; providing definitions; directing boards of
2 regents to adopt certain instructional material
3 policies; specifying contents of instructional
4 material policies; directing boards of regents to
5 seek input from certain persons; requiring certain
6 publishers to make certain information available to
7 higher education institution faculty and staff;
8 prohibiting higher education institution employees
9 and departments from demanding or receiving certain
10 payments; allowing higher education employees and
11 departments to receive certain materials and
12 compensation; prohibiting material vendors and
13 bookstores from making certain solicitations;
14 prohibiting bookstores from buying back certain
15 instructional materials; prohibiting bookstores from
16 engaging in the trade of certain instructional
17 materials; providing for codification; and providing
18 an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3218.8, as
21 amended by Section 2, Chapter 4, O.S.L. 2003 (70 O.S. Supp. 2006,
22 Section 3218.8), is amended to read as follows:

23 Section 3218.8 A. The Subject to the provisions of subsection
24 D of this section, the Oklahoma State Regents for Higher Education
are authorized to establish undergraduate resident tuition,
nonresident tuition and mandatory fees, which students shall pay as
a condition of enrollment, except as otherwise provided by law. The
process for establishing tuition and mandatory fees shall
incorporate the provisions of Section 3218.14 of this title.

1. At the comprehensive universities the combined average of
the resident tuition and mandatory fees established for any school

1 year for either the guaranteed or nonguaranteed rate, as determined
2 by the State Regents, shall remain less than the combined average of
3 the resident tuition and fees at the state-supported institutions of
4 higher education that are members of the Big Twelve Conference on
5 the effective date of this act. The combined average of the
6 nonresident tuition and mandatory fees, as determined by the State
7 Regents, shall remain less than one hundred five percent (105%) of
8 the combined average of the nonresident tuition and fees at the
9 state-supported institutions of higher education that are members of
10 the Big Twelve Conference on the effective date of this act.

11 2. At the regional universities and two-year colleges the
12 combined average of the resident tuition and mandatory fees
13 established for any school year for either the guaranteed or
14 nonguaranteed rate, as determined by the State Regents, shall remain
15 less than the combined average of the resident tuition and mandatory
16 fees at like-type state-supported institutions of higher education
17 in states determined by the State Regents that include, but are not
18 limited to, those adjacent to Oklahoma. The combined average of the
19 nonresident tuition and mandatory fees, as determined by the State
20 Regents, shall remain less than one hundred five percent (105%) of
21 the combined average of the nonresident tuition and fees at like-
22 type state-supported institutions of higher education in states
23 determined by the State Regents that include, but are not limited
24 to, those adjacent to Oklahoma.

1 B. In its deliberation on the establishment of resident tuition
2 rates for undergraduate and graduate education, the Oklahoma State
3 Regents for Higher Education shall balance the affordability of
4 public higher education with the provision of available, diverse and
5 high-quality learning opportunities. In this endeavor the State
6 Regents shall give consideration to the level of state
7 appropriations, the state economy, the per capita income and cost of
8 living, the college-going and college-retention rates, and the
9 availability of financial aid in Oklahoma. For any increase in the
10 tuition rates, the State Regents shall demonstrate a reasonable
11 effort to effect a proportionate increase in the availability of
12 need-based student financial aid. Need-based financial aid shall
13 include, but shall not be limited to, awards for the Oklahoma Higher
14 Learning Access Program, Oklahoma Tuition Aid Grants, federal need-
15 based financial aid and tuition waivers, and private donations. In
16 addition, when determining the guaranteed tuition rates as provided
17 for in subsection D of this section, the Regents shall consider the
18 anticipated revenue needs during the four-year or two-year period of
19 the guarantee.

20 C. Students permitted to audit courses shall pay the same
21 resident tuition and nonresident tuition as required of students who
22 enroll for course credit.

23 D. 1. Beginning with the 2008-2009 academic year, each
24 institution within The Oklahoma State System of Higher Education

1 shall offer to resident students enrolling for the first time as a
2 full-time undergraduate a tuition rate that will be guaranteed for a
3 period of not less than four (4) consecutive academic years at the
4 comprehensive and regional institutions and for not less than two
5 (2) consecutive years at the two-year institutions as provided for
6 in this subsection. Students shall have the option to participate
7 or not participate in the guaranteed tuition rate program and shall
8 indicate their election at the time of enrollment. Each institution
9 shall provide students with the following information prior to
10 enrollment:

- 11 a. the annual tuition rate charged and the percentage
12 increase for the previous four (4) academic years,
13 and
14 b. the annual tuition and percentage increase that the
15 nonguaranteed tuition rate would have to increase to
16 equal or exceed the guaranteed tuition rate for the
17 succeeding four (4) academic years.

18 2. Except as otherwise provided for in this subsection, for a
19 student who elects to participate in the guaranteed tuition rate
20 program, who is a resident of the state, and who enrolls for the
21 first time as a full-time undergraduate student at an institution in
22 the state after the 2007-2008 academic year, the amount of
23 undergraduate resident tuition charged to the student for four (4)
24 consecutive academic years at a comprehensive and regional

1 institution or for two (2) consecutive academic years at a two-year
2 institution shall not exceed the amount that the student was charged
3 at the time of first enrollment, nor shall it exceed one hundred
4 fifteen percent (115%) of the nonguaranteed undergraduate tuition
5 rate charged to resident students enrolling for the first time as
6 undergraduate students at the same institution for the same academic
7 year.

8 3. If the normal time of completion for an undergraduate
9 program is more than four (4) years, as determined by the
10 institution, the amount of resident tuition charged to students in
11 that program who have elected to participate in the guaranteed
12 tuition rate program shall not increase during the normal completion
13 period of the program.

