

# SENATE BILL REPORT

## E2SHB 1561

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As Passed Senate - Amended, March 2, 2018

**Title:** An act relating to open educational resources.

**Brief Description:** Concerning open educational resources.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Frame, Pollet, Doglio, Kloba, Bergquist, Kilduff, Stanford, Dolan, Peterson, Stonier, Senn, Slatter, Fey, Lovick, Macri, Tarleton, Tharinger, Sawyer, Goodman and Farrell).

**Brief History:** Passed House: 3/06/17, 64-34; 1/18/18, 72-24.

**Committee Activity:** Higher Education: 3/16/17, 3/28/17 [DPA-WM].

Ways & Means: 3/30/17, 4/03/17 [DPA]; 2/26/18 [DPA(WM)].

Higher Education & Workforce Development: 2/20/18, 2/22/18 [DPA-WM].

**Floor Activity:**

Passed Senate - Amended: 3/02/18, 49-0.

### Brief Summary of Bill (As Amended by Senate)

- Requires the Washington Student Achievement Council (WSAC) to administer the Open Educational Resources (OER) Grant Pilot Program for the public baccalaureates.
- Requires WSAC to conduct outreach to other states and higher education agencies to identify interest in establishing a multistate OER network.
- Requires the Washington State Institute for Public Policy (WSIPP) to conduct a study on the costs of textbooks and course materials and on the use of OER at the public baccalaureates.
- Removes the June 30, 2018, expiration date of state law relating to the library of openly licensed courseware developed and administered by the superintendent of public instruction.

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### SENATE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Frockt.

**Staff:** Clint McCarthy (786-7319)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended by Committee on Ways & Means.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey, Becker, Billig, Brown, Carlyle, Conway, Darneille, Fain, Hasegawa, Hunt, Keiser, Mullet, Palumbo, Pedersen, Ranker, Rivers, Schoesler, Van De Wege, Wagoner and Warnick.

**Staff:** Daniel Masterson (786-7454)

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## SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle, Lias, Miloscia, Nelson and Short.

**Staff:** Alicia Kinne-Clawson (786-7407)

**Background:** OER. OERs are educational materials and resources that are free and available for use by anyone. Some resources are under license to remix, improve, and redistribute. OERs include full courses, course materials, learning objectives, software, and intellectual property licenses, among other things.

Openly Licensed Courseware. In 2012, the Legislature tasked the Office of the Superintendent of Public Instruction (OSPI) with identifying and developing a library of openly licensed courseware. The courseware library must be aligned with the Common Core State Standards, and registered in a way that allows authors or creators to retain the copyright.

OSPI is required to advertise the availability of openly licensed courseware to school districts, as well as provide professional development programs that support, and instruction regarding the usage of, open courseware. The provisions of law concerning openly licensed education courseware expires on June 30, 2018.

**Summary of Amended Bill:** Open Educational Resources Grant Pilot Program. Subject to appropriation, WSAC must administer the OER Grant Pilot Program for the public, four-year institutions of higher education. The grants must be used for either one or both of the following:

- to create a designated campus coordinator who will be the campus lead and centralized contact regarding OER; or
- to support faculty to adopt and modify, or create new OER.

WSAC must:

- develop an application form;
- develop processes for selecting applicants, awarding grants, and grant awardee reporting on the use of the grant;
- prioritize applications that estimate the highest cost reduction to students;
- determine how many grants may be awarded based on funding received; and
- conduct outreach to other states and higher education agencies to identify whether there is interest in establishing a multistate OER network to establish a platform for peer review, coordinating, and sharing of OER.

WSAC must report to the Legislature by December 1, 2019, on the OER Grant Pilot Program and on the outreach conducted regarding a multistate OER network. The report must include the following information:

- number of grant applications received;
- number of grants awarded;
- evaluation of how the grants were used to expand OER use; and
- how WSAC conducted outreach to other states and feedback from those states.

Washington State Institute for Public Policy Study. WSIPP must conduct a study on the cost of textbooks and course materials, and the use of OER at the four-year institutions of higher education by December 1, 2019. The study should address the types of costs, and average cost per student, for required textbooks and course materials, including digital access codes and bundled items, and in specific degree programs. The study must also review OER use at the institutions and in specific degree programs, courses, or both.

Openly Licensed Courseware. The expiration date for the openly licensed courseware chapter and end date for the program are removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed. Includes a null and void clause.

