

CERTIFICATION OF ENROLLMENT  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2337

62nd Legislature  
2012 Regular Session

Passed by the House March 5, 2012  
Yeas 87 Nays 7

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**Speaker of the House of Representatives**

Passed by the Senate February 29, 2012  
Yeas 47 Nays 1

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2337** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2337

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AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

**State of Washington                      62nd Legislature                      2012 Regular Session**

**By** House Ways & Means (originally sponsored by Representatives Carlyle, Orwall, Sullivan, Maxwell, Lytton, Zeiger, Reykdal, Pettigrew, Lias, Dammeier, Fitzgibbon, Pedersen, Hunt, and Hudgins)

READ FIRST TIME 02/07/12.

1            AN ACT Relating to open educational resources in K-12 education;  
2 adding a new section to chapter 28A.300 RCW; creating a new section;  
3 and providing an expiration date.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds the state's recent  
6 adoption of common core K-12 standards provides an opportunity to  
7 develop a library of high-quality, openly licensed K-12 courseware that  
8 is aligned with these standards. By developing this library of openly  
9 licensed courseware and making it available to school districts free of  
10 charge, the state and school districts will be able to provide students  
11 with curricula and texts while substantially reducing the expenses that  
12 districts would otherwise incur in purchasing these materials. In  
13 addition, this library of openly licensed courseware will provide  
14 districts and students with a broader selection of materials, and  
15 materials that are more up-to-date.

16            NEW SECTION.    **Sec. 2.** A new section is added to chapter 28A.300  
17 RCW to read as follows:

18            (1)(a) Subject to availability of amounts appropriated for this

1 specific purpose, the superintendent of public instruction shall take  
2 the lead in identifying and developing a library of openly licensed  
3 courseware aligned with the common core state standards and placed  
4 under an attribution license, registered by a nonprofit or for-profit  
5 organization with domain expertise in open courseware, that allows  
6 others to use, distribute, and create derivative works based upon the  
7 digital material, while still allowing the authors or creators to  
8 retain the copyright and to receive credit for their efforts.

9 (b) During the course of identification and development of a  
10 library of openly licensed courseware, the superintendent:

11 (i) May contract with third parties for all or part of the  
12 development;

13 (ii) May adopt or adapt existing high quality openly licensed K-12  
14 courseware aligned with the common core state standards;

15 (iii) May consider multiple sources of openly licensed courseware;

16 (iv) Must use best efforts to seek additional outside funding by  
17 actively partnering with private organizations;

18 (v) Must work collaboratively with other states that have adopted  
19 the common core state standards and collectively share results; and

20 (vi) Must include input from classroom practitioners, including  
21 teacher-librarians as defined by RCW 28A.320.240, in the results  
22 reported under subsection (2)(d) of this section.

23 (2) The superintendent of public instruction must also:

24 (a) Advertise to school districts the availability of openly  
25 licensed courseware, with an emphasis on the fact that the courseware  
26 is available at no cost to the districts;

27 (b) Identify an open courseware repository to which openly licensed  
28 courseware identified and developed under this section may be  
29 submitted, in which openly licensed courseware may be housed, and from  
30 which openly licensed courseware may be easily accessed, all at no cost  
31 to school districts;

32 (c) Provide professional development programs that offer support,  
33 guidance, and instruction regarding the creation, use, and continuous  
34 improvement of open courseware; and

35 (d) Report to the governor and the education committees of the  
36 legislature on a biennial basis, beginning December 1, 2013, and ending  
37 December 1, 2017, regarding identification and development of a library  
38 of openly licensed courseware aligned with the common core state

1 standards and placed under an attribution license, use by school  
2 districts of openly licensed courseware, and professional development  
3 programs provided.

4 (3) School districts may, but are not required to, use any of the  
5 openly licensed courseware.

6 (4) As used in this section, "courseware" includes the course  
7 syllabus, scope and sequence, instructional materials, modules,  
8 textbooks, including the teacher's edition, student guides,  
9 supplemental materials, formative and summative assessment supports,  
10 research articles, research data, laboratory activities, simulations,  
11 videos, open-ended inquiry activities, and any other educationally  
12 useful materials.

13 (5) The open educational resources account is created in the  
14 custody of the state treasurer. All receipts from funds collected  
15 under this section must be deposited into the account. Expenditures  
16 from the account may be used only for the development of openly  
17 licensed courseware as described in this section. Only the  
18 superintendent of public instruction or the superintendent's designee  
19 may authorize expenditures from the account. The account is subject to  
20 allotment procedures under chapter 43.88 RCW, but an appropriation is  
21 not required for expenditures.

22 (6) This section expires June 30, 2018.

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