14 4. If a student who has elected to participate in the
15 guaranteed tuition rate program is required to withdraw from an
16 institution for military or other national defense emergencies, the
17 amount of resident tuition the student is required to pay upon
18 reentering the institution shall not exceed the amount the student
19 was charged at the time of withdrawal.

20 5. If a student who has elected to participate in the
21 guaranteed tuition rate program transfers to another institution or
22 transfers from a constituent agency of a comprehensive institution
23 to another constituent agency or the comprehensive institution
24 after initial enrollment, the student shall be charged the amount of

1 resident tuition charged to other students enrolling for the first
2 time at that institution or constituent agency.

3 6. If a student who has elected to participate in the
4 guaranteed tuition rate program changes majors or transfers to
5 another campus of the same institution after initial enrollment, the
6 tuition charged to the student shall equal the amount the student
7 would have been charged had the student been admitted to the changed
8 major or enrolled at the new campus when the student first enrolled.

9 This paragraph shall not apply if a student transfers from a
10 constituent agency of a comprehensive institution to another
11 constituent agency or the comprehensive institution.

12 7. A student who elects to participate in the guaranteed
13 tuition rate program shall maintain full-time enrollment during the
14 guaranteed four-year or two-year period. For purposes of this
15 subsection, full-time enrollment shall be the number of credit hours
16 as determined by the State Regents for Higher Education to be full-
17 time enrollment for each institution.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3241.1 of Title 70, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The Legislature finds that:

22 1. The bundling of higher education textbooks, workbooks, CD-
23 ROMs, and other course-related instructional materials can be
24 unnecessary since many students do not use all of the materials

1 included and may realize cost savings if materials are also offered
2 separately; and

3 2. Many higher education faculty and staff select textbooks and
4 instructional materials uninformed of the retail costs and
5 differences between versions.

6 B. It is the intent of the Legislature to:

7 1. Give students enrolled in institutions in The Oklahoma State
8 System of Higher Education more choices for purchasing textbooks and
9 instructional materials;

10 2. Encourage higher education faculty and staff to work closely
11 with bookstores and publishers to implement the least costly option
12 without sacrificing educational content; and

13 3. Provide maximum cost savings to students.

14 C. As used in this section:

15 1. "Instructional material" means any textbooks, workbooks, CD-
16 ROMS, and other course-related material required or recommended by
17 the higher education faculty or staff for a given course; and

18 2. "Bundled" means a textbook and other supplemental
19 instructional materials that may be packaged together to be sold as
20 course materials for one price but shall not include instructional
21 materials that are designed solely for sale as an integrated
22 combination of two or more units or materials that cannot be sold
23 separately due to third-party contractual agreements, custom
24 editions, or special editions.

1 D. Each board of regents of an institution or group of
2 institutions within The Oklahoma State System of Higher Education
3 shall adopt an instructional material policy that requires:

4 1. Bookstores located on campus or bookstores which contract
5 with the institution to provide bookstore services to students:

6 a. provide students with the option of purchasing
7 instructional materials that are unbundled when
8 possible, disclose to faculty and staff the costs to
9 students of purchasing instructional materials, and
10 disclose publicly how new editions vary from previous
11 editions,

12 b. actively promote and publicize book buy-back programs,
13 and

14 c. disclose retail costs for instructional materials on a
15 per-course basis to faculty and staff and make this
16 information publicly available; and

17 2. Higher education faculty and staff members to consider the
18 least costly practices in assigning instructional materials for a
19 course, such as adopting the least expensive edition available when
20 educational content is comparable as determined by the faculty and
21 working closely with publishers and bookstores to create bundles and
22 packages if they deliver cost savings to students.

23 E. In developing an instructional material policy as required
24 in subsection D of this section, each board of regents shall work

1 with and seek input from bookstores, publishers, students and
2 faculty representatives.

3 F. Each publisher of instructional material used by students
4 enrolled at institutions in The Oklahoma State System of Higher
5 Education shall make available to the faculty and staff of that
6 institution the:

7 1. Price at which the publisher will make the instructional
8 materials available to bookstores, either those located on campus of
9 the institution or those which have a contract with the institution
10 to provide bookstore services to students; and

11 2. A list of the revisions for the instructional materials
12 since the last published edition, if any.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3241.2 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 A. No employee or department at an institution within The
17 Oklahoma State System of Higher Education shall demand or receive
18 any payment, loan, subscription, advance, deposit of money, services
19 or anything, present or promised, as an inducement for requiring
20 students enrolled at the institution to purchase specific textbooks
21 or instructional material required for coursework or instruction.

22 An employee or department of an institution may receive:

23 1. Sample copies of textbooks or instructional material,
24 instructor copies of textbooks or instructional material, or other

1 instructional material, that are not to be sold by faculty, staff,
2 or bookstores;

3 2. Royalties or other compensation from sales of textbooks or
4 instructional materials that include the writing or work of the
5 employee;

6 3. Honoraria for academic peer review of instructional
7 materials; and

8 4. Training in the use of instructional materials and
9 technologies.

10 B. No instructional material vendor or bookstores located on
11 campus or bookstores which contract with the institution to provide
12 bookstore services to students shall solicit higher education
13 faculty and staff members for the purpose of selling free review
14 instructional materials that have been provided by a publisher at no
15 charge to the faculty or staff. Bookstores shall not permit book
16 wholesalers conducting buybacks on campus to accept review
17 instructional materials from faculty or staff. No bookstore shall
18 engage in any trade of any instructional material marked as or
19 identified as free review instructional materials.

20 SECTION 4. This act shall become effective November 1, 2007.

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