

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



Senate
Office of the Secretary

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SENATE
S. No. 2380

RECEIVED BY: *js*

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO PROMOTE THE USE OF OPEN TEXTBOOKS

EXPLANATORY NOTE

The Constitution, Article 2, Section 17 provide:

SEC. 17. The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and improvement.

Article 14, Section 1 further provides:

SEC. 1. The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.

An open textbook is a textbook licensed under an open copyright license, and made available online to be freely used by students, teachers and members of the public. Many open textbooks are distributed in either print, e-book, or audio formats that may be downloaded or purchased at little or no cost.

In many instances, the difference between getting meaningful education and simply attending classes is having a good textbook. However, the rising costs of

textbooks prevent many of our students from making the most out of their enrolment in our educational institutions.

A good open textbook initiative can work well to reduce the costs of higher education and allow our students to have access to educational materials at minimum cost. Open textbooks increasingly are seen as an affordable alternative to traditional textbooks in both K-12 and higher education. In both cases, open textbooks offer both dramatic up-front savings and the potential to drive down traditional textbook prices through competition.¹

This bill establishes a grant for the production of textbooks with open licenses that will be available to the public online, free of charge. This bill mandates CHED to oversee its implementation and make sure that the open textbooks will be of the highest academic standards.

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MIRIAM DEFENSOR SANTIAGO

¹ Sather, Sarah. In The Public Interest : Open Textbooks and the Tech-Friendly Generation. Huffington Post, 30 September 2010.



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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 AN ACT
2 TO PROMOTE THE USE OF OPEN TEXTBOOKS

3 SECTION 1. *Short Title.* – This Act may be cited as the “Open Textbooks
4 Act.”

5 SECTION 2. . *Definitions.* – In this Act, the terms are defined as follows:

6 1. Educational resource - an educational material that can be used in
7 postsecondary instruction, including textbooks and other written or
8 audiovisual works;

9 2. Open educational resource - an educational resource that is licensed
10 under an open license and made freely available online to the public;

11 3. Open license - a worldwide, royalty-free, non-exclusive, perpetual,
12 irrevocable copyright license granting the public permission to access,
13 reproduce, publicly perform, publicly display, adapt, distribute, and
14 otherwise use the work and adaptations of the work for any purpose,

1 conditioned only on the requirement that attribution be given to authors
2 as designated;

3 4. Open textbook - an open educational resource or set of open educational
4 resources that either is a textbook or can be used in place of a textbook
5 for a postsecondary course at an institution of higher education;

6 5. Eligible Entity - institution of higher education or group of institutions of
7 higher education; and

8 SECTION 3. *Establishment of Grants.* – From the amounts appropriated
9 under this Act, the Commission on Higher Education (CHED) shall make grants,
10 on a competitive basis, to eligible entities to support pilot programs that expand the
11 use of open textbooks in order to achieve savings for students;

12 SECTION 4. *Applications.* – Each eligible entity desiring a grant under this
13 section, after consultation with relevant faculty (including those engaged in the
14 creation of open educational resources), shall submit an application to CHED at
15 such time, in such manner, and accompanied by such information as CHED may
16 reasonably require. The applications shall include a description of the project to be
17 completed with grant funds and:

18 1. a plan for promoting and tracking the use of open textbooks in
19 postsecondary courses offered by the eligible entity, including an
20 estimate of the projected savings that will be achieved for students;

- 1 2. a plan for evaluating, before creating new open educational resources,
2 whether existing open educational resources could be used or adapted for
3 the same purpose;
- 4 3. a plan for quality review and review of accuracy of any open educational
5 resources to be created or adapted through the grant;
- 6 4. a plan for disseminating information about the results of the project to
7 institutions of higher education outside of the eligible entity, including
8 promoting the adoption of any open textbooks created or adapted through
9 the grant; and
- 10 5. a statement on consultation with relevant faculty, including those
11 engaged in the creation of open educational resources, in the
12 development of the application.

13 SECTION 5. *Special Consideration.* – In awarding grants under this Act,
14 CHED shall give special consideration to applications that demonstrate the greatest
15 potential to:

- 16 1. achieve the highest level of savings for students through sustainable
17 expanded use of open textbooks in postsecondary courses offered by the
18 eligible entity;
- 19 2. expand the use of open textbooks at institutions of higher education
20 outside of the eligible entity; and
- 21 3. produce –

- 1 a. the highest quality open textbooks;
- 2 b. open textbooks that can be most easily utilized and adapted by
3 faculty members at institutions of higher education;
- 4 c. open textbooks that correspond to the highest enrollment courses at
5 institutions of higher education; and
- 6 d. open textbooks created or adapted in partnership with entities,
7 including campus bookstores, that will assist in marketing and
8 distribution of the open textbook.

9 SECTION 6. *Use of Funds.* – An eligible entity that receives a grant under
10 this Act shall use the grant funds to carry out any of the following activities to
11 expand the use of open textbooks:

- 12 1. Professional development for faculty and staff members at institutions of
13 higher education, including the search for and review of open textbooks;
- 14 2. Creation or adaptation of open educational resources, especially open
15 textbooks;
- 16 3. Development or improvement of tools and informational resources that
17 support the use of open textbooks;
- 18 4. Research evaluating the efficacy of the use of open textbooks for
19 achieving savings for students; and
- 20 5. Partnerships with other entities, including other institutions of higher
21 education, for-profit organizations, or nonprofit organizations, to carry
22 out any of the activities described in paragraphs (1) through (4)

1 SECTION 7. *License.* – Educational resources created or adapted under
2 Section 6 shall be licensed under an open license.

3 SECTION 8. *Access and Distribution.* – The full and complete digital
4 content of each educational resource created or adapted under Section 6 shall be
5 made available free of charge to the public:

- 6 1. on an easily accessible and interoperable website, which shall be
7 identified to CHED by the eligible entity; and
- 8 2. in a machine readable, digital format that anyone can directly download,
9 edit, and redistribute.

10 SECTION 9. *Report to CHED.* – Upon an eligible entity's completion of a
11 project supported under this section, the eligible entity shall prepare and submit a
12 report to CHED regarding:

- 13 1. the effectiveness of the pilot program in expanding the use of open
14 textbooks and in achieving savings for students;
- 15 2. the impact of the pilot program on expanding the use of open textbooks
16 at institutions of higher education outside of the eligible entity;
- 17 3. educational resources created or adapted under the grant, including
18 instructions on where the public can access each educational resource
19 under the terms of Section 8; and
- 20 4. all project costs, including the value of any volunteer labor and
21 institutional capital used for the project.

1 SECTION 10. *Report to Congress.* – Within two (2) years from the
2 effectivity of this Act and every year thereafter until the expiration of the term of
3 this Act, CHED shall submit a report to the appropriate committees in Senate and
4 the House of Representatives detailing the following:

- 5 1. the open textbooks created or adapted under this Act; and
- 6 2. the extent of the adoption and use of the open textbooks.

7 SECTION 11. *Term.* – This Act shall have a term of ten (10) years.

8 SECTION 12. *Repealing Clause.* – Any law, presidential decree or issuance,
9 executive order, letter of instruction, administrative order, rule or regulation
10 contrary to or is inconsistent with the provision of this Act is hereby repealed,
11 modified, or amended accordingly.

12 SECTION 13. *Effectivity Clause.* – This Act shall take effect fifteen (15)
13 days after its publication in at least two (2) newspapers of general circulation.

14 Approved,

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