

SENATE BILL REPORT

SB 6460

As of March 7, 2012

Title: An act relating to access to taxpayer-funded educational materials.

Brief Description: Requiring a model policy for open licensing of courseware developed with state funds.

Sponsors: Senators Tom, Hill and Frockt.

Brief History:

Committee Activity: Higher Education & Workforce Development: 1/31/12.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

Staff: Kimberly Cushing (786-7421)

Background: Creative Commons (CC) is a nonprofit organization that develops copyright licenses and other tools to provide a simple, standardized way for creators to keep their copyright while allowing certain uses of their work. The CC attribution license is a copyright license that grants permission to the public to reproduce, distribute, perform, display or adapt the licensed materials for any purpose so long as the user gives attribution to the author or as otherwise directed by the copyright holder.

Currently the State Board for Community and Technical Colleges (SBCTC) manages the Open Course Library, which is a collection of educational materials that includes textbooks, syllabi, course activities, readings, and assessments for high-enrollment college courses. Forty-two courses have been completed so far, providing faculty with an option that will cost students no more than \$30 per course. Course materials are shared under a CC attribution license.

The Washington State School Directors' Association (WSSDA) is a state agency comprised of all school board members from Washington's 295 public school districts.

Summary of Bill: The Legislature's goal is that all educational materials developed with state dollars be openly, publicly, and freely accessible for use by others. An open licensing policy allows the materials to be widely shared, allows broader public use of materials

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created with public money, and has the potential to result in significant financial savings in both the K-12 and higher education systems.

WSSDA, with the assistance of the Office of the Superintendent of Public Instruction, must convene an advisory committee to develop a model policy for the open licensing of courseware developed with state funds. By December 1, 2012, WSSDA must submit the model policy and sample materials with recommendation for school district adoption to the Governor and the education committees of the Legislature and post them on its website. Work must be done within existing resources unless additional outside funding is obtained.

By December 1, 2012, the governing boards of the four-year institutions and SBCTC must adopt policies for their institutions that identify one or more open courseware repositories and make it easy for all students, faculty, and staff to submit, find, adopt, and use openly licensed courseware. By December 1, 2012, the governing boards and SBCTC must provide copies of these policies to the Governor and the higher education committees of the Legislature.

The policies created by WSSDA, the governing boards of the four-year institutions, and SBCTC must:

- require all courseware developed with state funds to be placed under a CC attribution license that allows others to use, distribute, and create derivative works based on the digital material, while still allowing the authors or creators to retain the copyright and to receive credit for their efforts;
- require that, within 12 months of development, courseware is submitted to an open courseware repository; and
- provide professional development programs for those who wish to create, use, or improve open courseware.

Courseware includes the course syllabus, instructional materials, modules, textbooks, supplemental materials, assessment supports, research articles and data, lab activities, and any other educationally useful materials.

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: PRO: Creative Commons is the global standard for sharing content on the web. Why shouldn't a community college student have the same access to the highest quality materials offered at the the University of Washington (UW) or Western? Any material created with public money should be openly available to the public. The copyright will be staying with people who created the materials.

CON: Nothing in the bill speaks to quality. Publishers have a very rigorous vetting requirement. This bill doesn't save students money because it reduces the value of education.

Tuition dollars are going for information that is available to everyone and faculty have less time to spend with students. This is a tool for the future, but the mandates are problematic because the process of extracting material that is copyrighted is time consuming and expensive. Fair use allows u-tube videos in a limited fashion. Distribution to 30 students versus 10,000 is a big difference. The assumption is that these materials are immediately portable; however, a substantial amount of work is needed to remove it from a classroom context to a open context. Faculty who chose not to use copyright material could reduce or dilute the experience for students. This will reduce the ability to recruit faculty. We need a voluntary approach that is incentive based. For-profits could use material to make a profit, we want materials to be not available for commercial use. Faculty and staff already try to remove financial barriers for students by renting textbooks, exchanges, and providing documents online and through the library.

OTHER: Community colleges are using an open policy in an open way. They have already recouped cost of investment with textbook savings for students. Colleges expect savings to grow over time as faculty adopt courses. There is a lot of work left to do to promote open courses with faculty across the system. The voluntary aspect is essential.

Persons Testifying: PRO: Phil Venditti, Clover Park Technical College; Barbara Washburn, student; Kim Washburn, interested taxpayer.

CON: Melissa Gombosky, Assn. of American Publishers; Chris Mulick, WA State University; Anthony Flinn, David Rawlinson, Central WA University-Faculty; Margaret Shepherd, Jim Fridley, UW; Shelby Pelon, Associated Students of Eastern WA University; Julie Garver, The Evergreen State University (TESC); Ralph Murphy, TESC faculty representative to the Legislature.

OTHER: Jan Yoshiwara, SBCTC.