

Joanne Miller

From: Kimberly Peterson
Sent: Monday, October 08, 2012 3:14 PM
To: Laine Farley; Joanne Miller; Patricia Osorio-O'Dea
Subject: Chaptered Notice - SB 1052 and SB 1053

Dear Laine, Patricia and Joanne:

Copied below, for your information, is the official chaptered notice for SB 1052 and SB 1053 that IMPAC provided the Academic Senate. The bills, as signed into law, do not make any specific requirements of the UC libraries (the library reserve provisions were deleted, and CSU is charged with administering the digital open source library). However, as implementation of the bills proceeds, there may be a need to call on the UC libraries and other offices to assist and provide expertise to the faculty Council responsible for overseeing these efforts.

Please do not hesitate to contact me if you have any questions.

Best wishes,
Kimberly

NOTICE OF CHAPTERED LEGISLATION

SB 1052 (Steinberg) California Open Education Resources Council

SB 1053 (Steinberg) California Digital Open Source Library

Last amended: August 20, 2012

Chaptered: September 27, 2012, Chapter Number 621 and 622

Text available at:

SB 1052: http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_1051-1100/sb_1052_bill_20120927_chaptered.pdf

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SB 1052 and SB 1053 were signed into law by Governor Brown on September 27, 2012.

Law Effective Date: January 1, 2013

UC Position: SUPPORT/AMEND

What the bills do:

SB 1052 (Steinberg) expresses a number of legislative findings and declarations related to the cost of college textbooks and states that:

Through a state-led strategic investment in Open Education Resources (OER), California can offer students in 50 strategically selected lower division courses the highest quality textbooks and related materials for free online or for about \$20 per hardcopy.

To accomplish this objective, SB 1052 would establish the California Open Education Resources Council (Council), to be administered by the Intersegmental Committee of Academic Senates (ICAS). The Council would be composed of nine members – three faculty members from each of the public postsecondary segments (UC, CSU and CCC), selected by the respective academic senates of each segment. Appointments to the Council shall be made no later than 90 days after the legislation becomes operative.

The Council would be responsible for:

- (1) Developing a list of 50 strategically selected lower division courses in the public postsecondary segments for which high-quality, affordable, digital open source textbooks and related materials shall be developed. In developing this list, the Council shall consider the extent to which the selected courses meet a list of specified criteria.
- (2) Creating and administering a standardized, rigorous review and approval process for open source materials developed pursuant to this law. This process shall ensure that developed materials meet certain accessibility requirements for disabled students.
- (3) Promoting strategies for production, access, and use of open source materials.
- (4) Regularly soliciting and considering, from the respective statewide student associations at UC, CSU and CCC, student perspectives related to open source textbooks (e.g., format, accessibility, and usability).

In addition, the Council would be required to 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. The Council is also authorized to acquire, either for a charge or for free, existing high-quality digital opens source textbooks and related materials. Textbooks and other materials produced pursuant to this law would be required to be submitted to and housed within the California Open Source Digital Library (see SB 1053).

The Council is also required to submit a report to the Legislature and the Governor on the progress of the implementation of SB 1052 no later than six months after the bill becomes operative. A final report is to be submitted by January 1, 2016.

SB 1053 (Steinberg) expresses a number of legislative findings and declarations related to the cost of textbooks and states the intent of the Legislature to:

Create the California Digital Open Source Library to serve as a statewide repository for high-quality digital open source textbooks and related materials.

SB 1053 would establish the California Open Source Digital Library (Library), to be administered by CSU in coordination with UC and the CCCs, for the purpose of housing open source materials while providing a web-based way for students, faculty, and staff to easily find, adopt, utilize, or modify course materials for little or no cost. All materials in the Library would be required to 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 to receive credit for their efforts.

SB 1053 also states the Legislature's intent that the public postsecondary educational segments provide incentives to assist and support faculty in choosing lower cost alternatives such as open source textbooks and related teaching tools.

Related legislation:

State funding for implementation of SB 1052 and SB 1053 was included at the end of the legislative session in SB 1028, which was signed into law by Governor Brown on September 26, 2012. The bill was an urgency measure and therefore took effect immediately.

SB 1028 Bill Summary:

Existing law provides for the return to the General Fund, by January 1, 2013, of specified moneys appropriated to the now defunct Governor's Scholarship Programs. SB 1028 would transfer up to \$5 million of those funds to CSU to fund the establishment and administration of the California Open Education Resources Council (Council) and the California Digital Open Source Library (Library) created pursuant to SB 1052 and SB 1053. SB 1028 further acknowledges that CSU

may provide reimbursement to UC and the CCCs for costs incurred by the segments, or their representatives, in association with the activities of the Council and Library. SB 1028 also requires that the moneys appropriated not be encumbered unless at least 100 percent of the amount encumbered is matched by private funds.

Full text of SB 1028 is available at: http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_1001-1050/sb_1028_bill_20120926_chaptered.pdf. Provisions of SB 1028 pertaining to funding of SB 1052 and SB 1053 are contained in Education Code Section 69999.6.(f) (see pp. 14-15).

Background:

UC maintained an amend position on SB 1052 and SB 1053 throughout most of the legislative session, while CSU and CCC supported the measures. Through these efforts UC was successful in securing amendments to the bills that addressed several concerns, including:

- deleting a reserve requirement that would have had a significant negative fiscal impact on our campus libraries and bookstores
- adding flexibility to the definition of courses targeted for textbook development
- adding provisions that make the bills operative only if funding is provided

Implementation requirements for UC:

Implementation of SB 1052 will require action from the UC Academic Senate and the Intersegmental Committee of Academic Senates (ICAS). ICAS is specifically charged with “administering” the California Open Education Resources Council created by the bill, and it is the academic senates of UC, CSU, and CCC that are responsible for selecting the membership of this Council. The UC Academic Senate’s appointments to this Council are to be made by March 31, 2013 (no later than 90 days after the legislation becomes law). As noted in the bill summary above, the appointed Council has a number of significant responsibilities in implementing SB 1052, including developing a course list, creating an RFP and review process for textbooks, consulting with student associations, and providing two progress reports to the legislature (due by June 30, 2013 and January 1, 2016). ICAS and/or the Council may need to call on the expertise of various UC offices to assist in completing these duties.

The bills also charge CSU with the responsibility for administering the California Open Source Digital Library created by SB 1053, as well as for managing the funding provided by SB 1028 for the work of the Council and Library. These CSU responsibilities are to be done in coordination with UC and CCC, however, the specific mechanism for coordinating these efforts will need to be determined. It is recommended that ICAS and/or the Council work with CSU to develop a plan for ensuring the activities of the Council, Library, and CSU (as the funding manager), are coordinated.

Please keep IMPAC informed of the progress towards implementing these bills.

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