

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-1006.01 Julie Pelegrin x2700

HOUSE BILL 18-1331

HOUSE SPONSORSHIP

Young and Rankin, Hamner

SENATE SPONSORSHIP

Lundberg, Lambert, Moreno

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EXPANDING THE USE OF OPEN EDUCATIONAL RESOURCES**
102 **AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION, AND, IN**
103 **CONNECTION THEREWITH, CREATING THE COLORADO OPEN**
104 **EDUCATIONAL RESOURCES COUNCIL, CREATING A GRANT**
105 **PROGRAM TO SUPPORT THE CREATION AND USE OF OPEN**
106 **EDUCATIONAL RESOURCES, AND MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. The bill creates the Colorado open

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 28, 2018

educational resources council (council) in the department of higher education (department). The council includes persons appointed by the executive director of the department from public institutions of higher education, including a student; the executive director of the department; the commissioner of education; and the state librarian.

The council is directed to:

- ! Recommend to the Colorado commission on higher education (commission) statewide policies for promoting the adaptation, creation, and use of open educational resources at public institutions of higher education across the state;
- ! Facilitate professional development and the sharing of knowledge regarding open educational resources for public institutions of higher education, faculty, staff, and students;
- ! Implement the open educational resources grant program (grant program) created in the bill; and
- ! Submit to the commission, the joint budget committee, and the education committees of the general assembly an annual report concerning the use of open educational resources in public institutions of higher education across the state.

The bill creates the grant program to provide grants to public institutions of higher education to develop the use of open educational resources at the institutions and grants to faculty and staff, individually or in groups, to create and adapt open educational resources. Each grant recipient must submit information to the council concerning its use of the grant and the effectiveness of the open educational resources initiative funded by the grant. The council must include a summary of the information received in the annual report.

The council and the grant program are repealed, effective November 1, 2021.

The bill directs the commission to adopt guidelines requiring public institutions of higher education, beginning in the fall of 2021, to inform students concerning those courses that use open educational resources.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 4.5 to title
3 23 as follows:

4 **ARTICLE 4.5**

5 **Open Educational Resources**

1 **23-4.5-101. Legislative declaration.** (1) THE GENERAL
2 ASSEMBLY FINDS THAT:

3 (a) STUDENT EXPENDITURES ON TEXTBOOKS AND OTHER
4 EDUCATIONAL MATERIALS REPRESENT A SIGNIFICANT PORTION OF
5 STUDENT EDUCATIONAL COSTS, ADDING UP TO, ON AVERAGE, AN
6 ADDITIONAL TWENTY-TWO PERCENT ABOVE THE COST OF TUITION AND
7 FEES FOR A FIRST-YEAR COMMUNITY COLLEGE STUDENT. RESEARCH
8 CONCERNING THE USE OF OPEN EDUCATIONAL RESOURCES INDICATES THE
9 USE OF THESE RESOURCES RESULTS IN SIGNIFICANT SAVINGS FOR
10 STUDENTS.

11 (b) RESEARCH ALSO INDICATES THAT, BECAUSE OF THE COST OF
12 TEXTBOOKS AND OTHER MATERIALS, STUDENTS OFTEN DO NOT BUY
13 TEXTBOOKS OR COURSE MATERIALS, RESULTING IN POOR ACADEMIC
14 PERFORMANCE, INCLUDING FAILING COURSE GRADES. OTHER STUDIES
15 INDICATE THAT STUDENTS TAKE FEWER COURSES OR DROP COURSES
16 BECAUSE OF THE COST OF TEXTBOOKS AND MATERIALS, EXTENDING THE
17 TIME TO GRADUATION.

18 (c) SEVERAL INSTITUTIONS OF HIGHER EDUCATION ACROSS THE
19 COUNTRY HAVE BEGUN PARTICIPATING IN OPEN EDUCATIONAL RESOURCES
20 CONSORTIA THAT MAKE TEXTBOOKS, COURSE ACTIVITIES, AND READINGS
21 AVAILABLE TO STUDENTS ONLINE FOR NO COST, RESULTING IN SIGNIFICANT
22 STUDENT SAVINGS. STATES AND INSTITUTIONS ARE ALSO BEGINNING TO
23 OFFER ENTIRE COURSES, SECTIONS, AND EVEN DEGREES THAT ARE
24 BRANDED AS HAVING ZERO TEXTBOOK COSTS.

