

E2SHB 1561 - S AMD 833
By Senator Wellman

ADOPTED 03/02/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10
4 RCW to read as follows:

5 (1) The definitions in this subsection apply throughout this
6 section unless the context clearly requires otherwise.

7 (a) "Campus coordinator" means a designated facilitator to
8 promote, assist, and support the creation of open educational
9 resources by establishing and coordinating training seminars,
10 creating workshops, helping faculty and staff identify available
11 resources and funding, and cataloging and evaluating open educational
12 resources used or created by an institution of higher education's
13 faculty.

14 (b) "Open educational resources" means freely accessible, openly
15 licensed educational textbooks, documents, materials, and media that
16 reside in the public domain for free use and repurposing for the
17 intention of teaching, learning, assessing, and researching.

18 (2)(a) Subject to availability of amounts appropriated for this
19 specific purpose, the student achievement council shall administer
20 the open educational resources grant pilot program for the four-year
21 institutions of higher education. A grant received under the pilot
22 program must be used for either (a)(i) or (ii) of this subsection, or
23 both:

24 (i) Create a designated campus coordinator who will be the campus
25 lead and centralized contact regarding open educational resources; or

26 (ii) Support faculty to adopt and modify, or create new, open
27 educational resources for the purpose of reducing students' cost of
28 attendance. Grant dollars may not be used to duplicate open
29 educational resources that are already free and publicly available.

30 (b) The student achievement council shall develop an application
31 form for the grant, a process for reviewing and selecting grant
32 applicants, a process for awarding grant funding, and a process for

1 the grant awardee to report back to the student achievement council
2 on the use of the grant. The student achievement council shall
3 prioritize applications that estimate the highest cost reduction to
4 students, whether it be on an individual basis or across a field of
5 study or the institution.

6 (c) The student achievement council shall determine how many
7 grants may be awarded based on the funding received for the pilot
8 program.

9 (d) In addition to the grant program, the student achievement
10 council shall conduct outreach to other states and higher education
11 agencies to identify whether there is interest in establishing a
12 multistate open educational resources network to facilitate and
13 establish a platform for peer review, coordinating, and sharing of
14 open educational resources.

15 (e) The student achievement council shall report to the
16 appropriate committees of the legislature in accordance with the
17 reporting requirements in RCW 43.01.036 by December 1, 2019, on the
18 open educational resources grant pilot program and on the outreach
19 conducted regarding a multistate open educational resources network.
20 The report must include information on the number of grant
21 applications received, the number of grants awarded, and an
22 evaluation of how the grants were used to expand the use of open
23 educational resources. In addition, the report must include how the
24 student achievement council conducted outreach to other states on the
25 concept of a multistate open educational resources network and the
26 feedback from those states.

27 (3) By December 1, 2019, the Washington state institute for
28 public policy shall conduct a study on the cost of textbooks and
29 course materials and the use of open educational resources at four-
30 year institutions of higher education across the state and submit a
31 report to the appropriate committees of the legislature in accordance
32 with RCW 43.01.036. The institute shall conduct outreach to relevant
33 stakeholders, including representatives of the publishing community,
34 prior to drafting their final report. To the extent data are
35 available, the study should address:

36 (a) The types of and average cost per student for required
37 textbooks and course materials, including digital access codes and
38 bundled items, in the state, at each four-year institution of higher
39 education, and in specific degree programs;

1 (b) The use of open educational resources at four-year
2 institutions of higher education and in specific degree programs or
3 courses, or both; and

4 (c) Any other information regarding textbooks, course materials,
5 or best practices in the development and dissemination of open
6 educational resources that the Washington state institute for public
7 policy deems relevant.

8 (4) This section expires June 30, 2022.

9 **Sec. 2.** RCW 28A.300.803 and 2012 c 178 s 2 are each amended to
10 read as follows:

11 (1)(a) Subject to availability of amounts appropriated for this
12 specific purpose, the superintendent of public instruction shall take
13 the lead in identifying and developing a library of openly licensed
14 courseware aligned with the common core state standards and placed
15 under an attribution license, registered by a nonprofit or for-profit
16 organization with domain expertise in open courseware, that allows
17 others to use, distribute, and create derivative works based upon the
18 digital material, while still allowing the authors or creators to
19 retain the copyright and to receive credit for their efforts.

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

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

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

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

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

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

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

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

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

1 (b) Identify an open courseware repository to which openly
2 licensed courseware identified and developed under this section may
3 be submitted, in which openly licensed courseware may be housed, and
4 from which openly licensed courseware may be easily accessed, all at
5 no cost to school districts;

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

9 (d) Report to the governor and the education committees of the
10 legislature on a biennial basis, beginning December 1, 2013, and
11 ending December 1, 2017, regarding identification and development of
12 a library of openly licensed courseware aligned with the common core
13 state standards and placed under an attribution license, use by
14 school districts of openly licensed courseware, and professional
15 development programs provided.

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

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

25 (5) The open educational resources account is created in the
26 custody of the state treasurer. All receipts from funds collected
27 under this section must be deposited into the account. Expenditures
28 from the account may be used only for the development of openly
29 licensed courseware as described in this section. Only the
30 superintendent of public instruction or the superintendent's designee
31 may authorize expenditures from the account. The account is subject
32 to allotment procedures under chapter 43.88 RCW, but an appropriation
33 is not required for expenditures.

34 (~~(6) This section expires June 30, 2018.~~)

35 NEW SECTION. **Sec. 3.** If specific funding for the purposes of
36 this act, referencing this act by bill or chapter number, is not
37 provided by June 30, 2018, in the omnibus appropriations act, this
38 act is null and void."

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1 On page 1, line 1 of the title, after "resources;" strike the
2 remainder of the title and insert "amending RCW 28A.300.803; adding a
3 new section to chapter 28B.10 RCW; creating a new section; and
4 providing an expiration date."

EFFECT: Adds a sunset clause to the OER grant program. Makes the open educational resources project permanent.

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