

HB 2257: Instructional Materials Fee Waiver
House Education Committee
February 1, 2017

Introduction:

Good Afternoon Chair Doherty, Vice-Chair Hernandez, Vice-Chair Wilson, and members of the House Education Committee. My name is Jan McComb, the Legislative Director for the Oregon Department of Education and with me is Jeremy Wartz, the department's Instructional Materials Coordinator. We are here to ask your support of HB 2257, of the department's bills. HB 2257 would allow the State Board of Education to grant fee waivers for submitted Open Educational Resources (OERs) for review and adoption to the state list of instructional materials.

Background:

The Instructional Materials Review and Adoption Process requires an evaluation of submitted instructional materials, which constitute the major vehicle of instruction for a given content area. Traditional publishers submit materials for evaluation where there is a minimum fee of \$50 per item, per grade level. The fees assessed fund the state evaluation and adoption process. The submitted materials are then presented to evaluators during evaluation week to determine whether they meet the adoption criteria and academic content standards.

Instructional materials submissions that are found to be highly aligned to the adoption criteria and academic content standards are included on a list from which school districts may choose to adopt. School districts that do not choose to adopt from this list must perform a full independent evaluation to determine alignment to the adoption criteria and academic content standards. Not only does the state level evaluation save school districts time and resources by providing a list that they may choose from, but it also allows them flexibility to independently review and adopt materials that are not on the state list.

Open Educational Resources (OERs) are learning objects that reside in the public domain. The United Nations describes this as meaning that "anyone can legally and freely copy, use, adapt, and re-share them" (UNESCO 2016). The Office of Educational Technology within the US Department of Education launched the #GoOpen Initiative in 2015 encouraging school districts to use, develop, and share high quality OERs for their curricular materials.

These materials reside in the public domain allowing others to freely use and repurpose the materials thereby distinguishing themselves from traditional commercial textbooks. OERs have been and currently are being developed by groups of teachers, district teams, state level

education departments, and other organizations. The availability and quality of OERs continue to increase, especially since they may be refined and improved upon by teachers who use them in the classroom.

Issue:

Groups of teachers, district teams, and state level education departments outside of Oregon do not have an incentive to pay the minimum \$50 per item, per grade level fee that is required by Oregon law to submit instructional materials for review and adoption. Consequently, OERs are unable to participate in the process.

Educators from multiple districts in Oregon collaborating on the development of OERs would be required to have each of their districts conduct a full independent evaluation in order to adopt the materials. Please see the attached visual for a demonstration of how multiple districts would need to conduct the same process in order to adopt OERs. With the increase of opportunities for collaboration in the development of OERs, the current review and adoption process is not adaptive enough to keep up with the changes in available instructional materials.

Legislation:

HB 2257 would allow the State Board of Education to waive the submission fee for OERs, which are freely available to be used and repurposed by anyone. This would allow OERs developed by groups of teachers, district staff, or other collaborators to submit their materials for evaluation and adoption at the state level.

Fiscal:

New OARs will need to be written to describe the full process under which a waiver may be requested and granted. Current ODE staff will absorb the duties of drafting OARs to describe and administer the waiver process. Funds may be used to bring educators together to provide feedback on the OARs which will be used from instructional materials fees collected in previous years. OARs will include restrictions to limit the number of waivers each year to a number that will be covered by the fees currently collected for submissions of instructional materials.

HB 2257 may save school districts time and money by adopting OERs from the state adopted list, rather than conducting a full independent evaluation on materials that other Oregon school districts are already using.