

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend the Code of Virginia by adding a section numbered , relating to .

2 **Be it enacted by the General Assembly of Virginia:**

3 **1. That the Code of Virginia is amended by adding a section numbered as follows:**

4 Virginia’s open education resources centers relating to community colleges and public K12  
5 education.

6 Existing law establishes the Virginia Department of Education, as one of the segments of public  
7 education in this state to provide support for instruction to students under jurisdiction of the local school  
8 boards and the community college system. This bill would express findings and declarations of the  
9 General Assembly relating to open education resources, as defined.

10 The bill would authorize the Department of Education to establish from such funds as may be  
11 appropriated for this purpose, a competitive grant pilot program to provide faculty and staff from school  
12 districts around the state with the information and methods to establish open education resources  
13 centers. The bill would define open education resources for its purposes. The bill would specify that a  
14 pilot program grant recipient be selected based upon a demonstration of its ability to accomplish  
15 specified objectives. The bill would require the Department of Education to contract with an  
16 independent 3rd party with expertise in this subject matter to evaluate the pilot project and submit the  
17 evaluation to the General Assembly no later than 2 years after the pilot program is implemented.

18 **[Section 1]**

19 (a) Open education resources are learning materials or resources whose copyrights have expired,  
20 or that have been released with an intellectual property license that permits their free use or re-purposing  
21 by others without the permission of the original authors or creators. Open education resources include  
22 items such as courses, course materials, textbooks, streaming video of classroom lectures, tests,  
23 software, and any other tools, materials, or techniques used to transmit knowledge that have an impact  
24 on teaching and learning.

25 (b) K-12 schools need to take greater advantage of open education resources, especially for basic  
26 skills and general education classes, such as algebra, that use course content that remains generally  
27 unchanged over time.

28 **[Section 2]**

29 Open Education Resources Centers

30 (I) The Department of Education is authorized to establish, once funding for this purpose  
31 becomes available, a competitive grant pilot program to provide faculty and staff from universities,  
32 community colleges and school divisions around the state with the information and methods to establish  
33 open education resources centers.

34 (II) For purposes of this article, "open education resources" are learning materials or resources,  
35 including, but not necessarily limited to, books, course materials, video materials, tests, or software, the  
36 copyrights of which have expired, or have been released with an intellectual property license that  
37 permits their free use or repurposing by others without the permission of the original authors or creators  
38 of the learning materials or resources.

39 (III) The pilot program grant recipient shall be selected based upon a demonstration of its ability  
40 to accomplish all of the following:

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

44 (b) Using the workflow model developed pursuant to paragraph (I), develop two K12 or  
45 community college model OER courses that meet (II). Develop K-12 or community college model OER  
46 courses that meet the requirements of the or of basic skills education courses in English, English as a  
47 second language, mathematics, science or social studies, or that meet the requirements of the basic skills  
48 education courses.

49 (c) Develop a professional development course that introduces faculty, staff, and course  
50 developers to the concept, creation, content, and production methodologies that enable OER to be

51 offered to students in K-12 or community college classes, including, but not necessarily limited to, all of  
52 the following:

53 (1) Substitutes for textbooks.

54 (2) Addressing issues relating to copyright, the obtaining of permission for use of material, and  
55 other intellectual property concepts.

56 (3) Accessibility for students with disabilities.

57 (4) Delivery options that incorporate multiple learning styles and strategies.

58 (5) The OER professional development course shall build learner knowledge and skills that are  
59 necessary to find, adapt, repurpose, and create accessible OER for use in their classes. The OER  
60 professional development course shall be designed for asynchronous and self-paced delivery in parts  
61 entitled Introduction and Advanced.

62 (d) Create or support an OER information repository to serve as a point of contact for  
63 information about Department of Education OER, the public domain, OER courses and course materials,  
64 research and production processes, and professional resources for creating and repurposing OER.

65 (e) Conduct a three-year formative and summative research study and evaluation that compares  
66 OER with non-OER courses and materials with regard to quality and cost, and evaluates the efficacy of  
67 the pilot program for statewide replication. The OER Center shall contract with an independent third  
68 party with expertise in this subject matter to evaluate the project, measuring the number of faculty and  
69 students that use OER in their classes, the quality of their experiences compared to traditional courses,  
70 the grades earned, and the cost, comparing OER and non-OER course materials. This evaluation shall be  
71 submitted to the General Assembly no later than June 30, 2011.

72 (f) Develop a sustainability plan and business model to fund the pilot program on an ongoing  
73 basis.

74 (g) Provide outreach to school districts and community colleges at regional and state educational  
75 and technology conferences to support the establishment of local OER centers.

76 (IV) The Virginia Department of Education shall contract with an independent third party with  
77 expertise in this subject matter to evaluate the project. The evaluation shall include, but not be limited to,

78 an assessment of the number of faculty and students that use OER in their classes, the quality of their  
79 experiences compared to traditional courses, the grades earned, and the cost, comparing OER and non-  
80 OER course materials. The Department of Education may require additional information that it  
81 determines to be necessary to evaluate the effectiveness and viability of OER for use by community  
82 colleges statewide. This evaluation shall be submitted to the General Assembly no later than two years  
83 after the pilot program is implemented.

84 This article shall remain in effect only until January 1, 2012, and as of that date is repealed,  
85 unless a later enacted statute, that is enacted before January 1, 2012 deletes or extends that date.

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