



# House of Representatives

General Assembly

**File No. 345**

January Session, 2019

Substitute House Bill No. 7162

*House of Representatives, April 3, 2019*

The Committee on Higher Education and Employment Advancement reported through REP. HADDAD of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT ESTABLISHING THE CONNECTICUT OPEN EDUCATIONAL RESOURCE COORDINATING COUNCIL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) For the purposes of this  
2 section:

3 (1) "Open educational resource" means a college level resource  
4 made available on an Internet web site to be used by students, faculty  
5 and members of the public on an unlimited basis at a cost lower than  
6 the marketing value of the printed textbook or other educational  
7 resource, including full courses, course materials, modules, textbooks,  
8 streaming videos, tests, software and other similar teaching, learning  
9 and research resources that reside in the public domain or have been  
10 released under a creative commons attribution license that permits the  
11 free use and repurposing of such resources;

12 (2) "Creative commons attribution license" means a copyright

13 crediting the author of a digital work product that allows for the free  
14 use and distribution of such work product; and

15 (3) "High-impact course" means a course of instruction for which  
16 open educational resources would make a significant positive financial  
17 impact on the students taking the course due to the number of  
18 students taking the course or the marketing value of the printed  
19 textbook or other educational resources required for such course.

20 (b) There is established the Connecticut Open Educational Resource  
21 Coordinating Council, which shall be part of the Executive  
22 Department. The executive director of the Office of Higher Education  
23 shall appoint the members of the council which shall consist of the  
24 following: (1) A state-wide coordinator, who shall collaborate with all  
25 institutions of higher education to promote open educational resources  
26 and administer grants; (2) one faculty member, one administrator and  
27 one staff member from The University of Connecticut; (3) one faculty  
28 member, one administrator and one staff member from the regional  
29 community-technical college system; (4) one faculty member, one  
30 administrator and one staff member from Charter Oak State College;  
31 (5) one faculty member, one administrator and one staff member from  
32 the Connecticut State University System; (6) one faculty member, one  
33 administrator and one staff member from the independent institutions  
34 of higher education; and (7) one student from any public or  
35 independent institution of higher education in the state. All initial  
36 appointments to the council shall be made not later than September 1,  
37 2019, and shall expire on August 30, 2022, regardless of when the  
38 initial appointment was made. Any member of the council may serve  
39 more than one term.

40 (c) The state-wide coordinator appointed by the executive director  
41 of the Office of Higher Education shall serve as the chairperson of the  
42 council. The chairperson shall schedule the first meeting of the council,  
43 which shall be held not later than October 1, 2019. The administrative  
44 staff of the Office of Higher Education shall serve as administrative  
45 staff of the council.

46 (d) Appointed members of the council shall serve for three-year  
47 terms which shall commence on the date of appointment, except as  
48 provided in subsection (b) of this section. Members shall continue to  
49 serve until their successors are appointed. Any vacancy shall be filled  
50 by the executive director of the Office of Higher Education. Any  
51 vacancy occurring other than by expiration of term shall be filled for  
52 the balance of the unexpired term. A majority of the council shall  
53 constitute a quorum for the transaction of any business. The members  
54 of the council shall serve without compensation, but shall, within the  
55 limits of available funds, be reimbursed for expenses necessarily  
56 incurred in the performance of their duties.

57 (e) The council shall perform the following functions:

58 (1) Identify high-impact courses for which open educational  
59 resources will be developed, converted or adopted;

60 (2) Establish a program of competitive grants for faculty members of  
61 institutions of higher education in the state for the development,  
62 conversion or adoption of open educational resources for high-impact  
63 courses with any funds identified by the council and within available  
64 appropriations;

65 (3) Accept, review and approve competitive grant applications,  
66 provided any faculty member who is approved for a competitive grant  
67 shall license such open educational resources through a creative  
68 commons attribution license;

69 (4) Administer a standardized review and approval process for the  
70 development, conversion or adoption of open educational resources;

71 (5) Establish a state-sponsored digital clearinghouse that shall  
72 function as a publicly accessible database for the collection, storage  
73 and purchase of open educational resources; and

74 (6) Promote strategies for the production, use and access of open  
75 educational resources.

76 (f) The council shall meet quarterly, or as often as deemed necessary  
77 by a majority of the council.

78 (g) Not later than January 1, 2021, and annually thereafter, the  
79 council shall submit a report, in accordance with the provisions of  
80 section 11-4a of the general statutes, to the joint standing committee of  
81 the General Assembly having cognizance of matters relating to higher  
82 education regarding (1) the number and percentage of high-impact  
83 courses for which open educational resources have been developed, (2)  
84 the degree to which institutions of higher education promote the use  
85 and access to open educational resources through the state-sponsored  
86 digital clearinghouse, (3) the amount of grants awarded by the council  
87 and the number of open educational resources developed by grant  
88 recipients, and (4) its recommendations for any amendments to the  
89 general statutes necessary to develop open educational resources.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	New section

**HED** Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Higher Ed., Off.	GF - Cost	Up to 1,103,777	Up to 1,103,777
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	10,926	10,926

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill creates the Connecticut Open Educational Resource Coordinating Council and results in a cost of up to \$1,103,777, annually in the Office of Higher Education (OHE).

