

HOUSE No. 3761

The Commonwealth of Massachusetts

PRESENTED BY:

Mindy Domb

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 reducing the cost of attending college.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/20/2023</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/25/2023</i>

HOUSE No. 3761

By Representative Domb of Amherst, a petition (accompanied by bill, House, No. 3761) of Mindy Domb and Bud L. Williams for legislation to establish an open educational resource trust fund. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act reducing the cost of attending college.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 10 of chapter 15A of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the definition of “HEFA” the following
3 definition:-

4 “Open educational resources” or “OER”, teaching, learning and research materials in any
5 medium, digital or otherwise, that reside in the public domain or have been released under an
6 open license that permits no-cost access, use, adaptation and redistribution by others with no or
7 limited restrictions.

8 SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after
9 section 2A the following section:-

10 Section 2B. (a) For the purposes of this section the following terms shall, unless the
11 context clearly requires otherwise, have the following meanings:

12 “Commissioner”, the commissioner of higher education.

13 “Department”, the department of higher education.

14 “Fund”, the Open Educational Resource Trust Fund, established in subsection (b).

15 “Open educational resource” or “OER”, as defined in section 10 of chapter 15A.

16 “Public institution of higher education”, an institution listed in section 5 of chapter 15A.

17 “Statewide OER Advisory Council”, the advisory council, consisting of representatives
18 from the public institutions of higher education listed in section 5 of chapter 15A and overseen
19 by a representative of the department of higher education, that provides advice and counsel for
20 the implementation of OER throughout the commonwealth.

21 (b) (1) To achieve, promote and support college affordability across the commonwealth,
22 there shall be established and set up on the books of the commonwealth a separate fund to be
23 known as the Open Educational Resource Trust Fund. The fund shall be used to support the
24 development and distribution of open educational resources, as defined in section 10 of chapter
25 15A, for university and early college course textbooks and ancillaries, to reduce the cost of
26 college education and decrease financial hardships, including food and housing insecurity
27 induced and exacerbated by rising education costs. In doing so, the availability of OER
28 resources: (i) increases college affordability, (ii) promotes student academic success and
29 completion rates, (iii) reduces race and income inequities in student success and outcomes; and
30 (iv) promotes digital literacy.

31 (2) The commissioner shall administer the fund to assist in promoting the development,
32 distribution and use of OER. There shall be credited to the fund:

33 (i) revenue from appropriations and other money authorized by the general court and
34 specifically designated to be credited to the fund or provided for the commissioner's discretion;

35 (ii) funds from public and private sources such as gifts, grants and donations to further
36 the availability of open educational resources; and

37 (iii) interest earned on money in the fund.

38 (3) Amounts credited to the fund shall not be subject to further appropriation and any
39 money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

40 (4) Amounts received from private sources shall be approved by the commissioner of the
41 department of higher education and subject to review before being deposited in the fund to
42 ensure that pledged funds are not accompanied by conditions, explicit or implicit, on the
43 implementation of OER materials that may be detrimental to the fund's equitable and cost-saving
44 mission. The department shall make this review publicly available on its website.

45 (c) Amounts credited to the fund may be expended, without further appropriation, by the
46 commissioner for purposes related to the development, distribution, availability and use of open
47 educational resources, including:

48 (i) the development, adaptation, purchase, distribution, availability, publication and
49 implementation of curricular materials that are free for students to use;

50 (ii) professional development and training, including the provision of trainings, seminars,
51 conferences, materials and mentorship for educators in the development and understanding of
52 how to use and distribute OER in the higher education classroom;

53 (iii) technical assistance, including editors, instructional specialists and technologists,
54 graphic designers, accessibility specialists, diversity, equity and inclusion specialists, repository
55 coordinators and other staff contracted to provide required wraparound services for faculty; and

56 (iv) department staff to support existing and additional OER activities generated by this
57 legislation.

58 (d)(1) There shall be a competitive grant program to promote and support the
59 development of open educational resources for students in public higher education institutions
60 and early college programs. Department staff, including the Statewide OER Coordinator, shall
61 review and make recommendations to the commissioner on grant applications. The
62 commissioner shall make final OER grant award decisions. The department may expend funds
63 from the fund for the development and implementation of this grant program.

64 (2) The commissioner may convene the Statewide OER Advisory Council to make
65 recommendations on eligibility for grant prioritization to maximize the benefits of the grant
66 program, including maximizing savings, achieving equity and supporting student success.

67 (3) Public Institutions of higher education shall inform students of OER courses that use
68 curricula or resources funded by the fund.

69 (4) Recipients of OER funding shall complete OER Key Performance Indicator reporting,
70 as developed by the department, to document the impact of the program.

71 SECTION 3. Section 1I of chapter 69 of the General Laws, as amended by sections 2 and
72 3 of chapter 98 of the acts of 2021, is hereby further amended by inserting after the sixteenth
73 paragraph the following paragraph:-

74 Annually, not later than November 1, the commissioner of higher education shall file a
75 report with the clerks of the house of representatives and the senate, the joint committee on
76 higher education and the house and senate committees on ways and means on the Open
77 Educational Resource Trust Fund's activities. The department shall make the report publicly
78 available on its website, along with the names

79 of materials developed or used as a result of the grant awards and the recipient
80 organizations. The report shall include, but not be limited to:

81 (i) the source and amount of funds received;

82 (ii) the expenditures made from the fund and the purposes of such expenditures;

83 (iii) the names of institutions who have received the funds, the numbers of students
84 estimated to have benefitted from the expenditures based on number of students enrolled in
85 specific classes, and an estimated amount of money saved as a result of the development and
86 distribution of open educational resources;

87 (iv) any anticipated remaining revenue from awards;

88 (v) the number of schools and school districts that have used the fund to implement a new
89 OER class or enhance or maintain current programming; and

90 (vi) the number of schools and school districts that applied for, but were not granted,
91 funding.

92 SECTION 4. Section 1 shall take effect upon its enactment.