**Staff Summary of Public Testimony on Engrossed Second Substitute House Bill (Higher Education):** *Testimony from 2017 Regular Session. The committee recommended a different version of the bill than what was heard.* PRO: The cost of higher education is very expensive. One of the biggest out of pocket costs is the cost of textbooks. This program would decrease the cost to students. WSU-Vancouver has used OER to convert math courses that are saving students \$25,000 per year. If faculty want to transfer over to OER, WSU will help them. This bill and the grants that come with it will help institutions implement these resources into curriculum. The grant based program is the right approach to expanding OER on campuses. People can google a lot of courses for 100 and 200 level courses. The problem is that the 300 and 400 level courses there are scant OER resources. WWU struggles to find funding to develop OER. More faculty apply for OER development funds than are available

at the university. Faculty do not feel like they have adequate resources to develop OER resources. The WSSIP study is very important to identify gaps and opportunities to increase the use of OERs.

OTHER: Regarding OER, there are a lot of these resources that are free and publicly available already. University of Amherst has a program right now. An amendment to include ADA compliance would make the bill better. CWU is great at ADA compliance. Institutions are showcasing OER resources that they are using right now. Professors are more than capable of using these resources. There is a concern that WSSIP does not have to engage with stakeholders such as those in the publishing industry.

**Persons Testifying (Higher Education):** PRO: Representative Noel Frame, Prime Sponsor; Chris Mulick, WSU; Alicia Kinne-Clawson, Eastern Washington University; Patricia Chantrill, Eastern Washington University; Joe Timmons, Western Washington University; Alexander Wirth, Associated Students of the UW.

OTHER: Melissa Gombosky, Association of American Publishers; Diana Carlen, Relx Inc.

**Persons Signed In To Testify But Not Testifying (Higher Education):** No one.

**Staff Summary of Public Testimony on Bill as Amended by Higher Education (Ways & Means):** *Testimony from 2017 Regular Session. The committee recommended a different version of the bill than what was heard.* PRO: This bill is an important step in tackling college textbook affordability. It's something that can have a really positive impact for a low cost. This bill costs very little to incentivize a lot of our state's faculty to develop new ways and innovate around affordability and generate real savings for students at four-year schools. WSUV already implements a similar program where professors can apply for a grant and earn up to one month's salary if they adopt an OER for their courses. Often times students won't purchase textbooks because they think they cannot afford it and will find ways to get by. Students who forgo buying textbooks can hinder their education. This bill will give institutions alternatives to ensure student success and reduce extra barriers to getting an education.

**Persons Testifying (Ways & Means):** PRO: Paige Campbell, Associated Students of Washington State University; Maresa Miranda, Associated Students of Washington State University Vancouver; Alex Wirth, Associated Students of University of Washington.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.

**Staff Summary of Public Testimony on Bill as Amended by Higher Education & Workforce Development (Ways & Means):** *The committee recommended a different version of the bill than what was heard.* PRO: This is a great investment for the state of Washington that will help reduce the cost of attendance for college students. Textbooks are a cost that students cannot accurately forecast that can be as high as \$1000 or more per year. This bill is the start of something great for Washington students.

**Persons Testifying (Ways & Means):** PRO: Paige Campbell, Associated Students of Washington State University; Maresa Miranda, Associated Students of Washington State University Vancouver; Alex Wirth, Associated Students of University of Washington.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.

**Staff Summary of Public Testimony on Second Engrossed Substitute House Bill (Higher Education & Workforce Development):** *The committee recommended a different version of the bill than what was heard.* PRO: We spend a lot of time talking about the tuition aspect of cost; but, the cost of textbooks is high. We know that students when they don't have the budget opt not to purchase textbooks. This affects their ability to be successful in class. We've seen good outcomes in the investment in OERs in the community and technical colleges—saving as much as 24 percent. We want to expand that in the four years and take advantage of technology. Western currently offers a number of services aimed at affordability including textbook rental and price comparison. Western actively supports the development of OER resources on campus. Grants are offered to faculty and each year there is more demand for the grants than there are funds available. The average college student pays up to \$900 per year on textbooks. In the first week of the quarter, students often must choose between spending money on food, rent, or books. This bill takes a good first step in ensuring more affordable options are available. WSU has managed to identify small amounts of money for faculty grants to expand the use of OERs. Once materials are adapted, students can save as much as \$100 per course. At the Vancouver campus, nearly 15 percent of courses are using OER materials exclusively. Small OER grants deliver big savings for students and this bill would continue that momentum.

**Persons Testifying (Higher Education & Workforce Development):** PRO: Representative Noel Frame, Prime Sponsor; JoAnn Taricani, Council of Faculty, state public universities; Ernie Tao, Associated Students of the University of Washington Seattle; Joe Timmons, WWU Government Relations; Chris Mulick, Washington State University; Adán Espino Jr, University of Washington Tacoma; Justus Phelps, Director of Legislative Affairs, The Associated Students of Washington State University Vancouver; Arne Nelson, Washington Student Association.

**Persons Signed In To Testify But Not Testifying (Higher Education & Workforce Development):** No one.