25 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS
26 APPROPRIATE TO ESTABLISH THE COLORADO OPEN EDUCATIONAL
27 RESOURCES COUNCIL TO RECOMMEND STATEWIDE POLICIES CONCERNING

1 PROMOTING THE USE OF OPEN EDUCATIONAL RESOURCES, FACILITATE
2 KNOWLEDGE SHARING AND PROFESSIONAL DEVELOPMENT TO INCREASE
3 AND SUPPORT THE STATEWIDE USE OF OPEN EDUCATIONAL RESOURCES,
4 AND IMPLEMENT A STATEWIDE GRANT PROGRAM FOR PUBLIC INSTITUTIONS
5 OF HIGHER EDUCATION, FACULTY, AND STAFF TO CREATE AND EXPAND THE
6 USE OF OPEN EDUCATIONAL RESOURCES.

7 **23-4.5-102. Definitions.** AS USED IN THIS ARTICLE 4.5, UNLESS
8 THE CONTEXT OTHERWISE REQUIRES:

9 (1) "COMMISSION" MEANS THE COLORADO COMMISSION ON
10 HIGHER EDUCATION CREATED IN SECTION 23-1-102.

11 (2) "COUNCIL" MEANS THE COLORADO OPEN EDUCATIONAL
12 RESOURCES COUNCIL CREATED IN SECTION 23-4.5-103.

13 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER
14 EDUCATION CREATED IN SECTION 24-1-114.

15 (4) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
16 THE DEPARTMENT OF HIGHER EDUCATION.

17 (5) "GRANT PROGRAM" MEANS THE OPEN EDUCATIONAL
18 RESOURCES GRANT PROGRAM CREATED IN SECTION 23-4.5-104.

19 (6) "OPEN EDUCATIONAL RESOURCES" MEANS HIGH-QUALITY
20 TEACHING, LEARNING, AND RESEARCH RESOURCES THAT RESIDE IN THE
21 PUBLIC DOMAIN OR HAVE BEEN RELEASED UNDER AN INTELLECTUAL
22 PROPERTY LICENSE THAT PERMITS FREE USE OR REPURPOSING BY OTHERS
23 AND MAY INCLUDE OTHER RESOURCES THAT ARE LEGALLY AVAILABLE
24 AND AVAILABLE TO STUDENTS FOR FREE OR VERY LOW COST. OPEN
25 EDUCATIONAL RESOURCES MAY INCLUDE FULL COURSES, COURSE
26 MATERIALS, MODULES, TEXTBOOKS, FACULTY-CREATED CONTENT,
27 STREAMING VIDEOS, EXAMS, SOFTWARE, AND OTHER TOOLS, MATERIALS,

1 OR TECHNIQUES USED TO SUPPORT ACCESS TO KNOWLEDGE.

2 (7) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS THE
3 STATE INSTITUTIONS OF HIGHER EDUCATION, AS DEFINED IN SECTION
4 23-18-102 (10)(a), THE LOCAL DISTRICT COLLEGES, AND THE AREA
5 TECHNICAL COLLEGES.

6 **23-4.5-103. Colorado open educational resources council -**
7 **created - duties.** (1) THERE IS CREATED IN THE DEPARTMENT OF HIGHER
8 EDUCATION THE COLORADO OPEN EDUCATIONAL RESOURCES COUNCIL,
9 WHICH IS COMPRISED OF THE FOLLOWING MEMBERS:

10 (a) TWELVE PERSONS FROM PUBLIC INSTITUTIONS OF HIGHER
11 EDUCATION APPOINTED BY THE EXECUTIVE DIRECTOR AS FOLLOWS:

12 (I) FIVE FACULTY MEMBERS;

13 (II) THREE LIBRARY PROFESSIONALS;

14 (III) ONE PERSON ENROLLED AS A STUDENT AT A PUBLIC
15 INSTITUTION OF HIGHER EDUCATION;

16 (IV) ONE INSTRUCTIONAL DESIGN EXPERT;

17 (V) ONE INFORMATIONAL TECHNOLOGY EXPERT; AND

18 (VI) ONE ADMINISTRATOR;

19 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS OR HER
20 DESIGNEE;

21 (c) THE COMMISSIONER OF EDUCATION APPOINTED PURSUANT TO
22 SECTION 1 (2) OF ARTICLE IX OF THE STATE CONSTITUTION, OR HIS OR HER
23 DESIGNEE; AND

24 (d) THE PERSON EXECUTING THE DUTIES OF THE STATE LIBRARIAN,
25 IF DIFFERENT FROM THE COMMISSIONER OF EDUCATION AS PROVIDED IN
26 SECTION 24-90-104, OR HIS OR HER DESIGNEE.

