

By: Kolkhorst

S.B. No. 810

A BILL TO BE ENTITLED

AN ACT

relating to the use of open educational resources.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.451, Education Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Open educational resource" means a teaching, learning, or research resource that is in the public domain or has been released under an intellectual property license that permits the free use and repurposing of the resource by any person. The term may include full course curricula, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

SECTION 2. Section 51.452, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Each institution of higher education shall:

(1) for each semester or academic term, compile a course schedule indicating each course offered by the institution for the semester or term to postsecondary students;

(2) with respect to each course, include with the schedule a list of the required and recommended textbooks that specifies, to the extent practicable, the following information for each textbook:

(A) the retail price;

- 1 (B) the author;
- 2 (C) the publisher;
- 3 (D) the most recent copyright date; ~~and~~
- 4 (E) the International Standard Book Number
- 5 assigned, if any; and
- 6 (F) whether the textbook is an open educational
- 7 resource;

8 (3) except as provided by Subsection (b), at the time

9 required by Subsection (c)(2):

10 (A) publish the textbook list with the course

11 schedule on the institution's Internet website and with any course

12 schedule the institution provides in hard copy format to the

13 students of the institution; and

14 (B) make that information available to college

15 bookstores and other bookstores that generally serve the students

16 of the institution; and

17 (4) except as provided by Subsection (b), as soon as

18 practicable after the information becomes available disseminate as

19 required by Subdivision (3) specific information regarding any

20 revisions to the institution's course schedule and textbook list.

21 (d) If an institution of higher education or a college

22 bookstore publishes a textbook list with a course schedule on an

23 Internet website that provides a search function, the institution

24 or bookstore must:

25 (1) ensure that the search function permits a search

26 based on whether a course or section of a course requires or

27 recommends only open educational resources; or

1 (2) provide a searchable list of courses and sections
2 of courses that require or recommend only open educational
3 resources.

4 SECTION 3. Section 51.453, Education Code, is amended to
5 read as follows:

6 Sec. 51.453. TEXTBOOK ASSISTANCE INFORMATION FOR STUDENTS.
7 To the extent practicable, an institution of higher education shall
8 make reasonable efforts to disseminate to its students information
9 regarding:

10 (1) available institutional programs for renting
11 textbooks or for purchasing used textbooks;

12 (2) available institutional guaranteed textbook
13 buyback programs;

14 (3) available institutional programs for alternative
15 delivery of textbook content; ~~and~~

16 (4) the availability of courses and sections of
17 courses that require or recommend only open educational resources;
18 and

19 (5) other available institutional textbook
20 cost-savings strategies.

21 SECTION 4. Section 51.454(a), Education Code, is amended to
22 read as follows:

23 (a) When a textbook publisher provides information
24 regarding a textbook or supplemental material other than an open
25 educational resource to a faculty member or other person in charge
26 of selecting course materials at an institution of higher
27 education, the publisher shall also provide to the faculty member

1 or other person written information that includes:

2 (1) the price at which the publisher would make the
3 textbook or supplemental material available to a college bookstore
4 or other bookstore that generally serves the students of the
5 institution and, if applicable, to the public;

6 (2) the copyright dates of the current and three
7 preceding editions of the textbook;

8 (3) a description of any substantial content revisions
9 made between the current edition of the textbook or supplemental
10 material and the most recent preceding edition of the textbook or
11 material, including the addition of new chapters, new material
12 covering additional time periods, new themes, or new subject
13 matter;

14 (4) information as to whether the textbook or
15 supplemental material is available in other formats, such as a
16 paperback or unbound version; and

17 (5) the price at which the publisher would make the
18 textbook or supplemental material in any alternative format
19 available to a bookstore described by Subdivision (1) and, if
20 applicable, to the public.

21 SECTION 5. Subchapter C, Chapter 61, Education Code, is
22 amended by adding Section 61.0668 to read as follows:

23 Sec. 61.0668. OPEN EDUCATIONAL RESOURCES GRANT PROGRAM.

24 (a) In this section, "open educational resource" has the meaning
25 assigned by Section 51.451.

26 (b) The board shall establish and administer a grant program
27 to encourage faculty at institutions of higher education to adopt

1 and develop courses that use only open educational resources.

