

A.C.A. Tit. 6, Subtit. 5, Ch. 60, Subch. 6 Note
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*** CURRENT THROUGH THE 2010 FISCAL SESSION ***

Title 6 Education

Subtitle 5. Postsecondary And Higher Education Generally

Chapter 60 General Provisions

Subchapter 6 -- Textbooks and Course Materials

A.C.A. Tit. 6, Subtit. 5, Ch. 60, Subch. 6 Note (2010)

A.C.A. Tit. 6, Subtit. 5, Ch. 60, Subch. 6 Note

6-60-601. Adoption of textbooks and course materials.

(a) (1) For each full semester and collectively for summer sessions, a state-supported institution of higher education in this state shall distribute a list of all textbooks and course materials required or assigned for an undergraduate course by:

(A) Publication on its website; and

(B) Posting at its bookstore.

(2) The list shall be distributed no later than noon on:

(A) April 1 for the following fall semester;

(B) November 1 for the following spring semester; and

(C) April 1 for all following summer sessions.

(b) For each textbook or course material the list shall include:

(1) A brief description of the textbook or course material;

(2) The author or authors;

(3) The title and edition; and

(4) Any special instructions or circumstances for the purchase or use of the textbook or course material.

(c) A textbook or course material for an undergraduate course may be adopted after the time specified in subsection (a) of this section for distributing the list if:

(1) The adoption is approved by the department chair and the dean or division head of the affected college; and

(2) The dean or division head of the college forwards to the chief academic officer of the affected state-supported institution of higher education the following information:

(A) A list of each late adoption;

(B) The names of the person or persons responsible for each late adoption; and

(C) A written statement explaining why each adoption was late.

HISTORY: Acts 2007, No. 175, § 1.

A.C.A. § 6-60-601

6-60-602. Inducements to require textbooks prohibited.

(a) No state-supported institution of higher education in this state or a department or employee of the institution of higher education shall demand or receive any present or promised gift, payment, loan, subscription, advance, deposit of money, services, or any other thing of value as an inducement for requiring students to purchase a specific textbook for coursework or instruction.

(b) This section shall not prevent an employee of the institution of higher education from receiving either:

(1) Sample copies, instructor's copies, or instructional material of a specific textbook required for coursework or instruction; or

(2) Royalties or other compensation from the sale or publication of a textbook that includes the employee's own writing or work.

(c) A violation of this section:

(1) Shall be reported within ten (10) business days by the state-supported institution of higher education to the:

(A) Chief academic officer of the institution;

(B) Chief legal counsel of the institution; and

(C) Legislative Council; and

(2) May be reported to the parties identified in subdivision (c)(1) of this section by any business or consumer.

HISTORY: Acts 2007, No. 105, § 1.

A.C.A. § 6-60-602

6-60-603. Website links for textbooks and course materials.

(a) No state-supported institution of higher education in this state shall place or permit to be placed on its website or its bookstore's website a link to the website of a retailer of textbooks or other educational materials if the retailer:

(1) Is not required to report and pay Arkansas sales and use taxes; and

(2) Does not obtain a use tax permit from the Department of Finance and Administration and report and pay Arkansas sales and use taxes on sales of textbooks and other educational materials to residents of this state.

(b) This section is intended to promote the state's ability to provide a quality but affordable higher education by strengthening the state's relationship with textbook retailers that support the state's educational mission by:

(1) Paying Arkansas sales and use taxes; and

(2) Interacting locally with state-supported institutions of higher education.

(c) Nothing in this section prevents a faculty member from referring students to any source for required or suggested textbooks or course materials.

(d) (1) A violation of subsection (a) of this section shall be reported to the department.

(2) If the department determines that a violation of subsection (a) of this section has occurred, it shall notify the state-supported institution of higher education of the violation.

HISTORY: Acts 2007, No. 277, § 1.

A.C.A. § 6-60-603

6-60-604. Textbook royalties.

(a) A state-supported institution of higher education shall establish guidelines for the use of royalties received by a faculty member from the sale of textbooks and course materials for classes taught by the faculty member.

(b) The guidelines shall:

(1) Be designed to acknowledge the conflict of interest; and

(2) Specify how the royalties may be used, giving priority consideration to programs that benefit students academically.

HISTORY: Acts 2007, No. 106, § 1.

A.C.A. § 6-60-604

6-60-605. Campus bookstore advertising.

(a) (1) If any state-supported institution of higher education advertises or allows an on-campus bookstore to submit advertising for inclusion in orientation packets or through the electronic media services of the state-supported institution of higher education or as part of a presentation to any student group, then the state-supported institution of higher education shall allow a private local textbook vendor

access to distribute the private local textbook vendor's advertising by the same distribution method if requested in writing by the private local textbook vendor.

(2) The state-supported institution of higher education:

(A) Shall distribute the advertising of a private local textbook vendor contemporaneously with the advertising of the on-campus bookstore;

(B) May request a modification of the advertising of the on-campus bookstore or a private local textbook vendor if the advertising does not reflect the public interests of the state; and

(C) Is under no obligation to accept advertising from the on-campus bookstore or a private local textbook vendor.

(3) An on-campus bookstore and a private local textbook vendor shall be responsible for the costs related to the preparation and production of all advertising material.

(b) As used in this section:

(1) "Advertising" means not more than two (2) pages of promotional material describing the availability and terms of sale of textbooks or course materials; and

(2) "State-supported institution of higher education" means any college, university, vocational school, trade school, or other postsecondary educational institution that receives any funding from the state.

(c) A violation of subsection (a) of this section:

(1) Shall be reported within ten (10) business days by the state-supported institution of higher education to the:

(A) Chief fiscal officer of the institution;

(B) Chief legal counsel of the institution; and

(C) Legislative Council; and

(2) May be reported to the parties identified in subdivision (c)(1) of this section by any business or consumer.

HISTORY: Acts 2007, No. 1205, § 1.

A.C.A. § 6-60-605