SENATE DOCKET, NO. 425 FILED ON: 1/15/2015

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

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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:

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

Section 43. Massachusetts Open Source Digital Library

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

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

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

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

(i) are among the most highly enrolled courses at each of the three segments;

(ii) are likely to generate significant saving in textbook costs for students;

(iii) demonstrate relative consistency in content across existing textbook products;

(iv) provide opportunities for faculty to augment the open textbook with free faculty-authored materials or other free open education materials from existing digital libraries and collections; and

(v) are conducive to discipline-based pedagogies that can be enhanced with digital resources and interactivity to support improved student learning success.

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

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

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

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

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

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

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

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