

**Instructional Council  
Monday, March 6, 2017  
11:00 pm – 12:30 pm,  
Board Room**

***Agenda***

1. Schedule Development Check-In (*Shereen & Tiffany Will Join*)
2. Division & Department Updates
3. Two-Year Schedule Update
4. Free Digital Course Materials Requirement (Attachment)
5. Program Outcome Assessment Check-In

*Toll free number available: 1-888-886-3951*

*Cell Phone line: 1-913-312-3202*

***Participant Passcode: 967753***

*Participant Conference Feature*

*\*6 - Mute/unmute your line*



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## LEGAL UPDATE

February 23, 2017

**To:** Superintendents/Presidents/Chancellors, Member Community  
College Districts

**From:** Ellie R. Austin *ERA*  
Schools Legal Counsel

**Subject:** Requirement to Highlight Courses in Online Campus Course  
Schedule That Use Free Digital Course Materials Exclusively -  
Education Code 66406.9 (SB 1359)  
Memo No. 05-2017(CC)

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Effective January 1, 2018, Education Code section 66406.9 requires community college districts to identify courses in the online campus course schedule that exclusively use digital course materials that are free of charge to students.

Specifically, community college districts must clearly highlight, using a symbol or logo on the online course schedule, which courses utilize digital course materials that can be accessed by students without a fee. Such digital course materials must be accessible to students with disabilities in accordance with the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* and must be in compliance with the Copyright Act of 1976.

Digital course materials under the new law may include open educational resources, campus library materials, and other properly licensed materials. Open educational resources are public domain materials that are no longer subject to an intellectual property license, making them free to use and repurpose. Such open educational resources may include full courses, course materials, modules, textbooks, faculty-created content, streaming videos, tests, software, or other tools, materials or techniques that support access to knowledge.

A copy of section 66406.9 is provided as an attachment to this Legal Update for your convenience.

### Recommendations

In preparation for the law's implementation, districts should review their course



offerings and make every effort to provide properly licensed course materials free of charge to students. Districts should also plan a method of highlighting applicable courses in the online campus course schedule beginning with courses offered on or after January 1, 2018.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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## **State of California**

### **EDUCATION CODE**

#### **Section 66406.9**

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66406.9. (a) Each campus of the California Community Colleges and the California State University shall, and each campus of the University of California is requested to, do both of the following:

(1) (A) Clearly highlight, by means that may include a symbol or logo in a conspicuous place on the online campus course schedule, the courses that exclusively use digital course materials that are free of charge to students and may have a low-cost option for print versions.

(B) The course materials described in subparagraph (A) may include open educational resources, institutionally licensed campus library materials that all students enrolled in the course have access to use, and other properly licensed and adopted materials. Each campus of the California State University, each participating campus of the University of California, and each community college district shall ensure that these materials comply with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the federal Copyright Act of 1976 (Public Law 94-553).

(2) Clearly communicate to students that the course materials used for the courses identified pursuant to paragraph (1) are free of charge and therefore not required to be purchased.

(b) For purposes of this section, the following terms have the following meanings:

(1) “Course schedule” is a collection of available classes, course sections, or both, published electronically, before the start of an academic term.

(2) “Open educational resources” are high-quality teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license, such as a Creative Commons license, that permits their free use and repurposing by others, and may include other resources that are legally available and free of cost to students. “Open educational resources” include, but are not limited to, full courses, course materials, modules, textbooks, faculty-created content, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

(c) This section shall become operative on January 1, 2018.

(Added by Stats. 2016, Ch. 343, Sec. 1. (SB 1359) Effective January 1, 2017. Section operative January 1, 2018, by its own provisions.)