The bill requires the council to establish a state-sponsored digital clearinghouse to function as the central database for the collection, storage and purchase of open educational resources (OERs). It is estimated, based on similar state-sponsored digital clearinghouses in other state agencies, that the annual costs of building, maintaining, and updating this system would be up to \$1 million.

The bill requires the executive director of the OHE to appoint members to the council and for OHE staff to be administrative staff to the council. This results in one additional part-time Senior Consultant position within OHE and additional costs in each fiscal year of approximately \$38,703, including: salary costs of \$26,527, other expenses costs of \$1,250, and fringe benefit costs of \$10,926.

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

Additionally, members of the council may be reimbursed for reasonable and necessary expenses; these costs are anticipated to be less than \$1,000 annually.

Lastly, the bill requires the council to establish a competitive grant program for the development, conversion, or adoption of OERs. It is anticipated that this grant program would require up to \$75,000 in FY 20, and could grow significantly in the out years as additional faculty members apply for grants.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the amount of competitive grants available to faculty members.

Sources: <https://www.edweek.org/ew/articles/2013/10/02/06el-library.h33.html>  
<http://www.ecs.org/clearinghouse/81/98/8198.pdf>

**OLR Bill Analysis****sHB 7162****AN ACT ESTABLISHING THE CONNECTICUT OPEN EDUCATIONAL RESOURCE COORDINATING COUNCIL.****SUMMARY**

This bill creates the Connecticut Open Educational Resource (OER) Coordinating Council, as part of the executive branch, to establish an OER program to lower the cost of textbooks and course materials for certain courses at state higher education institutions. The bill requires the council to, among other things, identify high-impact courses for which OERs will be developed, and administer a review and approval process for the development of OERs.

Under the bill, the Office of Higher Education (OHE) executive director appoints the council's members, including the council statewide coordinator, who serves as the council chairperson. The chair must call the first meeting by October 1, 2019.

The bill requires the council, beginning by January 1, 2021, to annually report to the Higher Education and Employment Advancement Committee on the number and percentage of high-impact courses for which OER's have been developed, among other things.

EFFECTIVE DATE: July 1, 2019

**OPEN EDUCATIONAL RESOURCES**

The bill defines "open educational resource" as a college level resource made available on a website to be used by students, faculty, and the public on an unlimited basis at a lower cost than the marketing value of the printed textbook or other educational resource, including full courses, course materials, modules, textbooks, streaming videos,

tests, software, and other similar teaching, learning, and research resources that reside in the public domain or have been released under a creative commons attribution license that permits the free use and repurposing of such resources.

## **OPEN EDUCATIONAL RESOURCE COORDINATING COUNCIL**

### ***Council Membership and Procedure***

The bill requires the OHE executive director to appoint to the council (1) a state-wide coordinator; (2) one faculty member, one administrator, and one staff member each from UConn, the Connecticut State Colleges and Universities, and the independent higher education institutions; and (3) one student from any public or independent state higher education institution.

The bill requires all initial appointments to be made by September 1, 2019, and to expire on August 30, 2022, regardless of when the initial appointment was made. Succeeding appointees serve three-year terms that begin on the date of their appointment, and appointees may serve more than one term. The OHE executive director must fill any vacancies, and any vacancy occurring other than by expiration of term must be filled for the remainder of the unexpired term. The OHE administrative staff serves as the council administrative staff.

The council must meet quarterly, or as often as deemed necessary by a majority of its members. Under the bill, a majority of members constitutes a quorum for exercising the council's powers. The council members serve without compensation, but may be reimbursed for related reasonable and necessary expenses within the limits of available funds.

### ***Council Duties***

The bill requires the council to identify high-impact courses for which OERs will be developed, converted, or adopted. "High impact courses" are courses of instruction for which OERs would make a significant positive financial impact on the students taking the course due to the number of students taking the courses or the marketing



value of the printed textbook or other educational resources required for such courses.

The council also must:

1. establish a competitive grants program for the faculty members of state higher education institutions for the development, conversion, or adoption of OERs for such courses, with council identified funds and within available appropriations;
2. accept, review, and approve grant applications, provided an approved faculty member must license such OER through a creative commons attribution license (i.e., a copyright crediting the author of a digital work product that allows for the free use and distribution of such product);
3. administer a standardized review and approval process for the development, conversion, or adoption of OERs;
4. establish a state-sponsored digital clearinghouse to function as a publicly accessible database for the collection, storage, and purchase of OERs; and
5. promote strategies for the production, use, and access of OERs.

The coordinator must collaborate with all higher education institutions to promote OERs and administer grants.

### ***Report to Legislature***

The bill requires the council to annually report beginning by January 1, 2021, to the Higher Education and Employment Advancement Committee on the following:

1. the number and percentage of high-impact courses for which OERs have been developed;
2. the degree to which higher education institutions promote the use and access to OERs through the state-sponsored digital

clearinghouse;

3. the amount of grants the council awarded, and the number of OERs grant recipients developed; and
4. its recommendations for any legislative changes necessary to develop OERs.

**COMMITTEE ACTION**

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 15    Nay 7    (03/14/2019)