

# HOUSE BILL REPORT

## HB 2337

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**As Reported by House Committee On:**  
Education Appropriations & Oversight  
Ways & Means

**Title:** An act relating to open educational resources in K-12 education.

**Brief Description:** Regarding open educational resources in K-12 education.

**Sponsors:** Representatives Carlyle, Orwall, Sullivan, Maxwell, Lytton, Zeiger, Reykdal, Pettigrew, Liias, Dammeier, Fitzgibbon, Pedersen, Hunt and Hudgins.

**Brief History:**

**Committee Activity:**

Education Appropriations & Oversight: 1/17/12, 1/24/12, 2/1/12 [DPS];  
Ways & Means: 2/7/12 [DP2S(w/o sub APPE)].

**Brief Summary of Second Substitute Bill**

- Directs the Superintendent of Public Instruction to take the lead in developing new openly licensed courseware aligned with the common core state standards until 2018.
- Directs the Superintendent of Public Instruction to support adoption of openly licensed courseware by the school districts through advertisement and professional development.

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### HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS & OVERSIGHT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Haigh, Chair; Probst, Vice Chair; Anderson, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Fagan, Assistant Ranking Minority Member; Dahlquist, Hansen, Hargrove, Hope, Maxwell, Nealey, Orwall, Pollet, Reykdal, Santos, Seaquist and Sells.

**Minority Report:** Do not pass. Signed by 1 member: Representative Short.

**Staff:** Jessica Harrell (786-7349).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

### School District Curriculum.

Individual school districts are responsible for establishing curriculum and selecting textbooks and other coursework materials to support their curriculum. The state funds curriculum and courseware through the Materials, Supplies, and Operating Costs (MSOC) portion of the prototype schools funding model. The 2011-13 biennial budget appropriated funding equal to \$62.45 per full-time-equivalent (FTE) student for the curriculum and textbooks portion of the MSOC allocation in fiscal year (FY) 2013.

Due to individual selection of curricula, a wide variety of materials are used in schools across the state. For example, a 2008 report by the Office of Superintendent of Public Instruction (OSPI) showed that there were 20 or more different math curricula being used in the middle schools in the 2007-08 school year. The Common Core State Standards describe knowledge and skills in reading and mathematics across all grade levels and were developed by a consortium of multiple states. In July 2011 the OPSI adopted the Common Core State Standards, which will serve as the state K-12 learning standards when they are fully implemented in 2014-15.

### Creative Commons.

Creative Commons, founded in 2001, is a nonprofit private corporation that works to provide access to research and educational materials via the Internet. The Creative Commons attribution license was created as a form of licensing that allows materials to be copyrighted, but be publicly available without standard copyright restrictions. Creative Commons provides a particular focus on educational materials and works to minimize legal, technical, and social barriers to sharing and reusing education materials.

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## **Summary of Substitute Bill:**

Within the MSOC portion of the school funding formula, 94 cents per FTE student of existing funding for textbooks and curriculum must be used solely for development of openly licensed courseware aligned with Common Core Standards. This courseware must be made available at no cost to school districts. This allocation expires in 2018.

The OSPI must take the lead in developing, either by contract or in-house methods, new or existing openly licensed courseware aligned with Common Core State Standards and license it under a Creative Commons attribution license. The OSPI must use its best efforts to seek additional outside funding and advertise to school districts the availability of openly licensed course work. The OSPI must report annually to the Governor and educational committees of the Legislature from December 1, 2013, until December 1, 2017, on the development of openly licensed courseware.

## **Substitute Bill Compared to Original Bill:**

The intent section is revised. Under the new intent section, the educational rationale for pursuing the use of open courseware is elucidated. Additionally, the new intent section

indicates that school district savings are anticipated as the result of their respective utilization of open courseware materials.