27 (2) (a) THE TERM OF SERVICE FOR THE APPOINTED MEMBERS OF

1 THE COUNCIL IS THREE YEARS. THE EXECUTIVE DIRECTOR MAY APPOINT
2 THE SAME PERSON TO SERVE MULTIPLE, CONSECUTIVE TERMS.

3 (b) THE EXECUTIVE DIRECTOR SHALL APPOINT THE MEMBERS OF
4 THE COUNCIL BY JULY 1, 2018, TAKING INTO ACCOUNT ANY NOMINATIONS
5 RECEIVED FROM THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION. IN
6 APPOINTING THE MEMBERS OF THE COUNCIL, THE EXECUTIVE DIRECTOR
7 SHALL ENSURE THAT THE COUNCIL INCLUDES AT LEAST THREE
8 REPRESENTATIVES FROM TWO-YEAR PUBLIC INSTITUTIONS OF HIGHER
9 EDUCATION AND AT LEAST THREE REPRESENTATIVES FROM FOUR-YEAR
10 PUBLIC INSTITUTIONS OF HIGHER EDUCATION, INCLUDING RESEARCH
11 UNIVERSITIES. TO THE EXTENT PRACTICABLE, THE EXECUTIVE DIRECTOR
12 SHALL APPOINT PERSONS FROM AREAS THROUGHOUT THE STATE WHO ARE
13 REPRESENTATIVE OF THE DEMOGRAPHICS OF THE STATE.

14 (3) THE EXECUTIVE DIRECTOR SHALL CONVENE THE FIRST MEETING
15 OF THE COUNCIL AS SOON AS PRACTICABLE AFTER THE COUNCIL MEMBERS
16 ARE APPOINTED, BUT NO LATER THAN AUGUST 30, 2018. AT THE FIRST
17 MEETING AND ANNUALLY THEREAFTER, THE COUNCIL MEMBERS SHALL
18 SELECT A MEMBER TO SERVE AS CHAIR OF THE COUNCIL AND A MEMBER TO
19 SERVE AS VICE-CHAIR OF THE COUNCIL. THE COUNCIL SHALL MEET AS
20 OFTEN AS NECESSARY AT THE CALL OF THE CHAIR TO COMPLETE ITS
21 DUTIES.

22 (4) THE MEMBERS OF THE COUNCIL SERVE WITHOUT
23 COMPENSATION BUT MAY BE REIMBURSED FOR REASONABLE AND
24 NECESSARY EXPENSES INCURRED IN SERVING ON THE COUNCIL, AS
25 DETERMINED BY THE DEPARTMENT. THE DEPARTMENT SHALL PROVIDE
26 STAFF AND RESOURCES TO SUPPORT THE COUNCIL IN COMPLETING ITS
27 DUTIES AND TO ASSIST THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION

1 THROUGHOUT THE STATE IN DEVELOPING AND EXPANDING THE USE OF
2 OPEN EDUCATIONAL RESOURCES.

3 (5) THE COUNCIL HAS THE FOLLOWING DUTIES:

4 (a) TO RECOMMEND TO THE COMMISSION STATEWIDE POLICIES FOR
5 PROMOTING ADAPTATION, CREATION, AND USE OF OPEN EDUCATIONAL
6 RESOURCES AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION ACROSS THE
7 STATE;

8 (b) TO FACILITATE PROFESSIONAL DEVELOPMENT AND THE
9 SHARING OF KNOWLEDGE CONCERNING CREATING AND USING OPEN
10 EDUCATIONAL RESOURCES FOR PUBLIC INSTITUTIONS OF HIGHER
11 EDUCATION, FACULTY, STAFF, AND STUDENTS, WHICH MAY INCLUDE:

