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SENATE BILL NO. 45

Offered January 11, 2012

Prefiled January 4, 2012

A *BILL to amend and reenact §§ 2.2-2463 and 2.2-2464 of the Code of Virginia and to repeal § 2.2-2462 of the Code of Virginia, relating to the Open Education Curriculum Board.*

Patrons—Watkins; Delegate: Peace

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2463 and 2.2-2464 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2463. Open Education Curriculum Board; membership; terms; quorum; compensation; staff.

A. The Open Education Curriculum Board (the Board) is hereby established as a ~~policy an advisory~~ board within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the Board shall be to ~~designate qualifying entities as Open Education Consortia and set the standards for submission of materials and licensing of education curriculum developed by the Consortia advise the Governor and the Board of Education on all aspects related to the development and use of open educational resources. Open educational resources shall not include textbooks, as defined in subsection C of § 22.1-238.~~

B. The Board shall consist of 10 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 elementary or secondary public schools, and one active elementary or secondary public school teacher, to be appointed by the Governor; (ii) three members of the House of Delegates to be appointed by the Speaker of the House of Delegates; (iii) one member of the Senate to be appointed by the Senate Committee on Rules; and the Superintendent of Public Instruction, the Secretary of Education, and the Secretary of Technology, or their designees, who shall serve ex officio with voting privileges. Members of the Board shall be citizens of the Commonwealth.

C. After the initial staggering of terms, nonlegislative citizen members shall be appointed for terms of two years. Legislative members shall serve terms coincident with their terms of office. The Superintendent of Public Instruction and Secretaries of Education and Technology shall serve a term coincident with their terms of office. Vacancies in the membership of the Board shall be filled in the same manner as the original appointments for the unexpired portion of the term.

D. The Board 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 Board. A quorum shall consist of six members.

E. For each day or part thereof spent in the performance of his duties, each member of the Board shall receive such compensation and reimbursement for his reasonable expenses as provided in § 2.2-2104.

F. The Board shall adopt rules and procedures for the conduct of its business, including a provision that Board 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 Board shall meet not more than four times a year; ~~and other meetings may be held at any time or place determined by the Board 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.

G. The Office of the Attorney General shall render legal services to the Board, as requested.

H. Staff for the Board shall be provided by the Department of Education and the Secretary of Technology.

§ 2.2-2464. Powers and duties of the Open Education Curriculum Board.

The Board shall:

1. ~~Develop an application process for designating Open Education Consortia in the Commonwealth~~ guidelines for the creation, collection, categorization, distribution, and licensing of open educational resources;

2. ~~Develop reporting requirements for Consortia related to this article~~ Recommend policies to the Board of Education that are designed to encourage creators and publishers of open education resources to collaborate on collecting, standardizing, and aligning such resources to the Virginia Standards of Learning;

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- 59 3. Report annually to the General Assembly and the Governor on activities of the Board ~~and the~~
60 ~~Consortiums; and~~
61 4. Advise the Governor and the General Assembly on open education policies that have the potential
62 to reduce the cost of textbooks and educational materials in the Commonwealth while maintaining or
63 adding value to the learning experience; ~~and~~
64 5. ~~Promulgate any regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.)~~
65 ~~not inconsistent with the laws of Virginia necessary to carry out the provisions of this article.~~
66 2. That § 2.2-2462 of the Code of Virginia is repealed.