

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 602

INTRODUCER: Education Committee and Senator Montford

SUBJECT: Open Educational Resources Grant Program

DATE: December 10, 2019 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dew	Sikes	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 602 creates the Open Educational Resources Grant Program to provide grant assistance to state universities and Florida College System (FCS) institutions for the development of open educational resources for students. The bill requires participating state universities and FCS institutions to use grant funds to curate or adopt open educational resources for general education courses.

The bill has no impact on state revenues or expenditures. The grant program is contingent upon legislative appropriation.

The bill takes effect July 1, 2020.

II. Present Situation:

Textbook Affordability

The Board of Governors (BOG) and the State Board of Education (SBE) are required by law to adopt policies, procedures, and guidelines to minimize the cost of textbooks and instructional materials for students.¹ The policies, procedures, and guidelines must include the consideration

¹ Section 1004.085(6), F.S. See Florida Board of Governors, *Action Plan for the Pricing of Textbooks and Other Instructional Materials* (August 29, 2019), <https://www.flbog.edu/wp-content/uploads/2019-TextbookActionPlanFinal-REV.pdf>.

of expanding the use of open-access textbooks and instructional materials.² Further, the BOG and SBE are required to submit a report on their respective college affordability initiatives to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 of each year.³

Each institution in the State University System (SUS) is required to submit to the Chancellor of the SUS an annual report by September of each year that addresses:

- The selection process for textbooks and instructional materials for general education courses identified with a wide cost variance and those with high enrollments;
- Specific initiatives of the university designed to reduce the costs of textbooks and instructional materials;
- University policies for posting textbook and instructional material information for students; and
- The number of courses and course sections for which the university was unable to meet the posting deadline in the previous academic year.⁴

Each FCS institution and state university board of trustees is authorized to adopt policies in consultation with textbook and instructional material providers to allow for the use of innovative pricing techniques and payment options, which may be approved only if there is documented evidence that the options reduce the cost of textbooks and instructional materials for students taking a course.⁵

Open Educational Resources

Postsecondary institutions in Florida have implemented open educational resources (OERs) through the development of in-house resources or through organizations that coordinate with institutions to build a repository of free and licensed educational content for reuse and redistribution.⁶

State universities have adopted institution-wide programs to reduce the costs of textbooks and instructional materials, including open access materials. For example, the Florida State University (FSU) Libraries Alternative Textbook Grant Program has been projected to save students \$79,029 by Summer 2019 through its support of faculty development of open or library-licensed course materials that are free and available to students.⁷ The University of South Florida (USF) has provided open access to 676,261 unique e-books through a program that can be adopted for courses at no cost to students.⁸

² Section 1004.085(6)(g)2., F.S.

³ Section 1004.084, F.S.

⁴ Section 1004.085, F.S. See State University System of Florida, *Textbook and Instructional Materials Report*, <https://www.flbog.edu/resources/textbook-affordability/textbook-and-instructional-materials-report/> (last visited Nov. 11, 2019).

⁵ Section 1004.085(4), F.S.

⁶ Florida Department of Education, *Agency Bill Analysis for SB 602* (2019).

⁷ State University System of Florida Board of Governors, *State University System Textbook and Instructional Materials Affordability Report* (Fall 2018), <https://www.flbog.edu/wp-content/uploads/ChancellorSummaryUniversityTextbookInstructionalFall2018.pdf>, at 3.

⁸ Textbook Affordability Project, *Ebooks for the Classroom+*, <http://ebplus.lib.usf.edu/> (last visited Nov. 22, 2019).

In 2018, 26 of the 28 FCS institutions (93 percent) indicated the use of OERs in general education core courses.⁹

The Florida Virtual Campus (FLVC) was created in 2012 and works collaboratively with Florida's 12 public universities, 28 public colleges, and 74 K-12 school districts to provide shared educational services for the state of Florida.¹⁰ FLVC services include the Florida Academic Library Services Cooperative (FALSC) and the Orange Grove.¹¹

The FALSC was established as a division of the FLVC in 2014.¹² FALSC offers a single library automation system and associated resources and services for the use of Florida's public postsecondary institutions.¹³ FALSC is responsible for developing and managing a portal and tools for use by FCS institutions and state universities, including:

- An Internet-based searchable collection of electronic resources including, but not be limited to, full-text journals, articles, databases, and specified electronic books; and
- A statewide searchable database that includes an inventory of digital archives and collections held by public postsecondary education institutions.¹⁴

The Orange Grove is Florida's supplemental digital repository for instructional resources, including higher education resources for Florida postsecondary institutions.¹⁵

General Education in Florida

The general education curriculum of each state university and FCS institution requires completion of 36 semester hours in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences for students working toward an associate in arts or baccalaureate degree.¹⁶

An associate in arts degree must require no more than 60 semester hours of college credit and include 36 semester hours of general education coursework. A baccalaureate degree program requires no more than 120 semester hours of college credit and includes 36 semester hours of general education coursework. Each institution is responsible for determining general education courses at that institution.

