

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1738

By: Schulz of the Senate

and

6 Covey of the House

7
8 COMMITTEE SUBSTITUTE

9 (Higher education - instructional materials -
10 effective date)

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

15 SECTION 1. AMENDATORY Section 2, Chapter 368, O.S.L.
16 2007 (70 O.S. Supp. 2007, Section 3241.1), is amended to read as
17 follows:

18 Section 3241.1 A. The Legislature finds that:

19 1. The bundling of higher education textbooks, workbooks, CD-
20 ROMs, and other course-related instructional materials can be
21 unnecessary since many students do not use all of the materials
22 included and may realize cost savings if materials are also offered
23 separately; and

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

4 3. Textbooks and course materials are often purchased at higher
5 prices than necessary or not at all due to a lack of competitive
6 advertising; and

7 4. Students sometimes do not purchase needed textbooks and
8 course materials due to a lack of funds.

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

10 1. Give students enrolled in institutions in The Oklahoma State
11 System of Higher Education more choices for purchasing textbooks and
12 instructional materials;

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

16 3. Provide maximum cost savings to students.

17 C. As used in this section:

18 1. "Instructional material" means any textbooks, workbooks, CD-
19 ROMs, and other course-related material ~~required or recommended by~~
20 ~~the higher education faculty or staff for a given course~~ that are
21 published with the intent that they be used for or in conjunction
22 with classroom instruction and that are adopted for academic use by
23 faculty or the person or entity in charge of selecting learning
24 materials at the public institution of higher education; and

1 2. "Bundled" means a textbook and other supplemental
2 instructional materials that may be packaged together to be sold as
3 course materials for one price but shall not include ~~instructional~~
4 ~~materials that are designed solely for sale as an integrated~~
5 ~~combination of two or more units or~~ integrated textbooks, materials
6 that cannot be sold separately due to third-party contractual
7 agreements, custom editions, or special editions-;

8 3. "Integrated textbook" means a college textbook that:

- 9 a. is combined with materials developed by a third party
10 and that, by third-party contractual agreement, may
11 not be offered by publishers separately from the
12 college textbook with which the materials are
13 combined, or
14 b. includes functionally interdependent course materials
15 designed to be used solely as a single unit and whose
16 separation would substantially degrade the academic
17 content so that its components would not be useful to
18 the student; and

19 4. "Custom textbook" means a college textbook that is compiled
20 at the direction of a faculty member or any other person or entity
21 in charge of selecting course materials at a university, including
22 selections from original instructor materials, previously
23 copyrighted publisher materials, copyrighted third-party works and
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1 elements that are unique to a specific educational institution such
2 as commemorative editions.

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

6 1. Bookstores located on campus or bookstores which contract
7 with the institution to provide bookstore services to students that:

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

14 b. actively promote and publicize book buy-back programs,
15 and

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

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

1 3. Each institution to provide information to students during
2 freshman orientation on options available for purchasing
3 instructional materials.

4 E. In developing an instructional material policy as required
5 in subsection D of this section, each board of regents shall work
6 with and seek input from bookstores, publishers, students and
7 faculty representatives.

8 F. Each publisher of instructional material used by students
9 enrolled at institutions in The Oklahoma State System of Higher
10 Education shall make available to the faculty and staff of that
11 institution the:

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

16 2. A list of the substantial revisions for the instructional
17 materials since the last published edition, if any.

18 SECTION 2. This act shall become effective November 1, 2008.

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