Goals

1. Define open educational resources (OER) and describe why it is used in educational settings
2. Describe the open licensing requirement at ED
3. Provide examples of open licenses and discuss how to select them and how to attribute
4. Address Frequently Asked Questions
Open Ecosystem
Open Educational Resources (OER)
Open Educational Resources

Teaching, learning, and research resources that reside in the public domain or have been released under a license that permits their unrestricted use, reuse, modification, and sharing with others.

NATIONAL ED TECH PLAN
OPEN ≠ FREE

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<table>
<thead>
<tr>
<th>Type</th>
<th>Cost</th>
<th>License</th>
<th>Flexibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open</td>
<td>Free or minimal (print costs)</td>
<td>Open license</td>
<td>Yes; generally licensed to allow free use and repurposing for others (some restrictions and exceptions apply)</td>
</tr>
<tr>
<td>Free</td>
<td>Free</td>
<td>Copyright restricted</td>
<td>Varies; limited availability to use and repurpose without permission from author/creator</td>
</tr>
<tr>
<td>Proprietary</td>
<td>Variable costs</td>
<td>Copyright restricted</td>
<td>No; owner has the right to control copying and dissemination of an original work</td>
</tr>
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</table>
# The 5 Rs

<table>
<thead>
<tr>
<th>RETAIN</th>
<th>REUSE</th>
<th>REVISE</th>
<th>REMIX</th>
<th>REDISTRIBUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to make, own, and control copies of the content</td>
<td>Right to use the content in a wide range of ways</td>
<td>Right to adapt, adjust, modify, or alter the content itself</td>
<td>Right to combine the original or revised content with other material to create something new</td>
<td>Right to share copies of the original content, your revisions, or your remixes with others</td>
</tr>
</tbody>
</table>
What qualifies as OER?

**SINGLE ITEM**
Activity, lesson plan, formative assessment, image, video, song

**UNIT OF STUDY**
Multiple items curated as a comprehensive unit

**COMPREHENSIVE PROGRAM**
Textbook, course, series

**PRINT AND/OR DIGITAL**
Why OER?

- Increases equity
- Keeps content relevant & timely
- Allows content to be inclusive and representative
- Empowers teachers
- Enables collaboration
- Reallocates funds
- Saves taxpayer dollars
U.S. Department of Education Announces Final Regulation on Open Licensing Requirement for Competitive Grant Programs
Open Licensing Requirement

The Open Licensing Requirement (2 C.F.R. 3474.20) went into effect on May 27, 2017 and was fully implemented in fiscal year 2018. The requirement applies to many of the Department of Education’s competitive grant programs. This requirement requires grantees to openly license deliverables created with grant funds and to publicly disseminate the products.
Open Licensing Requirement

Unless an exception applies, if you are awarded a grant under this competition, you will be **required to openly license** to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a **plan to disseminate** these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding.
What does this requirement mean for grantees?
What does this requirement mean for grantees?

• If the Open Licensing Requirement applies to a grant program, the Notice Inviting Applications (NIA) for grants under that program will inform grant recipients that they must openly license any deliverable that is created with Department grant funds and constitutes a new copyrightable work.

• Copyrightable work could include curricula and supporting materials, professional development content, educational resources, toolkits, and other literary, pictorial/graphic, or audiovisual works, broadly defined.

• Grantees or subgrantees should apply an open license to their Department-funded deliverable that gives the public the ability to:
  - Access, reproduce, publicly perform, publicly display, and distribute the copyrightable work
  - Prepare derivative works and reproduce, publicly perform, publicly display and distribute those derivative works
  - Use the copyrightable work, provided that in all such instances attribution is given to the copyright holder.
What does this requirement mean for grantees?

- Openly licensed work should include the following:
  - A symbol or device that communicates to users the permissions granted concerning use.
  - A machine-readable code for digital resources.
  - Readily accessed legal terms.
  - A statement of attribution and disclaimer specified in 34 CFR § 75.620(b)

- When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works.

