



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3239

by Rep. Kenneth Dunkin

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Open College Textbook Act. From appropriated amounts, authorizes the Board of Higher Education to award grants, on a competitive basis, to eligible entities to carry out described activities, including creating, updating, or adapting open textbooks (defined as a textbook or set of course materials in electronic format that is designed for use in a college course at an institution of higher education and that is licensed under an open license). Defines an "eligible entity" as (i) an institution of higher education in this State, (ii) a professor or group of professors at an institution of higher education in this State, or (iii) a nonprofit or for-profit organization that produces open textbooks. Requires the Board to award grants in a manner that will result in the creation of a comprehensive slate of high quality course materials for introductory courses in a variety of subject areas. Sets forth provisions concerning the duration of a grant, grant applications, requirements for grant recipients, a peer review and evaluation process, appropriations, licensing materials, and a report to the Senate's Committee on Higher Education and the House of Representatives' Committee on Higher Education. Effective immediately.

LRB098 10080 NHT 41345 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Open  
5 College Textbook Act.

6 Section 5. Findings. The General Assembly finds the  
7 following:

8 (1) It is critical for the future health of the economy  
9 of this State to support the education of its youth so that  
10 they can attain the degrees and credentials they need to  
11 enter the evolving workforce.

12 (2) While more than 80% of the 23,000,000 jobs to be  
13 created nationwide over the next 10 years will require  
14 postsecondary education, only 36% of all 18 to 24-year-olds  
15 are currently enrolled in postsecondary educational  
16 institutions.

17 (3) Students in this State are struggling to enroll in  
18 postsecondary educational institutions due to finances as,  
19 according to the U.S. Government Accountability Office  
20 (GAO), tuition and fees have increased at an average rate  
21 of 7% annually, while other prices have risen at only about  
22 3% annually.

23 (4) High college textbook costs further add to this

1 financial burden. The College Board reports that during the  
2 2011-2012 academic year the average student spent an  
3 estimated \$1,168 for course materials, including college  
4 books and supplies.

5 (5) The College Board finds that this figure  
6 constitutes 6.1% of the estimated annual costs of education  
7 for the typical resident student at a 4-year university,  
8 and the GAO finds that at community colleges, college  
9 textbooks can comprise 75% of total student costs.

10 (6) As a result, a survey conducted by the Student  
11 Public Interest Research Groups found that 7 in 10 students  
12 reported foregoing the purchase of a textbook because of  
13 its cost even though 78% believed it could hurt their  
14 academic performance.

15 (7) The growth of the Internet has enabled the creation  
16 and sharing of open content, including open educational  
17 resources such as textbooks.

18 (8) Making more high quality, open textbooks freely  
19 available to students in this State could significantly  
20 lower their textbook expenditures, which would help to  
21 address the larger financial burden of their postsecondary  
22 education and would help to ensure that they have access to  
23 the textbooks they need to receive the highest quality  
24 education possible.

25 Section 10. Definitions. In this Act:

1 "Board" means the Board of Higher Education.

2 "Open license" means an irrevocable intellectual property  
3 license that grants the public the right to access, customize,  
4 and distribute copyrighted material.

5 "Open textbook" means a textbook or set of course materials  
6 in electronic format that is designed for use in a college  
7 course at an institution of higher education and that is  
8 licensed under an open license.

9 Section 15. Grant program.

10 (a) In this Section, "eligible entity" means the following:

11 (1) an institution of higher education in this State;

12 (2) a professor or group of professors at an  
13 institution of higher education in this State; or

14 (3) a nonprofit or for-profit organization that  
15 produces open textbooks.

16 (b) From the amount authorized to be appropriated under  
17 subsection (i) of this Section, the Board is authorized to  
18 award grants, on a competitive basis, to eligible entities to  
19 carry out the activities described in this Section, including  
20 creating, updating, or adapting open textbooks. The Board shall  
21 award grants in a manner that will result in the creation of a  
22 comprehensive slate of high quality course materials for  
23 introductory courses in a variety of subject areas.

24 (c) Grants awarded under this Section shall be one year in  
25 duration.

1           (d) Each eligible entity desiring a grant under this  
2 Section shall submit an application to the Board at such time,  
3 in such manner, and accompanied by such information as the  
4 Board may reasonably require.