2 (c) Under the program, a faculty member of an institution of
3 higher education may apply to the board for a grant to redesign a
4 course at the institution to exclusively use open educational
5 resources.

6 (d) The board shall select at least three persons qualified
7 to review the curriculum of the course that is the subject of the
8 application, as determined by the board, to evaluate an application
9 for a grant under this section. If the application is rejected, the
10 reviewing persons must provide feedback on the application to the
11 faculty member. The feedback may be provided anonymously.

12 (e) A faculty member who receives a grant under the program
13 shall ensure that any open educational resource used in the
14 redesigned course is provided to a student enrolled in the course at
15 no cost other than the cost of printing.

16 (f) A faculty member who receives a grant under the program
17 must submit to the board for each of the four semesters immediately
18 following the implementation of the redesigned course a report that
19 includes:

20 (1) the number of students who have completed the
21 course;

22 (2) an estimate of the amount of money saved by a
23 student due to the use of open educational resources in the course;

24 (3) a description of the open educational resources
25 used in the course;

26 (4) the number of other faculty members, if any, who
27 adopted the redesigned curriculum of the course; and

1 (5) any other information required by the board.

2 (g) A faculty member who receives a grant under the program
3 may continue to submit a report described by Subsection (f) for a
4 semester that occurs after the faculty member's duty to submit a
5 report under that subsection has expired. The board may consider a
6 faculty member's failure to submit additional reports under this
7 subsection in evaluating a subsequent grant application submitted
8 by the faculty member.

9 (h) A faculty member who is no longer employed by an
10 institution of higher education forfeits any grant awarded under
11 the program.

12 (i) Not later than December 1 of each even-numbered year,
13 the board shall submit to the governor, lieutenant governor,
14 speaker of the house of representatives, and each standing
15 legislative committee with primary jurisdiction over higher
16 education a report on:

17 (1) the total number of grants distributed under the
18 program;

19 (2) the number of students who completed a course
20 redesigned under the program;

21 (3) an estimate of the total amount of money saved by
22 students due to the use of open educational resources in courses
23 redesigned under the program;

24 (4) a list of any subject areas that would benefit from
25 the development of open educational resources; and

26 (5) recommendations on future steps for developing
27 open educational resources.

1 (j) The board shall adopt rules for the administration of
2 the program.

3 (k) This section expires September 1, 2021.

4 SECTION 6. Subchapter A, Chapter 441, Government Code, is
5 amended by adding Section 441.021 to read as follows:

6 Sec. 441.021. FEASIBILITY STUDY ON STATE REPOSITORY OF OPEN
7 EDUCATIONAL RESOURCES. (a) In this section, "open educational
8 resource" has the meaning assigned by Section 51.451, Education
9 Code.

10 (b) The commission shall conduct a study to determine the
11 feasibility of creating a state repository of open educational
12 resources. The study must consider:

13 (1) methods for facilitating public access to open
14 educational resources;

15 (2) the resources needed to create the repository; and

16 (3) any potential challenges in creating the
17 repository.

18 (c) In conducting the study, the commission shall
19 collaborate with relevant state agencies and other stakeholders,
20 including the Texas Higher Education Coordinating Board, the Texas
21 Education Agency, and representatives of public institutions of
22 higher education and school districts.

23 (d) Not later than September 1, 2018, the commission shall
24 submit to the governor, lieutenant governor, speaker of the house
25 of representatives, and each standing legislative committee with
26 primary jurisdiction over higher education a report on the results
27 of the study and any recommendations for legislative or other

1 action. The report must include information on:

2 (1) the methods by which open educational resources
3 would be gathered and curated;

4 (2) measures to ensure public access to the
5 repository;

6 (3) methods of encouraging the use of the repository;

7 (4) management of intellectual property rights; and

8 (5) any other measures necessary to ensure the
9 repository's success.

10 (e) This section expires September 1, 2019.

11 SECTION 7. Sections [51.451](#), [51.452](#), [51.453](#), and [51.454](#),
12 Education Code, as amended by this Act, apply beginning with the
13 2017-2018 academic year.

14 SECTION 8. As soon as practicable after the effective date
15 of this Act, the Texas Higher Education Coordinating Board shall
16 adopt rules for the administration of the open educational
17 resources grant program under Section 61.0668, Education Code, as
18 added by this Act.

19 SECTION 9. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section [39](#), Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2017.