The 1.5 percent of existing funding for textbooks and curriculum, through the MSOC portion of the school funding formula is replaced with an equivalent flat dollar figure of 94 cents per FTE student. These figures are approximately equivalent in FY 2013. Under the new language, the total dedicated funds do not change as the MSOC appropriations are revised from one year to the next. As a percentage, the total dedicated appropriations would change as the MSOC appropriations change.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 4, relating to dedicated MSOC appropriations, which takes effect July 1, 2013.

**Staff Summary of Public Testimony:**

(In support of original bill) Textbooks are a \$9 billion industry. Open courseware provides access to the same, if not improved and more up-to-date, information currently available in textbooks, and at a cost that is significantly less. Washington's textbooks are seven to 11 years out of date, cannot be utilized in the manner in which students are taught to use all other books, and are very expensive. Open courseware enables students to have increased access to information and, in instances in which districts select to print the available open courseware books, enables students to fully utilize the book in all manner of speaking and even create their own library of information. The available open courseware material also provides a new level of flexibility, including the ability to make changes to the courseware as it suits the individual districts.

(In support of substitute bill) The OSPI supports the bill as an innovative way to bring high quality resources to students. In the original format, there are concerns regarding the funding aspects the bill. Moving in the direction of open courseware through this proposed project would enable Washington to ensure the materials are complete and of good quality. There is a fair amount of interest in the school districts.

There are programs currently in place that utilize digital information. Moving to a digital format enables schools to better prepare students and expand upon existing programs. It would also be a benefit to school administrations to not have to manage textbooks.

(Opposed) None.

**Persons Testifying:** (In support of original bill) Representative Carlyle, prime sponsor; and Cable Green, Creative Commons.

(In support of substitute bill) Karl Nelson, Office of Superintendent of Public Instruction; and Jerry Bender, Association of Washington School Principals.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON WAYS & MEANS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education Appropriations & Oversight. Signed by 27 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle, Chandler, Cody, Dickerson, Haigh, Haler, Hinkle, Hudgins, Hunt, Kagi, Kenney, Ormsby, Parker, Pettigrew, Ross, Schmick, Seaquist, Springer, Sullivan and Wilcox.

**Staff:** Jessica Harrell (786-7349).

### **Summary of Recommendation of Committee On Ways & Means Compared to Recommendation of Committee On Education Appropriations & Oversight:**

The dedication of 94 cents of existing Materials, Supplies, and Operating Costs (MSOC) funding for textbooks and courseware is removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Second Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) There is a national movement toward utilization of open courseware material. This bill will organize, manage, distribute, and train districts on how to use currently available open courseware materials. There are no costs associated with deriving new material because there is information already available through Creative Commons that aligns with the common core state standards. Five years from now proprietary textbooks will no longer exist.

Librarians are currently working with schools on textbook management and incorporating open courseware. The Legislature should encourage the Office of Superintendent of Public Instruction to bring together groups that are already working with and on open source courseware to expand its use. The MSOC funds should not be diverted to further the purpose of this legislation.

(In support with concerns) Flexibility in the use of books or open courseware is a positive step for schools. However, the impact on programs is a concern. Do not divert funding in

order to incorporate open courseware. In the requirement for a biennial review, the legislation should also include other key stakeholder groups, such as classroom practitioners and librarians.

(Opposed) Open source courseware is good for schools as it saves money that can be redirected to other school district needs. However, redirecting the MSOC funds in order to promote open source courseware unnecessarily hurts districts by taking money from a source that is already underfunded. Two alternatives to redirecting the MSOC funds that could be considered by the Legislature are private sector grants, or a joint funding venture in which private funds trigger public funds. The private sector has already begun work to bring open source courseware into use. For instance, the Gates Foundation recently announced development of 24 online courses.

**Persons Testifying:** (In support) Representative Carlyle, prime sponsor; and Carolyn Logue, Washington Library Media Association.

(In support with concerns) Wendy Rader-Konofalski, Washington Education Association.

(Opposed) Marie Sullivan, Washington State School Directors Association; and Melissa Gombosky, Association of American Publishers.

**Persons Signed In To Testify But Not Testifying:** None.