
HOUSE BILL 2336

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Carlyle, Sullivan, Orwall, Maxwell, Lytton, Reykdal, Pettigrew, Lias, Fitzgibbon, Hunt, Hudgins, Darneille, and Santos

Read first time 01/11/12. Referred to Committee on Education Appropriations & Oversight.

1 AN ACT Relating to access to taxpayer-funded educational materials;
2 adding a new section to chapter 28A.345 RCW; adding a new section to
3 chapter 28B.10 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the goal of the legislature that all
6 educational materials developed with state dollars be openly, publicly,
7 and freely accessible for use by others. Specifying an open licensing
8 policy as the default policy will allow these materials to be widely
9 shared among all who may benefit from them rather than just the narrow
10 groups for which they were originally produced. Such a policy allows
11 the broader public to use and adapt what was created with public money.
12 Such an open licensing policy also has the potential to result in
13 significant financial savings in both the K-12 and higher education
14 systems.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.345
16 RCW to read as follows:

17 (1)(a) The Washington state school directors' association, with the

1 assistance of the office of the superintendent of public instruction,
2 shall convene an advisory committee to develop a model policy for the
3 open licensing of courseware developed with state funds.

4 (b) The model policy shall specifically require:

5 (i) That all such courseware be placed under a Creative Commons
6 attribution license that allows others to use, distribute, and create
7 derivative works based upon the digital material, while still allowing
8 the authors or creators to retain the copyright and to receive credit
9 for their efforts;

10 (ii) Submission, within twelve months of development, of such
11 courseware to an open courseware repository accessible by all state
12 school districts; and

13 (iii) Provision of professional development programs that offer
14 support, guidance, and instruction to teachers and faculty who wish to
15 create, use, or continuously improve open courseware.

16 (c) By December 1, 2012, the school directors' association shall
17 submit the model policy and sample materials, along with a
18 recommendation for local school district adoption, to the governor and
19 the education committees of the legislature and shall post the model
20 policy and sample materials on its web site.

21 (2) Work by the Washington state school directors' association and
22 the office of the superintendent of public instruction on this model
23 policy shall be done within existing resources except to the extent
24 that additional outside funding is sought and obtained.

25 (3) As used in this section, "courseware" includes the course
26 syllabus, scope and sequence, instructional materials, modules,
27 textbooks, including the teacher's edition, student guides,
28 supplemental materials, formative and summative assessment supports,
29 research articles, research data, laboratory activities, simulations,
30 videos, open-ended inquiry activities, and any other educationally
31 useful materials.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW
33 to read as follows:

34 (1) The boards of regents of the state universities, the boards of
35 trustees of the regional universities and The Evergreen State College,
36 and the state board for community and technical colleges shall, by
37 December 1, 2012, adopt policies for their institutions that:

1 (a) Require that, unless otherwise precluded by the terms of grant
2 or other funding, all courseware developed with state funds be placed
3 under a Creative Commons attribution license that allows others to use,
4 distribute, and create derivative works based upon the digital
5 material, while still allowing the authors or creators to retain the
6 copyright and to receive credit for their efforts;

7 (b) Identify one or more common open repositories for openly
8 licensed courseware to be submitted;

9 (c) Require that courseware openly licensed under (a) of this
10 subsection be submitted to a common open repository identified under
11 (b) of this subsection within twelve months of development;

12 (d) Make it easy for all students, faculty, and staff to submit,
13 find, adopt, modify, and use such openly licensed courseware; and

14 (e) Provide professional development programs that offer support,
15 guidance, and instruction to teachers and faculty who wish to create,
16 use, or continuously improve open courseware.

17 (2) As used in this section, "courseware" includes the course
18 syllabus, scope and sequence, instructional materials, modules,
19 textbooks, including the teacher's edition, student guides,
20 supplemental materials, formative and summative assessment supports,
21 research articles, research data, laboratory activities, simulations,
22 videos, open-ended inquiry activities, and any other educationally
23 useful materials.

24 (3) The boards of regents, the boards of trustees, and the state
25 board for community and technical colleges shall provide copies of
26 these policies to the governor and the higher education committees of
27 the house of representatives and the senate no later than December 1,
28 2012.

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