



TITLE: COPYRIGHT AND OPEN LICENSING POLICY

APPLIES TO: All Employees, Contractors and OSPI Grantees

EFFECTIVE DATE: June 6, 2016

APPROVAL: 

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Randy I. Dorn,  
State Superintendent

## PURPOSE

To define the copyright owner for any materials created by Office of Superintendent of Public Instruction (OSPI) employees, contractors, and grantees. To clarify the requirement for open licensing of those materials.

This policy will allow school districts, Educational Service Districts, and members of the public, to realize the educational impact from the substantial investments the state, the federal government, and private foundations have made (and will continue to make) in educational resources created by OSPI employees.

This policy is not retroactive and does not pertain to work created before the effective date on this document.

## POLICY

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***Adapted Works***

All derivative works, adapted by state employees, contractors, or grantees from others’ existing openly licensed resources, must follow the terms of the open license on those materials. The derivative work must be licensed with the least restrictive open license possible that is not in conflict with existing licenses.

**Copyright and Licensing Chart**

<b>Creator</b>	<b>Copyright Holder on Original Works</b>	<b>License Requirement on Original Work</b>	<b>License Requirement on Derivative Works</b>
OSPI Employee	OSPI	<a href="#">Creative Commons Attribution License</a> , version 4.0 or later (CC BY)	Follow the terms of the open license on the adapted materials. The derivative work must be licensed with the least restrictive open license possible that is not in conflict with existing licenses.
OSPI Contractor	OSPI	<a href="#">Creative Commons Attribution License</a> , version 4.0 or later (CC BY)	
OSPI Grantee	Grantee	<a href="#">Creative Commons Attribution License</a> , version 4.0 or later (CC BY)	
OSPI administered grant	OSPI or appropriate Grantor	<a href="#">Creative Commons Attribution License</a> , version 4.0 or later (CC BY) or License determined by grantor	

This policy

- Begins June 6, 2016

Cases where this policy is not applicable:

- Posters/brochures for which a stock image was purchased and that image carries a license that is specific to only one usage of the materials.
- Work that is intended for limited use within the agency.

This policy does not affect retention schedules. Follow the retention schedule for grants, contracts, and OSPI generated materials as directed by your department.

## PROCEDURE FOR AN OSPI EMPLOYEE OR GRANTEE APPLYING AN OPEN LICENSE

1. Ensure all elements of your work (e.g. text, images, charts) are eligible to be shared. This means your work should be one or a combination of the following types:
  - your original work,
  - built from open resources,
  - built from works in the public domain, or
  - built from copyrighted work that you have obtained permission to use
2. Make sure you have provided proper attribution for all elements of the work not created by you. Here are some [best practices for attribution](#).
3. Address any questions with the OSPI chief legal officer or communications office.
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1. Confirm all elements of the contractor's work (e.g. text, images, charts) are eligible to be shared. This means their work should be one or a combination of the following types:
  - Contractor's original work,
  - built from open resources,
  - built from works in the public domain, or
  - built from copyrighted work that the contractor obtained permission to use
2. Confirm the contractor has provided proper attribution for all elements of the work not created by them. Here are some [best practices for attribution](#).
3. When the product is complete and the contractor is ready to apply the open license, the contractor must alert their contract manager, who will go online to the [OSPI Copyright and Open Licensing Tool](#) to generate an open license statement for use on the product.

## DEFINITIONS/RESOURCES

### Work Made for Hire

Section 101 of the [Copyright Act](#) (Title 17 of the U.S. Code) defines a "work made for hire" in two parts:

- a) a work prepared by an employee within the scope of his or her employment or
- b) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas

Works of authorship include the following categories:

- a) literary works;
- b) musical works, including any accompanying words;
- c) dramatic works, including any accompanying music;
- d) pantomimes and choreographic works;
- e) pictorial, graphic, and sculptural works;
- f) motion pictures and other audiovisual works;
- g) sound recordings; and
- h) architectural works.

### Open Educational Resources

Open Educational Resources (OER) are teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and re-purposing by others. The purpose of OER participation is to positively

impact both the teaching and learning process by providing teachers and administrators with cost-effective materials that are available for sharing, accessing, and collaborating for personalized learning.

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## **EXAMPLES**

### **Original Resource Attribution Text**

The [KNOW: HIV/STD Prevention Curriculum Grades 7 and 8](#) developed by [Office of Superintendent of Public Instruction](#) is licensed under a [Creative Commons Attribution 4.0 International License](#).

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### **Adapted Resource Attribution Text**

Except where otherwise noted, Bridge to College Mathematics is licensed under a [Creative Commons Attribution-NonCommercial License](#). This is a derivative work by the Washington [Office of Superintendent of Public Instruction](#) and [State Board for Community and Technical Colleges](#) adapted from the [Southern Regional Education Board Math Ready](#) course, funded by [College Spark Washington](#).

*Note:* Because this work is a collection of resources including non-commercial licensed resources, it needs to retain the CC BY-NC license.

### **Sample iGrant RFP text**

All original resources produced with the Washington Open Educational Resources (OER) grant will be licensed under the [Creative Commons Attribution License](#), version 4.0 or later. All derivative works made from others' existing OER must follow the terms of the open license on those works. Further information on correct attribution and licensing will be provided to all OER grantees.

### **Sample contract text**

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