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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 789

02/21/2013 Authored by Dorholt, Swedzinski, Lien, Winkler, Brynaert and others

The bill was read for the first time and referred to the Committee on Government Operations

03/07/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Higher Education Finance and Policy

1.1 A bill for an act
1.2 relating to higher education; establishing the Open Educational Resource
1.3 Council; requiring reports; appropriating money; proposing coding for new law
1.4 in Minnesota Statutes, chapter 135A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[135A.27] OPEN EDUCATIONAL RESOURCE COUNCIL.**

1.7 Subdivision 1. **Digital open source resources.** (a) For purposes of this section, the
1.8 following terms have the meanings given them.

1.9 (b) "Digital open source resources" means educational materials that are:

1.10 (1) digital;

1.11 (2) modular;

1.12 (3) encoded in an Extensible Markup Language (XML) format or other appropriate
1.13 successor format;

1.14 (4) designed to achieve operability on a range of platforms, including a range of
1.15 operating systems and platforms such as tablets and smartphones;

1.16 (5) placed under a Creative Commons attribution license that allows individuals and
1.17 entities to use, distribute, and create derivative works while still allowing the author of
1.18 the textbook to receive credit for the author's work; and

1.19 (6) in conformity with Section 508 of the federal Rehabilitation Act of 1973 (United
1.20 States Code, title 29, section 794d), as amended, and the latest version of the Web Content
1.21 Accessibility Guidelines adopted by the World Wide Web Consortium.

1.22 (c) "Education materials" includes any material that is used by a faculty member
1.23 of an institution of higher education as course material, including but not limited to

2.1 textbooks, study guides, worksheets, journals, video, audio recordings, or massive open
2.2 online courses.

2.3 Subd. 2. **Establishment of council; membership.** (a) The Open Educational
2.4 Resource Council is established.

2.5 (b) The council consists of the following 11 members:

2.6 (1) three faculty members from the University of Minnesota, appointed by the
2.7 University of Minnesota faculty senate;

2.8 (2) three faculty members from the Minnesota State Colleges and Universities,
2.9 appointed by the inter faculty organization;

2.10 (3) two faculty members from a state community college, appointed by the
2.11 Minnesota State College Faculty;

2.12 (4) one faculty member from a state technical college, appointed by the Minnesota
2.13 State College Faculty; and

2.14 (5) two faculty members from a Minnesota not-for-profit college or university,
2.15 appointed by the Minnesota Private College Council.

2.16 (c) The director of the Office of Higher Education, or the director's designee,
2.17 serves as a nonvoting, ex officio member of the council and shall provide necessary and
2.18 appropriate administrative and technical support to the council.

2.19 (d) The appointments under paragraph (b) must be made by October 1, 2013.

2.20 (e) The council's membership terms, compensation, filling of vacancies, and removal
2.21 of members are as provided in section 15.0575.

2.22 (f) In coordination with the director of the Office of Higher Education, the council
2.23 may employ necessary staff to carry out the council's functions.

2.24 Subd. 3. **Duties.** (a) The council is responsible for carrying out the following duties:

2.25 (1) develop strategies to increase the use of digital open source resources;

2.26 (2) develop a program that offers faculty of the University of Minnesota, Minnesota
2.27 State Colleges and Universities, and Minnesota not-for-profit colleges and universities the
2.28 necessary skills to implement the use of digital open source resources into their coursework;

2.29 (3) develop, if possible, a working partnership with the University of Minnesota
2.30 open textbook catalog to increase access to digital open source resources;

2.31 (4) locate digital open source resources for potential use by the University of
2.32 Minnesota open textbook catalog;

2.33 (5) in partnership with the University of Minnesota open textbook catalog, create
2.34 and administer a standardized, rigorous review process for digital open source resources.

2.35 This process shall ensure that all digital open source resources have been tested and
2.36 validated as having met accessibility requirements for students with disabilities. Digital

3.1 open source resources and ancillary materials shall include documentation for students
3.2 with disabilities that describes available accessibility features;

3.3 (6) develop and administer a Web site that allows individuals to search, learn about,
3.4 and access digital open source resources; and

3.5 (7) regularly request and consider, from each of the respective statewide student
3.6 associations of the University of Minnesota, the Minnesota State College Student
3.7 Association, the Minnesota State University Student Association, and the Minnesota
3.8 Association of Private College Students, advice and guidance on digital open source
3.9 textbooks, including guidance and advice on issues related to the format, accessibility, and
3.10 usability of digital open source textbooks.

3.11 (b) Nothing in this section mandates that faculty use any digital open source textbook.

3.12 Subd. 4. **Grants.** The council may apply for, receive, and spend in the council's
3.13 own name grants and gifts of money consistent with the duties specified in this section.

3.14 **Sec. 2. REPORTS.**

3.15 The council must report to the chairs and ranking minority members of the legislative
3.16 committees with jurisdiction over higher education on January 15, 2014, and January 15,
3.17 2015, on progress in carrying out the duties in section 1, subdivision 3. The 2015 report
3.18 must outline the council's plans to continue its work in the biennium beginning July 1, 2015.

3.19 **Sec. 3. APPROPRIATION.**

3.20 \$500,000 is appropriated from the general fund to the director of the Office of Higher
3.21 Education to carry out the duties required under section 1.