

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1738

By: Schulz

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5
6 AS INTRODUCED

7 An Act relating to higher education; amending Section
8 2, Chapter 368, O.S.L. 2007 (70 O.S. Supp. 2007,
9 Section 3241.1), which relates to costs and
10 purchasing of instructional materials; modifying
11 legislative findings; defining term; requiring
12 certain boards of regents to include certain
13 procedures in instructional material policy adopted;
14 and providing an effective date.

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

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

19 Section 3241.1 A. The Legislature finds that:

20 1. The bundling of higher education textbooks, workbooks, CD-
21 ROMs, and other course-related instructional materials can be
22 unnecessary since many students do not use all of the materials
23 included and may realize cost savings if materials are also offered
24 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. "Advertising" means not more than two (2) pages of
19 promotional material describing the availability and terms of sale
20 of textbooks or course materials;

21 2. "Instructional material" means any textbooks, workbooks, CD-
22 ROMs, and other course-related material required or recommended by
23 the higher education faculty or staff for a given course; and

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1 ~~2.~~ 3. "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 materials that cannot be sold
6 separately due to third-party contractual agreements, custom
7 editions, or special editions.

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

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

- 13 a. provide students with the option of purchasing
14 instructional materials that are unbundled when
15 possible, disclose to faculty and staff the costs to
16 students of purchasing instructional materials, and
17 disclose publicly how new editions vary from previous
18 editions,
- 19 b. actively promote and publicize book buy-back programs,
20 and
- 21 c. disclose retail costs for instructional materials on a
22 per-course basis to faculty and staff and make this
23 information publicly available; ~~and~~

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

7 3. Equal access to distribute advertising as follows:

- 8 a. if a bookstore located on campus is allowed to submit
9 advertising for inclusion in student orientation
10 packets or through the electronic media services of
11 the institution, or as part of a presentation to any
12 student group, then the institution shall allow a
13 private local textbook vendor access to distribute the
14 private local textbook vendor's advertising by the
15 same distribution method, if requested in writing by
16 the private local textbook vendor,
- 17 b. the institution shall distribute the advertising of a
18 private local textbook vendor contemporaneously with
19 the advertising of the on-campus bookstore,
- 20 c. the institution may request a modification of the
21 advertising of the on-campus bookstore or a private
22 local textbook vendor if the advertising does not
23 reflect the public interests of this state,

- 1 d. the institution shall be under no obligation to accept
2 advertising from the on-campus bookstore or a private
3 local textbook vendor, and
4 e. an on-campus bookstore and a private local textbook
5 vendor shall be responsible for the costs related to
6 the preparation and production of all advertising
7 material.

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

12 F. Each publisher of instructional material used by students
13 enrolled at institutions in The Oklahoma State System of Higher
14 Education shall make available to the faculty and staff of that
15 institution the:

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

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

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

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