

## CHAPTER 186

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**EDUCATION - POSTSECONDARY**

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**HOUSE BILL 18-1331**

BY REPRESENTATIVE(S) Young and Rankin, Hamner, Arndt, Becker K., Bridges, Buckner, Esgar, Exum, Garnett, Ginal, Hansen, Herod, Jackson, Kennedy, McLachlan, Melton, Michaelson Jenet, Roberts, Rosenthal, Valdez, Duran; also SENATOR(S) Lundberg, Lambert, Moreno, Donovan, Fields, Jahn, Jones, Kefalas, Martinez Humenik, Merrifield, Priola, Tate, Todd, Williams A., Zenzinger.

**AN ACT**

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

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

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

**ARTICLE 4.5**  
**Open Educational Resources**

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

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

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

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

(2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS APPROPRIATE TO ESTABLISH THE COLORADO OPEN EDUCATIONAL RESOURCES COUNCIL TO RECOMMEND STATEWIDE POLICIES CONCERNING PROMOTING THE USE OF OPEN EDUCATIONAL RESOURCES, FACILITATE KNOWLEDGE SHARING AND PROFESSIONAL DEVELOPMENT TO INCREASE AND SUPPORT THE STATEWIDE USE OF OPEN EDUCATIONAL RESOURCES, AND IMPLEMENT A STATEWIDE GRANT PROGRAM FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION, FACULTY, AND STAFF TO CREATE AND EXPAND THE USE OF OPEN EDUCATIONAL RESOURCES.

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

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

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

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

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

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

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

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

**23-4.5-103. Colorado open educational resources council - created - duties.**

(1) THERE IS CREATED IN THE DEPARTMENT OF HIGHER EDUCATION THE COLORADO

OPEN EDUCATIONAL RESOURCES COUNCIL, WHICH IS COMPRISED OF THE FOLLOWING MEMBERS:

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

(I) FIVE FACULTY MEMBERS;

(II) THREE LIBRARY PROFESSIONALS;

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

(IV) ONE INSTRUCTIONAL DESIGN EXPERT;

(V) ONE INFORMATIONAL TECHNOLOGY EXPERT; AND

(VI) ONE ADMINISTRATOR;

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

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

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

(2) (a) THE TERM OF SERVICE FOR THE APPOINTED MEMBERS OF THE COUNCIL IS THREE YEARS. THE EXECUTIVE DIRECTOR MAY APPOINT THE SAME PERSON TO SERVE MULTIPLE, CONSECUTIVE TERMS.

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

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

(4) THE MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN SERVING ON THE COUNCIL, AS DETERMINED BY THE DEPARTMENT. THE DEPARTMENT SHALL PROVIDE STAFF AND RESOURCES TO SUPPORT THE COUNCIL IN COMPLETING ITS DUTIES AND TO ASSIST THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION THROUGHOUT THE STATE IN DEVELOPING AND EXPANDING THE USE OF OPEN EDUCATIONAL RESOURCES.

(5) THE COUNCIL HAS THE FOLLOWING DUTIES:

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

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

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

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

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

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

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

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

(6) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE TO THE DEPARTMENT

SUCH AMOUNT AS IT DEEMS APPROPRIATE FOR THE PURPOSES SPECIFIED IN THIS ARTICLE 4.5, INCLUDING THE GRANT PROGRAM. ANY UNEXPENDED AND UNENCUMBERED MONEY FROM AN APPROPRIATION MADE FOR THE PURPOSES OF THIS ARTICLE 4.5 REMAINS AVAILABLE FOR EXPENDITURE BY THE DEPARTMENT FOR THE PURPOSES OF THIS ARTICLE 4.5 IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

**23-4.5-104. Open educational resources grant program - created - report.**

(1) THERE IS CREATED IN THE DEPARTMENT OF HIGHER EDUCATION THE OPEN EDUCATIONAL RESOURCES GRANT PROGRAM TO PROVIDE FUNDING FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION, FACULTY, AND STAFF TO CREATE AND EXPAND THE USE OF OPEN EDUCATIONAL RESOURCES ACROSS INSTITUTIONS AROUND THE STATE. THE GRANT PROGRAM CONSISTS OF GRANTS TO:

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

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

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

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

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

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

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

(IV) A PLAN FOR EXPANDING THE ADOPTION OF OPEN EDUCATIONAL RESOURCES ACROSS THE CAMPUS OR INSTITUTION THAT RECEIVES THE GRANT, WHICH MAY INCLUDE AWARDING GRANTS TO FACULTY MEMBERS, REDUCING A FACULTY MEMBER'S REQUIRED TEACHING HOURS, OR PROVIDING OTHER INCENTIVES TO FACULTY FOR ADAPTING AND DEVELOPING OPEN EDUCATIONAL RESOURCES;

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

(VI) A PLAN FOR AND COMMITMENT TO SUSTAINING THE OPEN EDUCATIONAL

RESOURCES INITIATIVE AFTER THE GRANT IS COMPLETED.

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

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

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

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

(3) (a) THE COUNCIL SHALL REVIEW THE GRANT APPLICATIONS RECEIVED AND RECOMMEND TO THE COMMISSION APPLICANTS TO WHICH THE COMMISSION MAY CHOOSE TO AWARD GRANTS AND THE AMOUNT OF EACH GRANT. SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION SHALL AWARD GRANTS THROUGH THE GRANT PROGRAM. THE COMMISSION SHALL TAKE INTO ACCOUNT, BUT IS NOT BOUND BY, THE RECOMMENDATIONS OF THE COUNCIL. IN MAKING RECOMMENDATIONS AND AWARDING GRANTS, THE COUNCIL AND THE COMMISSION SHALL CONSIDER WHETHER THE APPLICATION:

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

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

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

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

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

(a) SUBMIT TO THE COUNCIL DATA CONCERNING THE NUMBER OF STUDENTS

AFFECTED BY OPEN EDUCATIONAL RESOURCES DEVELOPED OR ADAPTED USING THE GRANT, THE ESTIMATED AMOUNT OF STUDENT SAVINGS THAT RESULTS FROM USING THE OPEN EDUCATIONAL RESOURCES, AND MEASURES OF THE EFFECTIVENESS OF THE GRANT PROJECT;

(b) AGREE TO OPENLY LICENSE AND SHARE, UNDER THE BROADEST POSSIBLE LICENSE, ANY OPEN EDUCATIONAL RESOURCES DEVELOPED OR ADAPTED USING THE GRANT;

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

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

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

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

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

**23-4.5-105. Council report.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), ON OR BEFORE OCTOBER 1, 2019, AND ON OR BEFORE OCTOBER 1 EACH YEAR THEREAFTER, THE COUNCIL SHALL PREPARE AND SUBMIT TO THE COMMISSION, THE JOINT BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT CONCERNING IMPLEMENTATION AND DEVELOPMENT OF OPEN EDUCATIONAL RESOURCES AROUND THE STATE. THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL COLLABORATE WITH THE COUNCIL IN PROVIDING THE INFORMATION NECESSARY FOR THE REPORT. AT A MINIMUM, THE REPORT MUST INCLUDE:

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

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

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

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

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

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

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

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

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

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

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

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

Approved: April 30, 2018