



Open Education Subcommittee

July 8, 2008, 10 a.m.

Speaker's Conference Room, General Assembly Building

- **Call to order**

Senator John Watkins called the meeting to order. The chairman thanked everyone for their attendance and participation.

- **Overview of the role of JCOTS and the Open Education Subcommittee**

Patrick Cushing, JCOTS staff attorney, provided a brief introduction to the Commission and, specifically, the Open Education Subcommittee. In his presentation Mr. Cushing cited Wikipedia to frame the issue of open education, which defines open educational resources (OER) as "an Internet empowered worldwide community effort to create an education commons." Such resources range from learning content and course management programs, to software tools and implementation resources such as intellectual property licenses. The benefits of such resources include reduction of costs to local school divisions across the Commonwealth and increased capability for teachers and schools to provide innovative content.

- **Michelle Vucci, Virginia Department of Education (DOE)**

The General Assembly passed three bills impacting the manner in which the Commonwealth procures textbooks for its K-12 schools. Del. Peace's HB 137 and Sen. Watkins' SB 356 were identical bills designed to update the Textbook Procurement Act, which has not seen significant updates since 1980.

The companion bills removed obsolete sections regulating State Board of Education approval process to more clearly reflect the local textbook purchasing process. The bills clarified that the Board must publish a list of resources on its web site and removed the requirement that a textbook remain in use for six years. The most important change for purposes of the open education concept was the addition of a definition that defines 'textbook' as both print and electronic resources.

Additionally, Del. Cole introduced HB 354, which was identical to the two bills referenced above but added one paragraph. HB 354 amends the textbook purchasing laws by allowing private schools to purchase from local school board contracts if the local school board and the publisher agree.

Mrs. Vucci then demonstrated the updates to the DOE web site, which allows users to view procurement and pricing information for approved textbooks. The web site includes a link to a



spreadsheet viewable by subject and grade level, consolidating information and simplifying use of information that was previously available. The DOE will be providing school superintendents with a memorandum to publicize the new and improved web site. Additionally, they will be creating an e-mail address for school officials who have questions about the textbook procurement process.

- **Mark Burnet, Director, Virginia Open Education Foundation**

Mark Burnet presented to subcommittee members two draft bills for consideration by the subcommittee.

The first proposal was a resolution that would request the Superintendent of Public Instruction to encourage teachers who create educational content to use the Creative Commons Attribution Share-alike U.S. license or place the materials in the public domain.

The second proposal would create an open educational resource center in the Commonwealth. This proposal is based on a similar legislation in California and would establish a clearinghouse for open educational materials and provide guidance to those teachers in the Commonwealth who would like to use or develop open education content.

- **Discussion and formulation of work plan**

One of the main topics of discussion during the meeting was the accessibility of content contained in past SOL tests released by the DOE. Although DOE provides the tests in an Adobe PDF format, Mr. Burnet claims it is difficult for teachers to manipulate the test and individual questions to create new learning content for the classroom. There was also some discussion on the inclusion of a copyright notice and how that may be seen by teachers as a barrier to further use of SOL test questions. Mr. Burnet clarified that a Creative Commons 3.0 Share-alike license would protect a copyright from resale, just not reproduction or adaptation for noncommercial uses. Staff will review the copyright policies of the Commonwealth and provide an update at the next meeting and the DOE has agreed to work with Mr. Burnett to see what alternatives may exist for releasing SOL test questions.

Sen. Watkins continued the discussion by stating that the topic of discussion in this subcommittee should be more focused on bringing about a paradigm shift of how educational materials are made available (e.g., paper to digital).

Mr. Cushing updated the subcommittee on a previous meeting with the Secretary of Technology, Aneesh Chopra, concerning textbook procurement. Secretary Chopra suggested registering textbook publishers on eVA in order to encourage greater competition among publishers. To gauge initial feedback from the local school boards, Mr. Cushing sent questions through the Virginia School Board Association inquiring whether the local boards would be interested in using eVA to purchase textbooks. Additionally, Mr. Cushing is going to examine possible interest from print-on-demand industries in the open education movement.



Dennis Reynolds, NBS Solutions, reported that Adobe is developing the technology to make PDF documents "livable" rather than static files. Such technology is not yet publicly available but Mr. Reynolds offered to work with the subcommittee in researching options for distribution of state materials, such as the SOL tests.

Senator Watkins requested John Felton, of WCVE-PBS, to provide a brief summary of his work to bring education content to Commonwealth's public schools. Mr. Felton reported that public television networks have over the past 40 years amassed a huge collection of educational videos that are being converted into a digital library. WCVE also has a SOL correlation database, so upon digital conversion many materials could be made available to teachers and searchable by SOL content. One barrier Mr. Felton point to was the rate at which their video library could be converted to electronic media. Given current funding and support, it will take PBS no less than 20 years to convert all of their materials to electronic format.

Sen. Watkins requested a more formal presentation from PBS during the next subcommittee meeting. Specifically, PBS should report what services are available, the costs of conversion, and the possibilities of putting such digital information on a server. Mr. Felton pointed out that PBS has almost universal control over all locally produced materials, so reproduction would not be problematic.

- **Public comment-** None
- **Actions for next meeting**
 - Staff, VOEF, the DOE will discuss and refine the two VOEF legislative proposals.
 - Staff will develop a more detailed presentation on Creative Commons Licenses, specifically answering the following questions: Would use of Commons License necessitate changes to the Code? How does the Commons License fit into the scheme of state and local law?
 - Invite publishers to present their ideas. The subcommittee does not want to hear from the sales representatives; rather, the companies' policy-makers should speak as to how they can fill the Commonwealth's needs.
 - Presentation from PBS
 - Presentation from Pearson Publishing
 - Staff will provide the results from the polling questions sent to local school boards
 - Contact Wikipedia and collect info on their content review process and how the Commonwealth may adopt a similar process for open education materials.



- **Adjournment**