



# House of Representatives

General Assembly

**File No. 169**

January Session, 2023

Substitute House Bill No. 6771

*House of Representatives, March 22, 2023*

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 IMPLEMENTING THE RECOMMENDATIONS OF THE CONNECTICUT OPEN EDUCATIONAL RESOURCE COORDINATING COUNCIL.***

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

1 Section 1. Section 10a-44d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) For the purposes of this section:

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

13 that is (A) offered freely to users in at least one form, and (B) either (i) in  
14 the public domain, or (ii) released under a creative commons attribution  
15 license or other open copyright license;

16 (2) "Creative commons attribution license" means a copyright  
17 [crediting the author of a digital work product] license that allows for  
18 the free use, reuse, modification and distribution of [such] a work  
19 product, provided the original author is credited; [and]

20 (3) "Open copyright license" means any copyright license that is not  
21 a creative commons attribution license, but allows for the free use, reuse,  
22 modification and distribution of a work product, provided the original  
23 author is credited;

24 [(3)] (4) "High-impact course" means a course of instruction for which  
25 open educational resources would make a significant positive financial  
26 impact on the students taking the course due to the number of students  
27 taking the course or the market value of the printed textbook or other  
28 educational resources required for such course;

29 (5) "Course utilizing open educational resources" means a course in  
30 which all required learning materials are an open educational resource;  
31 and

32 (6) "President" means the president of the Connecticut State Colleges  
33 and Universities.

34 (b) There is established the Connecticut Open Educational Resource  
35 Coordinating Council, which shall be part of the [Executive  
36 Department] Connecticut State Colleges and Universities. The  
37 [executive director of the Office of Higher Education] president shall  
38 appoint the members of the council which shall consist of the following:  
39 (1) A state-wide coordinator, who shall collaborate with all institutions  
40 of higher education to promote open educational resources and  
41 administer grants; (2) one faculty member, one administrator and one  
42 staff member from The University of Connecticut; (3) one faculty  
43 member, one administrator and one staff member from the regional

44 community-technical college system; (4) one faculty member, one  
45 administrator and one staff member from Charter Oak State College; (5)  
46 one faculty member, one administrator and one staff member from the  
47 Connecticut State University System; (6) one faculty member, one  
48 administrator and one staff member from the independent institutions  
49 of higher education; and (7) one student from any public or independent  
50 institution of higher education in the state. All initial appointments to  
51 the council shall be made not later than September 1, 2019, and shall  
52 expire on August 30, 2022, regardless of when the initial appointment  
53 was made. Any member of the council may serve more than one term.

54 (c) The state-wide coordinator appointed by the [executive director  
55 of the Office of Higher Education] president shall serve as the  
56 chairperson of the council. The chairperson shall schedule the first  
57 meeting of the council, which shall be held not later than October 1,  
58 2019. The administrative staff of the [Office of Higher Education]  
59 Connecticut State Colleges and Universities shall serve as  
60 administrative staff of the council. The state-wide coordinator may  
61 employ a part-time staff person as necessary to assist and support the  
62 Connecticut Open Educational Resource Coordinating Council.

63 (d) Appointed members of the council shall serve for three-year terms  
64 which shall commence on the date of appointment, except as provided  
65 in subsection (b) of this section. Members shall continue to serve until  
66 their successors are appointed. Any vacancy shall be filled by the  
67 [executive director of the Office of Higher Education] president. Any  
68 vacancy occurring other than by expiration of term shall be filled for the  
69 balance of the unexpired term. A majority of the council shall constitute  
70 a quorum for the transaction of any business. The members of the  
71 council shall serve without compensation, but shall, within the limits of  
72 available funds, be reimbursed for expenses necessarily incurred in the  
73 performance of their duties.

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

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

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

82 (3) Accept, review and approve competitive grant applications,  
83 provided any faculty member who is approved for a competitive grant  
84 shall license such open educational resources through a creative  
85 commons attribution license or other open copyright license;

86 (4) Administer a standardized review and approval process for the  
87 development, conversion or adoption of open educational resources;  
88 [and]

89 (5) Promote strategies for the production, use and access of open  
90 educational resources; and

91 (6) Develop a model policy for adoption by institutions of higher  
92 education that establishes (A) definitions for terms related to open  
93 educational resources, (B) methods for data collection concerning the  
94 use and availability of open educational resources, and (C) ways to  
95 present online course catalogs to students to clearly identify each course  
96 utilizing open educational resources.

