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**HOUSE BILL NO. 2041**

Offered January 14, 2015

Prefiled January 14, 2015

A *BILL to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 25, consisting of sections numbered 2.2-2478 and 2.2-2479, relating to establishment of the Open Education Resources Innovation Council.*

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Patron—Filler-Corn

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Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 25, consisting of sections numbered 2.2-2478 and 2.2-2479, as follows:**

*Article 25.**Open Education Resources Innovation Council.*

**§ 2.2-2478. Open Education Resources Innovation Council; membership; terms; quorum; compensation; staff.**

A. The Open Education Resources Innovation Council (the Council) is established as a policy board within the meaning of § 2.2-2100 in the executive branch of state government for the purpose of identifying open education resources at all levels of education and uses for such resources and recommending specific policies and funding mechanisms for the increased use of open education resources in the Commonwealth.

B. The Council shall consist of 13 members to be appointed as follows: (i) one representative of an open education nonprofit entity, one representative of a textbook publisher that sells textbooks in the Commonwealth for use in public elementary or secondary schools or institutions of higher education, one professor or administrator of a four-year public institution of higher education in the Commonwealth, one professor or administrator of the Virginia Community College System, and one active public elementary or secondary school teacher, to be appointed by the Governor, subject to confirmation by the General Assembly; (ii) two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the rules of the House of Delegates; (iii) two members of the Senate, to be appointed by the Senate Committee on Rules; and (iv) the Superintendent of Public Instruction, the Secretary of Education, the Director of the State Council of Higher Education for Virginia, and the Secretary of Technology, or their designees, who shall serve *ex officio* with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth.

C. Nonlegislative citizen members shall be appointed for terms of two years. Legislative members and *ex officio* members shall serve terms coincident with their terms of office. Vacancies in the membership of the Council shall be filled in the same manner as the original appointments for the unexpired portion of the term.

No House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, no nonlegislative citizen member appointed by the Speaker of the House of Delegates or the Senate Committee on Rules shall serve more than four consecutive two-year terms, and no nonlegislative member appointed by the Governor shall serve more than two consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

D. The Council shall annually elect from among its members a chairman and a vice-chairman. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Council. A quorum shall consist of six members.

E. The Council shall adopt rules and procedures for the conduct of its business, including a provision that Council members shall abstain or otherwise recuse themselves from voting on any matter in which they or a member of their immediate family have a personal interest in a transaction as defined in § 2.2-3101. The Council shall meet not more than four times a year, and other meetings may be held at any time or place determined by the Council or upon call of the chairman or upon a written request to the chairman by any two members. Except for emergency meetings and meetings governed by § 2.2-3708 requiring a longer notice, all members shall be duly notified of the time and place of any regular or other meeting at least 10 days in advance of such meeting.

F. The Office of the Attorney General shall render legal services to the Council, as requested.

G. Staff for the Council shall be provided by the Department of Education, the State Council on

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59 *Higher Education in Virginia, and the Secretary of Technology.*

60 *H. Legislative members shall receive such compensation as provided in § 30-19.12, and*  
61 *nonlegislative citizen members shall receive such compensation for the performance of their duties as*  
62 *provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses*  
63 *incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the*  
64 *costs of compensation and expenses of the members shall be provided by the Council.*

65 **§ 2.2-2479. Duties of the Open Education Resources Innovation Council.**

66 *The Council shall:*

67 *1. Advise the Governor and the General Assembly on open education policies that have the potential*  
68 *to reduce the cost of textbooks and educational materials in the Commonwealth while maintaining or*  
69 *adding value to the learning experience;*

70 *2. Develop and maintain a list of 50 digital open source textbooks, as that term is defined by the*  
71 *Council. In developing this list, the Council shall consider the extent to which the selected textbooks:*

72 *a. Would be used in the most highly enrolled courses at public elementary or secondary schools or*  
73 *institutions of higher education;*

74 *b. Are likely to generate significant savings on textbook costs for students and schools;*

75 *c. Demonstrate relative consistency in price, quality, and content across existing textbook products;*  
76 *and*

77 *d. Provide opportunities for faculty and teachers to augment the digital open source textbooks with*  
78 *free faculty-authored or teacher-authored materials;*

79 *3. Create a standardized, rigorous school and school board review and approval process for digital*  
80 *open source textbooks that ensures that all open source textbooks purchased have been tested and*  
81 *validated as having met accessibility requirements for students with disabilities and contain*  
82 *documentation for students with disabilities that describes available accessibility features;*

83 *4. Promulgate in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) any regulations*  
84 *that are consistent with the laws of the Commonwealth and necessary to carry out the provisions of this*  
85 *article; and*

86 *5. Submit to the Governor and the General Assembly an annual report for publication as a report*  
87 *document as provided in the procedures of the Division of Legislative Automated Systems for the*  
88 *processing of legislative documents and reports. The chairman shall submit to the Governor and the*  
89 *General Assembly an annual executive summary of the interim activity and work of the Council no later*  
90 *than the first day of each regular session of the General Assembly. The executive summary shall be*  
91 *submitted for publication as a report document as provided in the procedures of the Division of*  
92 *Legislative Automated Systems for the processing of legislative documents and reports and shall be*  
93 *posted on the General Assembly's website.*

94 **2. That the provisions of this act shall expire on July 1, 2018.**