

- SUBJECT:** Requiring a grant program and study on open educational resources
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 7 ayes — Lozano, Alonzo, Alvarado, Button, Howard, Morrison, Turner
1 nay — Raney
1 absent — Clardy
- SENATE VOTE:** On final passage, April 25 — 31-0
- WITNESSES:** For — (*Registered, but did not testify:* Adam Jones, Rice University; Wendy Woodland, Texas Library Association)
Against — None
On — (*Registered, but did not testify:* Rex Peebles, Texas Higher Education Coordinating Board)
- BACKGROUND:** Observers have noted that college students pay increasingly more for textbooks. They point out that other states such as Georgia have created a grant program to encourage faculty to use open educational resources for their courses.
- DIGEST:** SB 810 would establish a grant program to encourage the use of open educational resources at public Texas higher education institutions, impose certain requirements related to these resources, and require a study to determine the feasibility of creating a state repository of the materials.

The bill would define "open educational resources" to mean a teaching, learning, or research resource that was in the public domain or had been released under an intellectual property license that permitted the free use, adaptation, and redistribution of the resource by any person. The resources could include course curricula, textbooks, or other materials.

Open educational resources grant program. SB 810 would require the Texas Higher Education Coordinating Board to establish and administer a grant program to encourage faculty at institutions of higher education to adopt, modify, redesign, or develop courses that used only open educational resources. Under the program, a faculty member could apply for a grant to adopt, modify, redesign, or develop one or more courses to exclusively use open educational resources. For each course in a grant application, the coordinating board would select at least three qualified individuals to review the curriculum and evaluate the application and to provide feedback on any rejected applications, which could be given anonymously.

Faculty members who received a grant would be required to ensure that any open educational resource used in the course was provided to a student at no cost other than for printing. For each of the four semesters immediately following the implementation of an applicable course, faculty members also would be required to report to the coordinating board certain information, including the number of students who had completed the course and an estimate of the amount of money saved by a student due to the use of open educational resources.

The coordinating board could not award a grant under the program to a faculty member of a postsecondary educational institution other than an institution of higher education. Faculty members who no longer were employed at an institution of higher education would forfeit any awarded grant.

By December 1 of each even-numbered year, the coordinating board would report to the governor, lieutenant governor, speaker of the House, and relevant standing legislative committees on:

- the total number of grants distributed under the program;
- the number of students who completed a course adopted, modified, redesigned, or developed under the program;
- an estimate of the total amount of money saved by students due to the use of open educational resources in courses;

- a list of any subject areas that would benefit from the use of open educational resources; and
- recommendations on future steps for using these resources.

The board would be required to submit its initial report by December 1, 2019.

The board could not use more than \$200,000 of appropriated funds in fiscal 2018-19 for the program but could use other funds available for it. This funding provision would expire on December 1, 2019. The board would be authorized to solicit and accept gifts, grants, and donations from any public or private source for purposes of the program.

The board would be required to adopt rules for the administration of the grant program as soon as practicable after the effective date of the bill. The grant program would expire September 1, 2021.

Requirements for institutions. The bill would require institutions of higher education to include in disseminated information on course schedules and required and recommended textbooks information on the availability of open educational resources for each course. Institutions or their bookstores also would have to include within existing searchable functions on their website an ability to search for courses that required or recommended open educational resources.

Institutions would have to make efforts to disseminate information to students on courses that required or recommended only open educational resources. Such resources would be exempt from current requirements for textbook publishers to provide information on textbook prices, revisions, and copyright to the faculty members or individuals who select course materials.

These requirements would apply beginning with the 2018 spring semester.

Feasibility study. The coordinating board would be required to collaborate with relevant state agencies and stakeholders to conduct a

study on the feasibility of creating a state repository of open educational resources, which would consider methods for facilitating public access to such materials, the resources needed to create the repository, and potential challenges. The board would be required to submit a report by September 1, 2018, to the governor, lieutenant governor, speaker of the House, and each relevant standing legislative committee with the results of the study, any recommendations for legislative or other action, and certain other information.

The board could not use more than \$100,000 of appropriated funds for the study. However, it could use other funds available for the program and could solicit and accept gifts, grants, and donations. This funding provision would expire September 1, 2019.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017. The bill would take effect only if a specific appropriation was provided for it in the general appropriations act.

NOTES:

The Legislative Budget Board's fiscal note estimates the bill would have a negative fiscal impact of \$300,000 to general revenue related funds in fiscal 2018-19, although the board is not required to implement the bill without an appropriation.