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HOUSE BILL NO. 2041**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education
on February 4, 2015)

(Patron Prior to Substitute—Delegate Filler-Corn)

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, 2.2-2479, and 2.2-2480, relating to establishment of the Open Education Resources Innovation Council.*

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, 2.2-2479, and 2.2-2480 as follows:

Article 25.

Open Education Resources Innovation Council.

§ 2.2-2478. Definitions.

For the purposes of this article, "Open education resources" means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and re-purposing by others. "Open education resources" include full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

§ 2.2-2479. 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 19 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 and one administrator of a four-year public institution of higher education in the Commonwealth, one professor and one administrator of the Virginia Community College System, one active public elementary or secondary school teacher, and one active public elementary or secondary school administrator to be appointed by the Governor, subject to confirmation by the General Assembly; (ii) four 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, the Chancellor of the Virginia Community College System, 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

60 § 2.2-3708 requiring a longer notice, all members shall be duly notified of the time and place of any
61 regular or other meeting at least 10 days in advance of such meeting.

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

63 G. Staff for the Council shall be provided by the Department of Education, the State Council on
64 Higher Education in Virginia, and the Secretary of Technology.

65 **§ 2.2-2480. Duties of the Open Education Resources Innovation Council.**

66 The Council shall:

67 1. Advise the Governor and the chairmen of the House Committee on Education and the Senate
68 Committee on Education and Health on open education resource policies that have the potential to
69 reduce the cost of textbooks and educational materials in the Commonwealth while maintaining or
70 adding value to the learning experience;

71 2. Recommend or suggest requiring the creation or adoption of materials or processes for
72 implementing open source textbooks;

73 3. Recommend a standardized, rigorous school and school board review and approval process for
74 digital open source textbooks that ensures that all open source textbooks purchased have been tested
75 and validated as having met accessibility requirements for students with disabilities and contain
76 documentation for students with disabilities that describes available accessibility features; and

77 4. Submit to the Governor and the chairmen of the House Committee on Education and the Senate
78 Committee on Education and Health an annual report for publication as a report document as provided
79 in the procedures of the Division of Legislative Automated Systems for the processing of legislative
80 documents and reports. The chairman shall submit to the Governor and the chairmen of the House
81 Committee on Education and the Senate Committee on Education and Health an annual executive
82 summary of the interim activity and work of the Council no later than the first day of each regular
83 session of the General Assembly. The executive summary shall be submitted for publication as a report
84 document as provided in the procedures of the Division of Legislative Automated Systems for the
85 processing of legislative documents and reports and shall be posted on the General Assembly's website.

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