

AMENDED IN SENATE JULY 18, 2007

AMENDED IN ASSEMBLY APRIL 26, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 577**

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**Introduced by Assembly Member Ruskin**  
*(Coauthors: Senators Alquist and Torlakson)*

February 21, 2007

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An act to add and repeal Article 2 (commencing with Section 78910) of Chapter 7 of Part 48 of Division 7 of Title 3 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 577, as amended, Ruskin. Community colleges: open education resources—centers: ~~Foothill-De Anza Community College District centers.~~

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state, and authorizes these districts to provide instruction to students at community college campuses.

This bill would express findings and declarations of the Legislature relating to open education resources, as defined. ~~The bill would provide that the Open Education Resources Center of the Foothill-De Anza Community College District would serve as a pilot program to provide faculty and staff from community college districts around the state with the information and methods to establish open education resources~~

~~centers. The bill would define open education resources for its purposes. The bill would specify the objectives to be met by the Open Resources Center of the Foothill-De Anza Community College District pursuant to the pilot program. The bill would require the Foothill-De Anza Community College District~~ *The bill would authorize the board of governors to establish, once funding becomes available, a competitive grant pilot program to provide faculty and staff from community college districts around the state with the information and methods to establish open education resources centers. The bill would define open education resources for its purposes. The bill would specify that a pilot program grant recipient be selected based upon a demonstration of its ability to accomplish specified objectives. The bill would require the board of governors to contract with an independent 3rd party with expertise in this subject matter to evaluate the pilot project and submit the evaluation to the Legislature no later than June 30, 2010 2 years after the pilot program is implemented. The bill would express the intent of the Legislature to provide funding for the pilot program established by this bill in the annual Budget Act. Because the bill would impose new duties on the Foothill-De Anza Community College District, it would constitute a state-mandated local program.*

The bill would repeal these provisions on January 1, 2011.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Open education resources are learning materials or resources
- 4 whose copyrights have expired, or that have been released with
- 5 an intellectual property license that permits their free use or
- 6 repurposing by others without the permission of the original authors
- 7 or creators. Open education resources include items such as

1 courses, course materials, textbooks, streaming video of classroom  
2 lectures, tests, software, and any other tools, materials, or  
3 techniques used to transmit knowledge that have an impact on  
4 teaching and learning.

5 (b) Community colleges need to take greater advantage of open  
6 education resources, especially for basic skills and general  
7 education classes, such as algebra, that use course content that  
8 remains generally unchanged over time.

9 ~~(e) The Open Education Resources Center of the Foothill-De~~  
10 ~~Anza Community College District would serve as a statewide~~  
11 ~~model for community colleges that may wish to establish open~~  
12 ~~education resources centers of their own.~~

13 SEC. 2. Article 2 (commencing with Section 78910) is added  
14 to Chapter 7 of Part 48 of Division 7 of Title 3 of the Education  
15 Code, to read:

16

17 Article 2. Open Education Resources Centers

18

19 ~~78910. (a) The Open Education Resources Center of the~~  
20 ~~Foothill-De Anza Community College District shall serve as a~~

21 *78910. (a) The Board of Governors of the California*  
22 *Community Colleges is authorized to establish, once funding for*  
23 *this purpose becomes available, a competitive grant pilot program*  
24 *to provide faculty and staff from community college districts*  
25 *around the state with the information and methods to establish*  
26 *open education resources centers.*

27 (b) For purposes of this article, “open education resources” are  
28 learning materials or resources, including, but not necessarily  
29 limited to, books, course materials, video materials, tests, or  
30 software, the copyrights of which have expired, or have been  
31 released with an intellectual property license that permits their free  
32 use or repurposing by others without the permission of the original  
33 authors or creators of the learning materials or resources.

34 ~~(e) The Open Education Resources Center of the Foothill-De~~  
35 ~~Anza Community College shall accomplish all of the following~~  
36 ~~pursuant to the pilot program established by this article:~~

37 ~~(1) Develop and implement the open education resources (OER)~~  
38 ~~development and production workflow model for use by~~  
39 ~~community college faculty and staff to create OER course content~~

1 (c) *The pilot program grant recipient shall be selected based*  
2 *upon a demonstration of its ability to accomplish all of the*  
3 *following:*

4 (1) *Develop and implement a model for the creation of open*  
5 *education resources (OER) course content that is pedagogically*  
6 *sound and fully accessible, in compliance with the federal*  
7 *Americans With Disabilities Act (Public Law 101-336), by students*  
8 *with varying learning styles and disabilities.*