12 (I) DEVELOPING INFORMATIONAL MATERIALS ABOUT OPEN
13 EDUCATIONAL RESOURCES TO DISTRIBUTE TO PUBLIC INSTITUTIONS OF
14 HIGHER EDUCATION ACROSS THE STATE FOR USE AND ADAPTATION AS
15 APPROPRIATE;

16 (II) CREATING AND MAINTAINING A WEBSITE TO LINK TO THE
17 MATERIALS THAT THE COUNCIL DEVELOPS, OTHER OPEN EDUCATIONAL
18 RESOURCES, AND ANY EXISTING INSTITUTIONAL OPEN EDUCATIONAL
19 RESOURCES DATABASES; AND

20 (III) CONVENING REGULAR MEETINGS, WHICH MAY INCLUDE
21 CONVENING OPEN EDUCATIONAL RESOURCES INTEREST GROUPS TO SHARE
22 INFORMATION AND IDEAS, INCLUDING THROUGH MEETINGS, WORKSHOPS,
23 CONFERENCES, WEBINARS, AND AN ANNUAL OPEN EDUCATIONAL
24 RESOURCES CONFERENCE FOR HIGHER EDUCATION FACULTY,
25 INSTRUCTIONAL DESIGNERS, LIBRARIANS, CAMPUS ADMINISTRATORS,
26 SECONDARY EDUCATORS WHO TEACH CONCURRENT ENROLLMENT
27 COURSES, AND OTHER RELEVANT STAFF;

1 (c) TO IMPLEMENT THE OPEN EDUCATIONAL RESOURCES GRANT
2 PROGRAM CREATED IN SECTION 23-4.5-104 AND ENSURE THAT FACULTY
3 AND STUDENTS AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION ACROSS
4 THE STATE CAN EASILY IDENTIFY AND ACCESS THE OPEN EDUCATIONAL
5 RESOURCES DEVELOPED USING GRANT MONEY;

6 (d) TO ADVISE THE DEPARTMENT CONCERNING ALLOCATION OF
7 THE MONEY APPROPRIATED FOR THE PURPOSES OF THIS ARTICLE 4.5 TO PAY
8 THE COSTS OF THE GRANT PROGRAM, CONVENING INTEREST GROUPS, AND
9 PROVIDING STAFF SUPPORT; AND

10 (e) TO PREPARE AND SUBMIT AN ANNUAL REPORT CONCERNING
11 THE USE OF OPEN EDUCATIONAL RESOURCES AT THE PUBLIC INSTITUTIONS
12 OF HIGHER EDUCATION IN THE STATE, AS DESCRIBED IN SECTION
13 23-4.5-105.

14 (6) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE TO THE
15 DEPARTMENT SUCH AMOUNT AS IT DEEMS APPROPRIATE FOR THE PURPOSES
16 SPECIFIED IN THIS ARTICLE 4.5, INCLUDING THE GRANT PROGRAM. ANY
17 UNEXPENDED AND UNENCUMBERED MONEY FROM AN APPROPRIATION
18 MADE FOR THE PURPOSES OF THIS ARTICLE 4.5 REMAINS AVAILABLE FOR
19 EXPENDITURE BY THE DEPARTMENT FOR THE PURPOSES OF THIS ARTICLE
20 4.5 IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

21 **23-4.5-104. Open educational resources grant program -**
22 **created - report.** (1) THERE IS CREATED IN THE DEPARTMENT OF HIGHER
23 EDUCATION THE OPEN EDUCATIONAL RESOURCES GRANT PROGRAM TO
24 PROVIDE FUNDING FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION,
25 FACULTY, AND STAFF TO CREATE AND EXPAND THE USE OF OPEN
26 EDUCATIONAL RESOURCES ACROSS INSTITUTIONS AROUND THE STATE. THE
27 GRANT PROGRAM CONSISTS OF GRANTS TO:

1 (a) PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO SUPPORT
2 CREATING, ADAPTING, AND PROMOTING THE USE OF OPEN EDUCATIONAL
3 RESOURCES AT THE INSTITUTION OR ON A CAMPUS; AND

4 (b) FACULTY AND STAFF OF PUBLIC INSTITUTIONS OF HIGHER
5 EDUCATION, INDIVIDUALLY OR IN SMALL GROUPS, TO SUPPORT THE
6 CREATING, ADAPTING, AND PROMOTING OF OPEN EDUCATIONAL
7 RESOURCES.