- A grantee or sub-grantee that is awarded competitive grant funds must develop plans to disseminate the work. This plan can be developed after application and selection.
What are the benefits of open licensing?

- The public can use, reuse, modify, and share the openly licensed deliverables.
- The public can prepare derivative works of openly licensed works (i.e., build on, expand, or enhance openly licensed works).
- When using openly licensed copyrightable work, the public must provide attribution to the copyright holder.
- The open licensing requirement promotes enhanced dissemination of deliverables created with Department competitive grant funds to our stakeholders and members of the public.
Exemptions include:

- Grants funding **general operating expenses**
- Grants that provide **financial support for individuals** (scholarships or fellowships)
- Grant deliverables **jointly funded** between the Department and another federal agency if the other federal agency does not require the open licensing of its grant deliverables for the relevant grant program
- Copyrightable works created by the grantee or subgrantee that are **not created using Department funds**
- **Peer-reviewed scholarly work** that arise from any scientific research funded, either fully or partially, from grants awarded by the Department
- Grantees or subgrantees under the **Ready-to-Learn program**
- Grantees or subgrantees excepted from the open licensing requirement by the Secretary on a **case-by-case basis** under 2 CFR § 3474.5 and 2 CFR § 200.102
- Grantees or subgrantees for which compliance with these requirements **would conflict with, or materially undermine the ability to protect or enforce, other intellectual property rights or obligations** of the grantee or subgrantee, in existence or under development.
Let’s Talk Licensing
Applying an Open License

Consider

How do you want the material to be used? Are there any obligations that may affect what type of license you should apply?

Choose

Select the open license that is appropriate for the type of content and has the permissions you want to grant.

Communicate License

Communicate the license on the work, for example with a copyright notice in text with a link to the license.
DISCLAIMER

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Materials with a Creative Commons License indicate the usage rights to their users by using one of six different Creative Commons Licenses.
OER
5R permissions
retain, reuse, revise, remix, redistribute

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<table>
<thead>
<tr>
<th>License Type</th>
<th>User must...</th>
<th>Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC BY</td>
<td>Credit original author.</td>
<td>![cc BY symbol]</td>
</tr>
<tr>
<td>CC BY-SA</td>
<td>Credit author and license adaptations under the same terms.</td>
<td>![cc BY-SA symbol]</td>
</tr>
<tr>
<td>CC BY-NC</td>
<td>Credit author and use work for non-commercial purposes.</td>
<td>![cc BY-NC symbol]</td>
</tr>
<tr>
<td>CC BY-NC-SA</td>
<td>Credit author, use work for non-commercial purposes, and license adaptations under same terms.</td>
<td>![cc BY-NC-SA symbol]</td>
</tr>
</tbody>
</table>
How do I attribute?
EXAMPLE:

“Title [Link to Source]” by Author is licensed under CC-BY-XX [Link to License]
Common Practices for Attributing Open Content

- **Written documents and images:** place the attribution information next to the Creative Commons material or include it as a footer toward the bottom of the page.
- **Slideshows:** include the attribution information as a footer on the bottom of the slide that the work appears on.
- **Videos:** show the attribution information for the material used when it appears on screen.
- **Podcasts:** mention the artist’s name, that the work is under a Creative Commons license during the podcast, and provide full attribution next to where the podcast is available online.
- **Music:** Audio cannot be used if copywritten under CC No Derivatives (CC BY-ND). Audio has very strict copyright restrictions and for more detail, you can view the [webpage here](https://example.com).

Source: “Attributing Openly Licensed Content” by Ashlyne O’Neil et al. is licensed under [CC-BY-NC-SA](https://creativecommons.org/licenses/by-nc-sa/).
Frequently Asked Questions
Frequently Asked Questions

In ambiguous cases or derivative products, how do you determine what’s covered by the requirement?

Do the terms of the rule extend into perpetuity, or does it only apply during the federal grant period?

What is the process of applying for an exception?

What needs to go into the dissemination plan?

What are our options for commercialization?
Thank you!
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