

THE STATE SENATE
Wednesday, April 1, 2009

ENGROSSED

House Bill No. 1882

ENGROSSED HOUSE BILL NO. 1882 - By: Jordan, Kern and Shumate of the House and Schulz of the Senate.

An Act relating to schools; amending Section 2, Chapter 368, O.S.L. 2007 (70 O.S. Supp. 2008, Section 3241.1), which relates to higher education instructional materials; deleting certain findings; modifying definitions; adding definitions; modifying requirement to submit a list of revisions to instructional materials; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 368, O.S.L.

2007 (70 O.S. Supp. 2008, Section 3241.1), is amended to read as follows:

Section 3241.1 A. ~~The Legislature finds that:~~

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

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

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

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

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

7 3. Provide maximum cost savings to students.

8 ~~C.~~ B. As used in this section:

9 1. "Instructional material" means any textbooks, workbooks, CD-
10 ROMs, and other course-related material ~~required or recommended by~~
11 ~~the higher education faculty or staff for a given course~~ that are
12 published with the intent that they be used for or in conjunction
13 with classroom instruction and that are adopted for academic use by
14 the faculty or the person or entity in charge of selecting learning
15 materials at the institution within The Oklahoma State System of
16 Higher Education; and

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

1 3. "Integrated textbook" means a textbook that:

- 2 a. is combined with materials developed by a third party
3 and that, by third-party contractual agreement, may
4 not be offered by publishers separately from the
5 textbook with which the materials are combined, or
6 b. is combined with other materials that are so
7 interrelated with the intent of the textbook that the
8 separation of the textbook from the other materials
9 would render the textbook unusable for its intended
10 purpose; and

11 4. "Custom edition" means instructional material that is
12 compiled by a publisher at the direction of a faculty member or
13 other person or adopting entity in charge of selecting course
14 materials at an institution, and may include, alone or in
15 combination, items such as selections from original instructor
16 materials, previously copyrighted publisher materials, copyrighted
17 third-party works, and elements unique to a specific institution,
18 such as commemorative editions.

19 ~~D.~~ C. Each board of regents of an institution or group of
20 institutions within The Oklahoma State System of Higher Education
21 shall adopt an instructional material policy that requires:

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

- 1 a. provide students with the option of purchasing
2 instructional materials that are unbundled when
3 possible, disclose to faculty and staff the costs to
4 students of purchasing instructional materials, and
5 disclose publicly how new editions vary from previous
6 editions,
7 b. actively promote and publicize book buy-back programs,
8 and
9 c. disclose retail costs for instructional materials on a
10 per-course basis to faculty and staff and make this
11 information publicly available; and

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

18 ~~F.~~ D. In developing an instructional material policy as
19 required in subsection ~~D~~ C of this section, each board of regents
20 shall work with and seek input from bookstores, publishers, students
21 and faculty representatives.

22 ~~F.~~ E. Each publisher of instructional material used by students
23 enrolled at institutions in The Oklahoma State System of Higher

1 Education shall make available to the faculty and staff of that
2 institution the:

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

7 2. A ~~list of the revisions for the instructional materials~~
8 ~~since the last published~~ description of the substantial content
9 revisions made between the current edition of the textbook or
10 supplemental material and the previous edition, if any.

11 SECTION 2. This act shall become effective August 1, 2009.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 3-30-09 - DO
17 PASS.