8 (2) (a) THE COUNCIL, WORKING WITH THE DEPARTMENT, SHALL
9 DEVELOP TIMELINES AND PROCEDURES BY WHICH PUBLIC INSTITUTIONS OF
10 HIGHER EDUCATION, FACULTY, AND STAFF MAY APPLY FOR A GRANT,
11 INCLUDING THE INFORMATION THAT MUST BE INCLUDED IN AN
12 APPLICATION AND THE DEADLINES FOR SUBMITTING APPLICATIONS.

13 (b) AN APPLICATION FOR AN INSTITUTIONAL GRANT MAY INCLUDE:

14 (I) EVIDENCE OF THE EXISTENCE OF AN OPEN EDUCATIONAL
15 RESOURCES COUNCIL OR COMMITTEE AT THE APPLYING INSTITUTION OR
16 CAMPUS;

17 (II) IDENTIFICATION OF LIBRARY, INSTRUCTIONAL DESIGN, AND
18 ADMINISTRATIVE STAFFING TO SUPPORT THE OPEN EDUCATIONAL
19 RESOURCES INITIATIVE FOR WHICH A GRANT IS REQUESTED;

20 (III) THE MANNER IN WHICH THE COURSES THAT USE OPEN
21 EDUCATIONAL RESOURCES WILL BE IDENTIFIED FOR STUDENTS PRIOR TO
22 THE TIME OF COURSE REGISTRATION, WHICH MAY INCLUDE IDENTIFICATION
23 IN THE SCHEDULE OF CLASSES;

24 (IV) A PLAN FOR EXPANDING THE ADOPTION OF OPEN
25 EDUCATIONAL RESOURCES ACROSS THE CAMPUS OR INSTITUTION THAT
26 RECEIVES THE GRANT, WHICH MAY INCLUDE AWARDING GRANTS TO
27 FACULTY MEMBERS, REDUCING A FACULTY MEMBER'S REQUIRED TEACHING

1 HOURS, OR PROVIDING OTHER INCENTIVES TO FACULTY FOR ADAPTING AND
2 DEVELOPING OPEN EDUCATIONAL RESOURCES;

3 (V) THE MANNER IN WHICH THE GRANT RECIPIENT WILL EVALUATE
4 THE SUCCESS OF THE OPEN EDUCATIONAL RESOURCES INITIATIVE; AND

5 (VI) A PLAN FOR AND COMMITMENT TO SUSTAINING THE OPEN
6 EDUCATIONAL RESOURCES INITIATIVE AFTER THE GRANT IS COMPLETED.

7 (c) AN APPLICATION FOR A FACULTY OR STAFF GRANT, WHETHER
8 INDIVIDUAL OR SMALL GROUP, MAY INCLUDE:

9 (I) INFORMATION CONCERNING THE TEXTBOOKS AND OTHER
10 MATERIALS IN USE AT THE TIME THE GRANT IS RECEIVED, THE COSTS OF
11 THE TEXTBOOKS AND MATERIALS, AND HOW THE APPLICANT EXPECTS TO
12 USE THE GRANT MONEY TO ADAPT OR DEVELOP OPEN EDUCATIONAL
13 RESOURCES TO REPLACE THE TEXTBOOKS AND OTHER MATERIALS;

14 (II) THE MANNER IN WHICH THE GRANT RECIPIENTS WILL
15 EVALUATE THE USE OF THE OPEN EDUCATIONAL RESOURCES DEVELOPED
16 USING THE GRANT, INCLUDING THE NUMBER OF STUDENTS WHO ARE
17 AFFECTED AND THE COST SAVINGS TO STUDENTS AS A RESULT OF THE OPEN
18 EDUCATIONAL RESOURCES DEVELOPED USING THE GRANT; AND

19 (III) THE PLAN FOR ENSURING THAT OPEN EDUCATIONAL
20 RESOURCES THAT ARE ADAPTED OR DEVELOPED USING THE GRANT MONEY
21 ARE PUBLICIZED AND MADE AVAILABLE TO OTHER FACULTY AND
22 STUDENTS WITHIN THE PUBLIC INSTITUTION OF HIGHER EDUCATION AND
23 OTHER PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