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

99 (g) Not later than February 1, [2022] 2024, and [annually] biennially  
100 thereafter, the council shall submit a report, in accordance with the  
101 provisions of section 11-4a, to the joint standing committee of the  
102 General Assembly having cognizance of matters relating to higher  
103 education regarding (1) the number and percentage of [high-impact  
104 courses for which open educational resources have been developed]  
105 courses utilizing open educational resources, (2) the degree to which  
106 institutions of higher education promote the use and access to open  
107 educational resources, (3) the amount of grants awarded by the council

108 and the number of open educational resources developed by grant  
 109 recipients, and (4) its recommendations for any amendments to the  
 110 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, 2023	10a-44d

**Statement of Legislative Commissioners:**

In Subsec. (e)(6)(A), "the usage of" was removed for conciseness.

**HED**      *Joint Favorable Subst.*

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*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.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill makes various procedural, conforming and technical changes regarding the Connecticut Open Educational Resource Coordinating Council. The bill moves the council from the Office of Higher Education (OHE) to the Connecticut State Colleges and Universities (CSCU) and allows to the council coordinator to hire a part-time employee. The council currently receives a state appropriation of \$100,000 annually, which is not impacted by the bill.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sHB 6771****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
CONNECTICUT OPEN EDUCATIONAL RESOURCE  
COORDINATING COUNCIL.****SUMMARY**

By law, the Connecticut Open Educational Resource (OER) Coordinating Council must establish an OER program to lower the cost of textbooks and course materials for high-impact courses at state higher education institutions. This bill redefines OER, thus changing the scope of the council's duties.

Under current law, the OER council is part of the executive branch and the Office of Higher Education (OHE) executive director appoints council members, including the state-wide OER coordinator. OHE administrative staff serves as the council's administrative staff. The bill moves the council from the executive branch to the Connecticut State Colleges and Universities (CSCU), and gives the CSCU president the same duties that the OHE executive director has under current law (i.e., appointing the state-wide coordinator and council members). The bill also makes the CSCU administrative staff serve as the council's administrative staff.

The bill expands restrictions on council grant award recipients. Under current law, the council can accept, review, and approve grant applications but grant recipients must license open educational resources through a creative common attribution license. The bill allows recipients to use another open copyright license, which the bill defines.

The bill also requires the OER council to:

1. develop a model policy for OER that includes standardized

definitions and data collection methods and

2. report once every two years, rather than annually, to the Higher Education and Employment Advancement Committee on the use of OERs.

It also changes the report's contents to include information courses in which all required material is open source.

The bill also allows the OER state-wide coordinator to hire a part-time employee to assist and support the council. Lastly, it makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023

## **DEFINITIONS**

### ***Open Educational Resources***

Under current law, "OER" is a college level resource available on a website for students, faculty, and the public to use on an unlimited basis at a lower cost than the marketing value of the printed textbook or other educational resource. It includes 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 the resources.

The bill redefines OER as a teaching, learning, or research resource that is (1) offered freely to users in at least one form and (2) either (a) in the public domain or (b) released under a creative commons attribution license or other open copyright license.

Under the bill, a "creative commons attribution license" is a copyright license allowing for the free use, reuse, modification, and distribution of a product, as long as the original author is credited. Under current law, it is a copyright crediting the author of a digital work product license that allows for the free use and distribution of a work product.



The bill defines “open copyright license” as a copyright license that is not a creative commons attribution license, but allows for the free use, reuse, modification, and distribution of a work product as long as the original author is credited.

## **OPEN EDUCATIONAL RESOURCE COUNCIL**

### ***Council Duties***

The bill adds to the OER Coordinating Council’s duties and requires it to develop a model policy for higher education institutions to adopt. The policy must establish (1) definitions for OER terms, (2) ways to collect data on OER use and availability, and (3) ways to present online course catalogs to students to clearly identify courses using OER.

## **REPORT TO LEGISLATURE**

Current law requires the OER Coordinating Council to annually report to the Higher Education and Employment Advancement Committee on the use of OERs, including the number and percentage of high-impact courses for which OERs have been developed.

Beginning February 1, 2024, the bill makes this a biennial, rather than annual, reporting requirement and changes the report’s contents. Under the bill, the report must include the number of courses utilizing OER instead of the number and percentage of high-impact courses for which OER have been developed. Under the bill, a “course utilizing OER” is a course in which all required materials are OER.

By law, unchanged by the bill, the report must also include information about (1) the degree to which higher education institutions promote the use and access to OER, (2) grants the council awards, (3) any legislative recommendations.

## **COMMITTEE ACTION**

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 22 Nay 0 (03/07/2023)