

SENATE BILL REPORT

E2SHB 1561

As Reported by Senate Committee On:
Higher Education, March 28, 2017
Ways & Means, April 3, 2017

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.

Committee Activity: Higher Education: 3/16/17, 3/28/17 [DPA-WM].
Ways & Means: 3/30/17, 4/03/17 [DPA].

Brief Summary of Amended Bill

- Requires the Washington Student Achievement Council (WSAC) to administer the Open Educational Resources (OER) Grant Pilot Program for the public, four-year institutions of higher education.
- Requires WSAC to conduct outreach to other states and higher education agencies to identify if there is interest in establishing a multistate OER network.
- Requires the Washington State Institute for Public Policy to conduct a study on the costs of textbooks and course materials and on the use of OER at the public, four-year institutions of higher education, subject to appropriation.

SENATE COMMITTEE ON HIGHER EDUCATION

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

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

Staff: Clint McCarthy (786-7319)

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.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Fain, Hasegawa, Keiser, Miloscia, Padden, Pedersen, Rivers, Schoesler, Warnick and Zeiger.

Staff: Michele Alishahi (786-7433)

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

Washington State Institute for Public Policy (WSIPP). The WSIPP is a nonpartisan research organization that carries out research at the direction of the Legislature or the Board of Directors. The WSIPP produces reports on a variety of topics of interest to the state and estimates benefit-cost analyses for a variety of state programs.

Summary of Amended Bill: The Washington Student Achievement Council (WSAC) is directed to administer an OER grant pilot program for the four-year institutions of higher education. The program is subject to the availability of funding. The grants must be used to support faculty use of OER and may not be used to duplicate open educational resources that are already available. Grant funds may be used to develop materials accessible to students with disabilities. Grant funding may also be used for the purpose of creating a designated campus coordinator who will lead efforts related to OER.

WSAC is directed to develop an application process through which grant awards will be made. The process must include the development of an application and an application review process. Applications that estimate the highest cost reduction to students are to be prioritized over other applications. WSAC is also directed to conduct outreach to other states and higher education agencies to determine the feasibility of a multistate OER network. WSAC shall report to the Legislature on the OER grant pilot program by December 1, 2018.

Subject to appropriation, the WSIPP is directed to conduct a study on the cost of textbooks and course materials, and the use of OER at four-year institutions of higher education across the state. WSIPP is directed to seek input from relevant stakeholders including students and faculty representatives with open educational resources expertise, and representatives of the publishing industry. The report is due by December 1, 2018.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Adds subject to appropriations provision to the WSIPP study requirement.

EFFECT OF HIGHER EDUCATION COMMITTEE AMENDMENT(S):

- Adds the development of materials accessible to students with disabilities as a permissible use of grant funds.
- Directs WSIPP to seek input from relevant stakeholders.

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.

Staff Summary of Public Testimony on Engrossed Second Substitute House Bill (Higher Education): *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): *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.