24 (3) (a) THE COUNCIL SHALL REVIEW THE GRANT APPLICATIONS
25 RECEIVED AND RECOMMEND TO THE COMMISSION APPLICANTS TO WHICH
26 THE COMMISSION MAY CHOOSE TO AWARD GRANTS AND THE AMOUNT OF
27 EACH GRANT. SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION

1 SHALL AWARD GRANTS THROUGH THE GRANT PROGRAM. THE COMMISSION
2 SHALL TAKE INTO ACCOUNT, BUT IS NOT BOUND BY, THE
3 RECOMMENDATIONS OF THE COUNCIL. IN MAKING RECOMMENDATIONS
4 AND AWARDING GRANTS, THE COUNCIL AND THE COMMISSION SHALL
5 CONSIDER WHETHER THE APPLICATION:

6 (I) AFFECTS COURSES WITH HIGH STUDENT ENROLLMENT OR HIGH
7 TEXTBOOK OR MATERIALS COSTS;

8 (II) AFFECTS HIGH-IMPACT COURSES SUCH AS THE CORE COURSES
9 DESCRIBED IN SECTION 23-1-125 (3) OR COURSES INCLUDED IN
10 CONCURRENT ENROLLMENT AGREEMENTS ENTERED INTO PURSUANT TO
11 ARTICLE 35 OF TITLE 22; AND

12 (III) SUPPORTS ADAPTATION OR DEVELOPMENT OF OPEN
13 EDUCATIONAL RESOURCES BY TEAMS OF FACULTY, LIBRARIANS, AND
14 INSTRUCTIONAL DESIGNERS WITHIN A PUBLIC INSTITUTION OF HIGHER
15 EDUCATION OR ACROSS MULTIPLE INSTITUTIONS, MAKING IT MORE LIKELY
16 THAT THE RESOURCES WILL BE USED IN MULTIPLE COURSES OR SECTIONS.

17 (b) THE COMMISSION SHALL ADOPT GUIDELINES TO ADDRESS
18 POTENTIAL CONFLICTS OF INTEREST FOR MEMBERS OF THE COUNCIL THAT
19 MAY ARISE IN RECOMMENDING APPLICANTS TO RECEIVE GRANTS.

20 (4) EACH GRANT RECIPIENT, AS A CONDITION OF RECEIVING THE
21 GRANT, MUST:

22 (a) SUBMIT TO THE COUNCIL DATA CONCERNING THE NUMBER OF
23 STUDENTS AFFECTED BY OPEN EDUCATIONAL RESOURCES DEVELOPED OR
24 ADAPTED USING THE GRANT, THE ESTIMATED AMOUNT OF STUDENT
25 SAVINGS THAT RESULTS FROM USING THE OPEN EDUCATIONAL RESOURCES,
26 AND MEASURES OF THE EFFECTIVENESS OF THE GRANT PROJECT;

27 (b) AGREE TO OPENLY LICENSE AND SHARE, UNDER THE BROADEST

1 POSSIBLE LICENSE, ANY OPEN EDUCATIONAL RESOURCES DEVELOPED OR
2 ADAPTED USING THE GRANT;

3 (c) AGREE TO COMPLY WITH THE GUIDELINES AND PARAMETERS
4 ADOPTED BY THE COUNCIL PURSUANT TO SUBSECTION (6) OF THIS SECTION
5 FOR IMPLEMENTING THE GRANTS;

6 (d) POST NEW OR ADAPTED OPEN EDUCATIONAL RESOURCES TO AN
7 OPEN REPOSITORY IN EDITABLE FILE FORMATS OR WITH SOURCE CODE; AND

8 (e) COMPLY WITH THE FEDERAL "AMERICANS WITH DISABILITIES
9 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, TO ENABLE
10 PERSONS WITH DISABILITIES TO ACCESS THE OPEN EDUCATIONAL
11 RESOURCES DEVELOPED OR ADAPTED USING THE GRANT.

12 (5) THE COUNCIL SHALL SUMMARIZE THE INFORMATION RECEIVED
13 FROM GRANT RECIPIENTS AS DESCRIBED IN SUBSECTION (4)(a) OF THIS
14 SECTION AND INCLUDE THE SUMMARIZED INFORMATION IN THE ANNUAL
15 REPORT REQUIRED IN SECTION 23-4.5-105.

