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HOUSE BILL NO. 662

Offered January 13, 2016

Prefiled January 11, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 23-9.8:2, relating to the State Council of Higher Education for Virginia; open educational resources.*

Patron—Filler-Corn

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23-9.8:2 as follows:

§ 23-9.8:2. Open educational resources; Open Educational Resources Grant Fund and Program established.

A. As used in this section:

"Council" means the State Council of Higher Education for Virginia.

"Fund" means the Open Educational Resources Grant Fund.

"Open educational resources" means teaching, learning, and research resources that:

1. Reside in the public domain or that have been released under an intellectual property license that permits their free use and repurposing by others; and

2. Conform to the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and to any additional accessibility standards established by the Council.

"Program" means the Open Educational Resources Grant Program.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Open Educational Resources Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All gifts, grants, or donations from public or private sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing grants under the Open Educational Resources Grant Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the director of the Council.

C. The Open Educational Resources Grant Program is established within the Council and in collaboration with each public institution of higher education to encourage the use of low-cost or no-cost open educational resources at such institutions.

D. The Council shall award grants under the Program through the Fund on a competitive basis to public institutions of higher education, giving priority to applications that propose to:

1. Adapt or otherwise make use of existing open educational resources;

2. Leverage grants awarded under this section with matching private funds or other resources;

3. Utilize students in the design or production of open educational resource materials;

4. Involve coordinated activities between two or more public institutions of higher education;

5. Focus on high-enrollment courses;

6. Address a need not currently met by existing available open educational resources; and

7. Assist in convening faculty from public institutions of higher education to promote the use of open educational resources in higher education.

E. All resources created or revised with grant funds received pursuant to the Program shall be openly licensed and shared with the public through an existing or new open educational resources repository.

F. No later than June 30, 2017, the Council, in coordination with each public institution of higher education, shall identify open educational resources that have undergone a peer-review process and can be made available to each public institution of higher education and be adopted at each such institution as the primary instructional material for at least 15 high-enrollment courses in general education disciplines for which the course credit is transferrable among each public institution of higher education.

G. Each public institution of higher education awarded grants under the program shall, after an appropriate pilot period of successful implementation, prominently designate grant-funded courses whose course materials consist exclusively of open educational resources or other low-cost or no-cost course materials (i) in the published course descriptions on the institution's website or otherwise provided to

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59 *students at the time of course registration and on the campus bookstore course materials list that is*
60 *provided for the course or (ii) through other methods or processes deemed appropriate by the institution*
61 *and approved by the Council.*

62 **2. That an emergency exists and this act is in force from its passage.**