

**B-Engrossed**  
**House Bill 2871**

Ordered by the House June 30  
Including House Amendments dated April 23 and June 30

Sponsored by COMMITTEE ON HIGHER EDUCATION, INNOVATION, AND WORKFORCE DEVELOPMENT

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Open Educational Resources Grant Program within Higher Education Coordinating Commission. Requires commission, subject to availability of funds, to award grants on competitive basis to public universities, community colleges or consortia of public universities and community colleges to promote use of open educational resources.

Requires commission to employ open educational resource specialist to collaborate with public universities and community colleges in fostering use of open educational resources.

Appropriates moneys to commission.

Requires public universities and community colleges to prominently designate courses whose course materials consist exclusively of open or free textbooks or low-cost or no-cost course materials.

Requires commission to coordinate with public universities and community colleges to identify open educational resources to be adopted as primary instructional material for at least [30] 15 courses.

Requires commission to submit report to Legislative Assembly on status of implementing open resources provisions by December 1, 2015.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to higher education; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in sections 1 to 4 of this 2015 Act, "open educational resources"**  
5 **means teaching, learning and research resources that:**

6 **(a) Reside in the public domain or that have been released under an intellectual property**  
7 **license that permits their free use and repurposing by others; and**

8 **(b) Conform to the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and**  
9 **to any additional accessibility standards established by the Higher Education Coordinating**  
10 **Commission by rule.**

11 **(2) The Open Educational Resources Grant Program is established within the Higher**  
12 **Education Coordinating Commission and in collaboration with public universities listed in**  
13 **ORS 352.002 and community colleges. The purpose of the program is to encourage the use**  
14 **of low or no-cost open educational resources in Oregon's post-secondary institutions of edu-**  
15 **cation.**

16 **(3) Subject to the availability of funds, the commission shall award grants on a compet-**  
17 **itive basis to public universities listed in ORS 352.002, community colleges or consortia of**  
18 **public universities and community colleges.**

19 **(4) In awarding grants under subsection (3) of this section, the commission shall give**  
20 **priority to applications that propose to:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Adapt or otherwise make use of existing open educational resources;

2 (b) Leverage grants awarded under this section with matching private funds or other  
3 resources;

4 (c) Utilize students in the design or production of open educational resource materials;

5 (d) Involve coordinated activities between two or more public universities and community  
6 colleges;

7 (e) Focus on high-enrollment courses;

8 (f) Address a need not currently met by existing available resources; and

9 (g) Assist in convening faculty from public universities and community colleges to pro-  
10 mote the use of open educational resources within post-secondary education.

11 **SECTION 2.** The Higher Education Coordinating Commission shall employ an open edu-  
12 cational resource specialist who shall be responsible for collaborating with the state's public  
13 universities listed in ORS 352.002 and community colleges to foster the use of open educa-  
14 tional resources in a manner that increases the access, affordability and success of Oregon  
15 students at post-secondary institutions of education. While working in an inclusive and  
16 collaborative manner, the specialist shall:

17 (1) Help identify available open educational resources;

18 (2) Assist public university and community college personnel in methods of:

19 (a) Properly attributing, combining, revising and redistributing open educational re-  
20 sources; and

21 (b) Creating openly licensed content and sharing one's work; and

22 (3) Assist faculty members at public universities and community colleges as they seek  
23 to use open educational resources in their courses.

24 **SECTION 3.** (1) In addition to and not in lieu of any other appropriation, there is appro-  
25 priated to the Higher Education Coordinating Commission, for the biennium beginning July  
26 1, 2015, out of the General Fund, the amount of \$700,000 for the purposes of implementing  
27 sections 1 and 2 of this 2015 Act.

28 (2) All resources created or revised with moneys appropriated under this section must  
29 be openly licensed and shared with the public through an existing or new open educational  
30 resources repository.

31 **SECTION 4.** Each public university listed in ORS 352.002 and community college shall  
32 prominently designate courses whose course materials exclusively consist of open or free  
33 textbooks or other low-cost or no-cost course materials. The course designation required by  
34 this section must appear in the published course descriptions that are on the Internet or are  
35 otherwise provided to students at the time of course registration, including on the campus  
36 bookstore course materials list that is provided for the course.

37 **SECTION 5.** (1) By June 30, 2017, the Higher Education Coordinating Commission, in co-  
38 ordination with public universities listed in ORS 352.002 and community colleges, shall iden-  
39 tify open educational resources that can be adopted as the primary instructional material for  
40 at least 15 courses that are:

41 (a) High-enrollment;

42 (b) Within general education disciplines; and

43 (c) Capable of being transferred among community colleges and between community col-  
44 leges and public universities listed in ORS 352.002.

45 (2) Open educational resources identified under subsection (1) of this section must have

1 undergone a peer-review process and be made available to all post-secondary institutions of  
2 education operating in Oregon.

3 (3) As used in this section, “open educational resources” has the meaning given that  
4 term in section 1 of this 2015 Act.

5 SECTION 6. Section 5 of this 2015 Act is repealed on January 2, 2018.

6 SECTION 7. Not later than December 1, 2015, the Higher Education Coordinating Com-  
7 mission shall submit a report on the status of implementing sections 1 to 5 of this 2015 Act  
8 to the interim legislative committees on higher education. This report must also detail any  
9 barriers identified by the commission relating to the future development or use of open ed-  
10 ucational resources, as defined in section 1 of this 2015 Act.

11 SECTION 8. Section 7 of this 2015 Act is repealed on July 1, 2016.

12 SECTION 9. This 2015 Act being necessary for the immediate preservation of the public  
13 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
14 on its passage.