

SENATE No. 675

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to open textbooks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>
<i>Leah Cole</i>	<i>12th Essex</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>

SENATE No. 675

By Mr. Moore, a petition (accompanied by bill, Senate, No. 675) of Michael O. Moore, Ryan C. Fattman, Leah Cole, Leonard Mirra and other members of the General Court for legislation relative to open textbooks. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to open textbooks.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 15a of the General Laws is hereby amended by inserting after section 42 the
2 following section:-

3 Section 43. Massachusetts Open Source Digital Library

4 (a) Subject to appropriation, the department of higher education shall establish and
5 administer the Massachusetts Open Source Digital Library, in coordination with the
6 Massachusetts Open Education Resources Council and the 3 segments of the public higher
7 education system, for the purpose of housing open source materials while providing an Internet
8 Web-based way for students, faculty, and staff to easily find, adopt, utilize, or modify course
9 materials for little or no cost. All material in the open source library shall bear a creative
10 commons attribution license that allows others to use, distribute, and create derivative works
11 based upon the digital material while still allowing the authors or creators of the material to
12 receive credit for their efforts. (b) The Massachusetts Open Education Resources Council shall

13 be established. The council shall be composed of faculty leaders from the three segments of
14 public higher education system. The council shall have eleven members: the commissioner of the
15 department of higher education or designee; three faculty members of the University of
16 Massachusetts, selected by the President of the University of Massachusetts; three faculty
17 members of the state university system, selected by the Council of Presidents of the State
18 Universities, and three faculty members of the community college system, selected by the
19 Massachusetts Community Colleges Executive Office and one student representative appointed
20 by the Governor. The council shall be responsible for the following:

21 (1) Development of a list of 50 strategically selected lower division courses in the public
22 high education segments for which high-quality; affordable, digital open source textbooks and
23 related materials shall be developed or acquired pursuant to this section.

24 In developing the course list pursuant to this section, the council shall consider the extent
25 to which the selected courses:

- 26 (i) are among the most highly enrolled courses at each of the three segments;
- 27 (ii) are likely to generate significant saving in textbook costs for students;
- 28 (iii) demonstrate relative consistency in content across existing textbook products;
- 29 (iv) provide opportunities for faculty to augment the open textbook with free faculty-
30 authored materials or other free open education materials from existing digital libraries and
31 collections; and
- 32 (v) are conducive to discipline-based pedagogies that can be enhanced with digital
33 resources and interactivity to support improved student learning success.

34 (2) Creation and administration of a standardized, rigorous review and approval process
35 for open source textbooks and related materials developed or acquired pursuant to this section.
36 This process shall ensure that all open source textbooks and related materials developed or
37 acquired pursuant to this section have been tested and validated as having met accessibility
38 requirements for students with disabilities before approval and release. The textbooks and other
39 materials shall include documentation for students with disabilities that describes available
40 accessibility features.

41 (3) Promotion of strategies for production, access, and use of open source materials.

42 (c) The council shall establish a competitive request for proposal process in which faculty
43 members, publishers, and other interested parties may apply for funds to produce the 50 high-
44 quality, affordable, digital open source textbooks and related materials in 2013. Nothing in this
45 section shall be construed to limit or restrict the council from developing or acquiring, either for
46 a charge or for free, existing high-quality digital open source textbooks and related materials that
47 otherwise meet the specifications of this section.

48 (d) The textbooks and other materials produced pursuant to this section shall comply with
49 all of the following requirements:

50 (1) The textbooks and other materials are placed under a creative commons attribution
51 license that allows others to use, distribute, and create derivative works based upon the digital
52 material while still allowing the authors or creators to receive credit for their efforts.

53 (2) The textbooks and other materials are modular in order to allow easy customization,
54 and are encoded in an Extensible Markup Language (XML) format, or other appropriate
55 successor format, and are designed and delivered to achieve interoperability enabling the

56 materials to be made available reliably and successfully on the widest possible range of
57 platforms, such as the Internet, tablets, smartphones, print, or other platforms.

58 (3) The textbooks and other materials conform to the most current, ratified standards
59 under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended,
60 and the Web Content Accessibility Guidelines adopted by the World Wide Web Consortium for
61 accessibility. The textbooks and other materials shall be furnished to colleges and universities for
62 distribution to students with print disabilities in accordance with the requirements of Section
63 67302 or 67302.5, as applicable.