5           Each application submitted under this subsection (d) shall  
6 include a description of the project to be completed with grant  
7 funds and the following:

8           (1) a plan for quality review and a review of the  
9 accuracy of content;

10           (2) a plan for access to ensure the widest possible  
11 availability of the digital version of the open textbook;

12           (3) a plan for distribution and adoption of the open  
13 textbook to ensure the widest possible adoption of the open  
14 textbook in postsecondary courses, including, where  
15 applicable, a marketing plan or a plan to partner with  
16 for-profit or nonprofit organizations to assist in  
17 marketing and distribution; and

18           (4) a plan for tracking and reporting formal adoptions  
19 of the open textbook within postsecondary institutions,  
20 including an estimate of the number of students impacted by  
21 the adoptions.

22           (e) In awarding grants under this Section, the Board shall  
23 give special consideration to applications that demonstrate  
24 the greatest potential to produce the following:

25           (1) the highest quality and most marketable open  
26 textbooks;

1           (2) open textbooks that correspond to the highest  
2 enrollment courses at institutions of higher education;

3           (3) open textbooks that are easily utilized by faculty  
4 members at institutions of higher education; and

5           (4) open textbooks created in partnership with  
6 for-profit or nonprofit organizations to assist in  
7 marketing and distribution.

8           (f) An eligible entity that receives a grant under this  
9 Section shall do the following:

10           (1) create a new open textbook for use in postsecondary  
11 coursework;

12           (2) update an open textbook for use in postsecondary  
13 coursework; or

14           (3) adapt a textbook into an open format for use in  
15 postsecondary coursework.

16           An open textbook created, updated, or adapted under this  
17 subsection (f) must be licensed through an open license.

18           The full and complete digital content of each open textbook  
19 created, updated, or adapted under this subsection (f) (i) must  
20 be posted on an easily accessible and interoperable Internet  
21 website, which website must be identified to the Board by the  
22 eligible entity, and (ii) must be made available free of charge  
23 to and may be downloaded, redistributed, changed, revised, or  
24 otherwise altered by any member of the general public.

25           (g) The Board shall develop a peer review and evaluation  
26 process, in consultation with others, to ensure that open

1 textbooks created, updated, or adapted under this Section are  
2 of the highest quality, are accurate in content, and meet or  
3 exceed market quality and accessibility standards.

4 (h) Upon an eligible entity's completion of a project  
5 supported by a grant under this Section, the eligible entity  
6 shall prepare and submit a report to the Board regarding all  
7 project costs, including the value of any volunteer labor and  
8 institutional capital used for the project.

9 (i) The General Assembly is authorized to appropriate  
10 \$450,000 for Fiscal Year 2014 to carry out the provisions of  
11 this Section, to be divided among 3 grants, and is authorized  
12 to appropriate such amounts as are necessary to carry out the  
13 provisions of this Section for each of the 5 succeeding fiscal  
14 years.

15 Section 20. Licensing materials.

16 (a) Notwithstanding any other provision of law,  
17 educational materials, such as curricula and textbooks created  
18 through any public grants, must be licensed under an open  
19 license.

20 (b) The full and complete digital content of each of the  
21 materials created as described in subsection (a) of this  
22 Section (i) must be posted on an easily accessible and  
23 interoperable Internet website, which website must be  
24 identified to the Board by the grant recipient, and (ii) must  
25 be made available free of charge to and may be downloaded,

1 redistributed, changed, revised, or otherwise altered by any  
2 member of the general public.

3 Section 25. Intent of the General Assembly. It is the  
4 intent of General Assembly that institutions of higher  
5 education in this State should encourage the consideration of  
6 open textbooks by professors within the generally accepted  
7 principles of academic freedom that establish the right and  
8 responsibility of faculty members, individually and  
9 collectively, to select course materials that are  
10 pedagogically most appropriate for their classes.

11 Section 30. Report.

12 (a) No later than June 1, 2015, the Board shall prepare and  
13 submit a report to the Senate's Committee on Higher Education  
14 and the House of Representatives' Committee on Higher Education  
15 detailing the following:

16 (1) the open textbooks created, updated, or adapted  
17 under this Act;

18 (2) the adoption of such open textbooks; and

19 (3) the savings generated for students and this State  
20 though the use of open textbooks.

21 (b) This Section is repealed on June 1, 2016.

22 Section 90. Rules. The Board may adopt any rules necessary  
23 to implement this Act.



1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.