16 (6) THE COUNCIL SHALL ADOPT GUIDELINES AND PARAMETERS BY
17 WHICH GRANT RECIPIENTS MUST IMPLEMENT THE GRANT-FUNDED OPEN
18 EDUCATIONAL RESOURCES INITIATIVES TO ENSURE THAT THE IMPACT ON
19 STUDENTS OF THE INITIATIVES MAY BE CONSISTENTLY MEASURED AND
20 COMPARED ACROSS PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

21 **23-4.5-105. Council report.** (1) NOTWITHSTANDING THE
22 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), ON OR BEFORE OCTOBER 1,
23 2019, AND ON OR BEFORE OCTOBER 1 EACH YEAR THEREAFTER, THE
24 COUNCIL SHALL PREPARE AND SUBMIT TO THE COMMISSION, THE JOINT
25 BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE SENATE
26 AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES,
27 A REPORT CONCERNING IMPLEMENTATION AND DEVELOPMENT OF OPEN

1 EDUCATIONAL RESOURCES AROUND THE STATE. THE PUBLIC INSTITUTIONS
2 OF HIGHER EDUCATION SHALL COLLABORATE WITH THE COUNCIL IN
3 PROVIDING THE INFORMATION NECESSARY FOR THE REPORT. AT A
4 MINIMUM, THE REPORT MUST INCLUDE:

5 (a) THE DEGREE TO WHICH ALL PUBLIC INSTITUTIONS OF HIGHER
6 EDUCATION ARE ADOPTING OPEN EDUCATIONAL RESOURCES SUPPORT
7 PROGRAMS AND ENSURING UNIVERSAL AWARENESS OF OPEN EDUCATIONAL
8 RESOURCES AMONG FACULTY AND STUDENTS;

9 (b) THE NUMBER AND PERCENTAGE OF THE COURSES OFFERED BY
10 THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION THAT USE OPEN
11 EDUCATIONAL RESOURCES AS THE PRIMARY RESOURCES FOR THE COURSE;

12 (c) THE OPEN EDUCATIONAL RESOURCES CREATED AND SHARED BY
13 GRANT RECIPIENTS;

14 (d) THE NUMBER OF OPEN EDUCATIONAL RESOURCES REVISED AND
15 ADOPTED BY GRANT RECIPIENTS;

16 (e) FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION THAT
17 RECEIVE A GRANT OR THAT EMPLOY FACULTY OR STAFF THAT RECEIVE A
18 GRANT, THE COURSE ENROLLMENT, COMPLETION, AND PASS RATES FOR
19 COURSES THAT USE OPEN EDUCATIONAL RESOURCES COMPARED TO
20 COURSES THAT DO NOT USE THESE RESOURCES; AND

21 (f) THE SUMMARIZED INFORMATION CONCERNING
22 IMPLEMENTATION OF THE GRANT PROGRAM AS DESCRIBED IN SECTION
23 23-4.5-104 (4)(a) AND (5).

24 **23-4.5-106. Repeal of article.** THIS ARTICLE 4.5 IS REPEALED,
25 EFFECTIVE NOVEMBER 1, 2021.

26 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
27 **with amendments,** 23-1-134 as follows:

1 **23-1-134. Commission directive - open educational resources**
2 **- course notice - definition.** (1) THE COMMISSION SHALL ADOPT
3 GUIDELINES TO REQUIRE PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO
4 ENSURE THAT, BEGINNING IN THE FALL OF 2021, STUDENTS ARE INFORMED
5 PRIOR TO COURSE REGISTRATION CONCERNING WHICH COURSES AND
6 SECTIONS USE OPEN EDUCATIONAL RESOURCES OR OTHER LOW-COST
7 MATERIALS.

8 (2) AS USED IN THIS SECTION, "PUBLIC INSTITUTION OF HIGHER
9 EDUCATION" HAS THE SAME MEANING AS PROVIDED IN SECTION
10 23-4.5-102.

11 **SECTION 3. Appropriation.** For the 2018-19 state fiscal year,
12 \$660,000 is appropriated to the department of higher education. This
13 appropriation is from the general fund and is based on an assumption that
14 the department will require an additional 0.9 FTE. To implement this act,
15 the department may use this appropriation for the open educational
16 resources initiatives described in article 4.5 of title 23, C.R.S.

17 **SECTION 4. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.