9 ~~(2) Using the workflow model developed pursuant to paragraph~~  
10 ~~(1), develop two community college model OER courses that meet~~

11 (2) *Develop community college model OER courses that meet*  
12 *the requirements of the Intersegmental General Education Transfer*  
13 *Curriculum (IGETC) or of basic skills education courses in English,*  
14 *English as a second language, or mathematics, or that meet the*  
15 *requirements of both the IGETC and the basic skills education*  
16 *courses.*

17 ~~(3) (A) Using the workflow model developed pursuant to~~  
18 ~~paragraph (1), develop a Web-based community college~~

19 (3) *Develop a community college professional development*  
20 *course that introduces faculty, staff, and college course developers*  
21 *to the concept, creation, content, and production methodologies*  
22 *that enable OER to be offered to students in community college*  
23 *classes, including, but not necessarily limited to, all of the*  
24 *following:*

25 (i)

26 (A) *Substitutes for textbooks.*

27 (ii)

28 (B) *Addressing issues relating to copyright, the obtaining of*  
29 *permission for use of material, and other intellectual property*  
30 *concepts.*

31 (iii)

32 (C) *Accessibility for students with disabilities.*

33 (iv)

34 (D) *Delivery options that incorporate multiple learning styles*  
35 *and strategies.*

36 ~~(B) The OER professional development course shall build~~  
37 ~~learner knowledge and skills that are necessary to find, adapt,~~  
38 ~~repurpose, and create accessible OER for use in their classes. The~~  
39 ~~OER professional development course shall be designed for~~  
40 ~~asynchronous and self-paced delivery in two parts, each of which~~

1 shall be equivalent to one credit unit. The two parts of the course  
2 shall be entitled Introduction and Advanced.

3 ~~(4) Create the Web-based California Community Colleges OER~~  
4 ~~Professional Development Center, which shall serve as the OER~~  
5 ~~information repository. This repository shall serve as the single~~

6 *(4) Create an OER information repository to serve as the single*  
7 *point of contact for information about community college OER,*  
8 *the public domain, OER courses and course materials, research*  
9 *and production processes, and professional resources for creating*  
10 *and repurposing OER.*

11 ~~(5) Conduct a three-year formative and summative research~~  
12 ~~study and evaluation that compares OER with non-OER courses~~  
13 ~~and materials with regard to quality and cost, and evaluates the~~  
14 ~~efficacy of the pilot program for statewide replication. The~~  
15 ~~Foothill-De Anza Community College District shall contract with~~  
16 ~~an independent third party with expertise in this subject matter to~~  
17 ~~evaluate the project, measuring the number of faculty and students~~  
18 ~~that use OER in their classes, the quality of their experiences~~  
19 ~~compared to traditional courses, the grades earned, and the cost,~~  
20 ~~comparing OER and non-OER course materials. This evaluation~~  
21 ~~shall be submitted to the Legislature no later than June 30, 2010.~~

22 ~~(6) Develop a sustainability plan and business model to fund~~  
23 ~~the pilot program on an ongoing basis.~~

24 ~~(7) Provide outreach to community college districts at regional~~  
25 ~~and state community college educational and technology~~  
26 ~~conferences to support the establishment of local OER centers.~~

27 *(d) The Board of Governors of the California Community*  
28 *Colleges shall contract with an independent third party with*  
29 *expertise in this subject matter to evaluate the project. The*  
30 *evaluation shall include, but not be limited to, an assessment of*  
31 *the number of faculty and students that use OER in their classes,*  
32 *the quality of their experiences compared to traditional courses,*  
33 *the grades earned, and the cost, comparing OER and non-OER*  
34 *course materials. The board of governors may require additional*  
35 *information that it determines to be necessary to evaluate the*  
36 *effectiveness and viability of OER for use by community colleges*  
37 *statewide. This evaluation shall be submitted to the Legislature*  
38 *no later than two years after the pilot program is implemented.*

1     ~~78910.3. It is the intent of the Legislature to provide funding~~  
2 ~~for the pilot program established by this article in the annual~~  
3 ~~Budget Act.~~

4     78910.5. This article shall remain in effect only until January  
5 1, 2011, and as of that date is repealed, unless a later enacted  
6 statute, that is enacted before January 1, 2011, deletes or extends  
7 that date.

8     ~~SEC. 3. If the Commission on State Mandates determines that~~  
9 ~~this act contains costs mandated by the state, reimbursement to~~  
10 ~~local agencies and school districts for those costs shall be made~~  
11 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
12 ~~4 of Title 2 of the Government Code.~~