⁹ The Florida College System, *Florida College System Textbook and Instructional Materials Affordability Report* (November 2018),

https://www.floridacollegesystem.com/sites/www/Uploads/Publications/Other%20Reports/Florida%20College%20System%20Textbook%20Affordability%20Report_2018.pdf, at 5.

¹⁰ Florida Virtual Campus, *Organization Profile*, <https://www.flvc.org/organization-profile> (last visited Nov. 21, 2019).

¹¹ *Id.*

¹² Section 15, ch. 2014-56, L.O.F.

¹³ Section 1006.73, F.S.

¹⁴ Section 1004.649, F.S.

¹⁵ FloridaShines, *The Orange Grove*, <https://www.floridashines.org/orange-grove> (last visited Nov. 18, 2019).

¹⁶ Rule 6A-10.024(2)(a), F.A.C. The required number for an associate in science degree is set at a minimum of 15 semester hours in the general education subject areas. Rule 6A-10.024(6)(b), F.A.C.

The SBE, in rule, and the BOG, in regulation, are required to identify courses designated as general education core.¹⁷

General education core course options:

- Consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences;
- Must each contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course; and
- Must be successfully completed prior to the award of an associate in arts or baccalaureate degree for first-time-in-college students.¹⁸

III. Effect of Proposed Changes:

CS/SB 602 creates the Open Educational Resources Grant Program to provide grant assistance to state universities and Florida College System (FCS) institutions for the development of open educational resources for students. The bill requires participating state universities and FCS institutions to use grant funds to curate or adopt open educational resources for general education courses.

The bill defines the term “open educational resources” to mean licensed teaching, learning, and research resources, including open-access textbooks and instructional materials, that reside in the public domain or have been released under a license that allows their free use, reuse, modification, and sharing with others.

The bill authorizes a state university or FCS institution to apply for a grant under the program in a format prescribed by the Department of Education (DOE). The DOE, in coordination with the Board of Governors of the State University System (BOG) and the State Board of Education (SBE), must consider each application and may award grants to state universities and FCS institutions that demonstrate a plan for the development of open educational resources. However, the bill requires each participating state university and FCS institution to use the grant funds to curate or adopt open educational resources for general education courses. It is unclear whether state universities and FCS institutions must develop new resources or use existing open educational resources. In addition, it is unclear if the priority given to general education courses required in the bill applies to general education core courses identified in rule and regulation or to all institution-determined general education courses.

The creation of additional high-quality, low-cost open educational resources may increase the accessibility and organization of free educational resources and allow students to save on the cost of textbooks and instructional materials to the extent these materials are used by Florida postsecondary institutions.

¹⁷ Section 1007.25(5), F.S. The SBE is the chief implementing and coordinating body of public education in Florida, and has the authority to adopt rules to implement provisions of law for the improvement of the state system of K-20 public education except for the State University System. Art. IX, s. 2, Fla. Const. and s. 1001.02(1), F.S.

¹⁸ Section 1007.25(3), F.S. *See also* Rule 6A-14.0303, F.A.C.

The bill requires the SBE to adopt rules, and authorizes the board to adopt regulations, to implement the grant program.¹⁹

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Increasing access to educational resources through the proposed grant program may allow students to save on the cost of textbooks and instructional materials to the extent these materials are used by Florida postsecondary institutions.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures. The grant program is contingent upon legislative appropriation.

¹⁹ Adopting rules to implement provisions of law for the state system of K-20 public education falls under the authority of the State Board of Education; the Department of Education is not authorized to adopt rules. Section 1007.25(3), F.S., specifies that general education core course options are adopted in rule by the State Board of Education and regulated by the Board of Governors.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1004.086 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on December 9, 2019:

The committee substitute:

- Adds the State Board of Education as a party with which the Department of Education must coordinate the Open Educational Resources Grant Program, in addition to the Board of Governors.
- Expands the eligibility of the grant program to include Florida College System institutions, in addition to state universities.
- Reassigns the agent responsible for the adoption of rules from the department to the State Board of Education.

B. Amendments:

None.