

# SENATE BILL REPORT

## E2SHB 2337

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 22, 2012  
Ways & Means, February 27, 2012

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

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

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representatives Carlyle, Orwall, Sullivan, Maxwell, Lytton, Zeiger, Reykdal, Pettigrew, Liias, Dammeier, Fitzgibbon, Pedersen, Hunt and Hudgins).

**Brief History:** Passed House: 2/11/12, 88-7.

**Committee Activity:** Early Learning & K-12 Education: 2/15/12, 2/22/12 [DPA-WM].  
Ways & Means: 2/27/12 [DPA(EDU), w/oRec].

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow, Ranking Minority Member; Eide, Fain, Harper, Hill, Hobbs, King and Nelson.

**Staff:** Stephanie Christensen (786-7405)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended by Committee on Early Learning & K-12 Education.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Parlette, Ranking Minority Member Capital; Baumgartner, Brown, Conway, Fraser, Harper, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Kastama, Keiser, Kohl-Welles, Pridemore, Regala, Schoesler and Tom.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Padden.

**Staff:** Elise Greef (786-7708)

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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:** 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 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.

**Summary of Bill (Recommended Amendments):** OSPI must take the lead in identifying and developing a library of openly licensed courseware aligned with the Common Core State Standards and placed under an attribution license. The courseware must be registered by a nonprofit or for-profit organization with domain expertise in open courseware.

During the course of identification and development, OSPI may:

- contract with third parties;
- adopt or adapt existing high quality openly licensed K-12 courseware; and
- consider multiple sources of openly licensed courseware.

During the course of identification and development, OSPI must:

- use best efforts to seek additional outside funding;
- advertise to school districts the availability of openly licensed courseware at no cost to the districts;
- work collaboratively with other states that have adopted the Common Core State Standards;
- identify an open courseware repository;
- provide professional development programs relating to open courseware; and
- report annually to the Governor and education committees of the Legislature regarding the development of openly licensed courseware. This report must include input from classroom practitioners, including teacher-librarians.

School districts may, but are not required to, use any of the openly licensed courseware.

**EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Amendments):** Input from classroom teachers includes input from teacher-librarians, who are certificated teachers with a library media endorsement.

The open educational resources account is created in the custody of the State Treasurer for all funds collected under this section.

OSPI may consider openly licensed courseware from for-profit organizations as well as nonprofit organizations, and may consider multiple sources of openly licensed courseware.

OSPI will be identifying sources of openly licensed courseware and developing a library of openly licensed courseware, rather than actually developing the courseware.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony as Heard in Committee (Early Learning & K-12 Education):** PRO: Openly licensed courseware is high quality, low cost courseware that will save school districts money and provide students with updated educational materials. Textbooks cost around \$4 per book, and are also available in a variety of digital formats. We want to emphasize the role teachers and librarians play in the identification of openly licensed courseware. We are supportive of the bill now that it no longer diverts funds from MSOC.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Cable Green, Creative Commons; Wendy Rader-Konofalski, WA Education Assn.; Carolyn Logue, WA Library Media Assn.; Marie Sullivan, WA State School Directors' Assn.

**Staff Summary of Public Testimony (Ways & Means):** PRO: We support the underlying policy of the bill but have one concern about the fiscal impact. We would like to suggest an appropriation is not necessary this year, since work is already being done in the non-profit and private sectors to compile such a library that is aligned with Common Core standards.

**Persons Testifying (Ways & Means):** PRO: Melissa Gombosky, American Association of Publishers.