



VIRGINIA DEPARTMENT OF EDUCATION

REPORT

**OPEN EDUCATION  
CURRICULUM BOARD**

**ANNUAL REPORT TO**

**THE GOVERNOR AND  
THE GENERAL ASSEMBLY**

November 2011



# COMMONWEALTH of VIRGINIA

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Superintendent of Public Instruction

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December 8, 2011

The Honorable Lacey E. Putney, Chairman  
House Appropriations Committee  
Post Office Box 127  
Bedford, Virginia 24523

The Honorable Robert Tata, Chairman  
House Education Committee  
4536 Gleneagle Drive  
Virginia Beach, Virginia 23462

The Honorable Charles J. Colgan, Sr., Chairman  
Senate Finance Committee  
10660 Aviation Lane  
Manassas, Virginia 20110-2701

The Honorable R. Edward Houck, Chairman  
Senate Education and Health Committee  
Post Office Box 7  
Spotsylvania, Virginia 22553-0007

Dear Delegates Putney and Tata and Senators Colgan and Houck:

On behalf of Senator John Watkins, Chairman of the Open Education Curriculum Board, I am pleased to submit the attached annual report, as required by § 2.2-2464 of the *Code of Virginia*. The report details the progress to date of this Board.

If you have questions or require additional information, please do not hesitate to contact Lan Neugent, assistant superintendent for technology, career and adult education, at (804) 225-2757 or via e-mail at [lan.neugent@doe.virginia.gov](mailto:lan.neugent@doe.virginia.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia I. Wright".

Patricia I. Wright

PIW/TM/bjw

Attachment

c: The Honorable Robert F. McDonnell, Governor  
The Honorable Laura Fornash, Secretary of Education



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## EXECUTIVE SUMMARY

The Open Education Curriculum Board (OECB) has met five times in 2011: January 10, March 30, June 6, July 25, and October 17.

During the initial meeting, Senator John Watkins was voted chair of the committee and Joanie Pond was voted vice chair.

Over the course of the five meetings, members of the committee reviewed open education policy issues in a national and local context. Presentations by various experts in the field as well as by local school divisions who are already doing work with open education resources informed the Board about the issues and complexities involved in their task.

To develop an authentic and viable process for the approval and monitoring of open education consortiums, several resources were reviewed including the Virginia Department of Education's textbook review process and multidivision online provider application, criteria and processes. The Virginia Educational Technology Advisory Committee (VETAC) provided suggestions on criteria for excellence that might be considered.

During the first ten months after it was first convened, the Board has acquainted itself with the issues involved in their charge, have considered the various models for implementation, and have charted a course of action for the next year.



## INTRODUCTION

During the 2010 session of the General Assembly, Senator John C. Watkins acted as chief patron of SB 241, a bill introduced to establish an Open Education Curriculum Board. The purpose of the Board is to designate qualifying entities as open education consortiums and set standards for submission of education materials and subsequent licensing of education curriculum developed by the Consortiums. The bill was passed by the 2010 General Assembly and signed by the Governor. The Board consists of ten members, including one representative of an open education nonprofit entity, one textbook publisher, one active teacher, three members of the House, one member of the Senate, the Superintendent of Public Instruction, the Secretary of Education, and the Secretary of Technology. The chair and vice chair are selected by the Board members.

## AUTHORITY FOR THE REPORT

The 2010 legislation added §§ 2.2-2462 through 2.2-2464 to the *Code of Virginia* to establish the Open Education Curriculum Board (see Appendix A for full legislation). The Board was established to develop a process for designating and monitoring Open Education Consortiums and advise the Governor and the General Assembly on open education policies. To fulfill their charge, the Board was given authority to promulgate regulations as needed. An annual report is to be made to the General Assembly regarding the activities of the Board and designated Consortiums.

## BOARD MEMBERS

A Board was assembled and met for the first time on January 10, 2011.

Chair, Senator John Watkins

Vice Chair, Joanie Pond, Pearson Digital Learning

Delegate Richard Anderson

Delegate Betsy Carr

Jim Duffey, Secretary of Technology

Douglas Levin, State Educational Technology Directors Association

Chris McCarney, Chesterfield County Public Schools

Delegate Christopher Peace

Gerard Robinson, Secretary of Education (succeeded by Secretary of Education Laura Fornash at October 17 meeting)

Dr. Patricia I. Wright, Superintendent of Public Instruction



## ACTIVITIES DURING THE REPORTING PERIOD

The Open Education Curriculum Board (OECB) has met five times in 2011: January 10, March 30, June 6, July 25, and October 17. All agendas and minutes for each meeting are included in Appendix B.

### January 10, 2011

During the initial meeting, Senator John Watkins was voted chair of the committee and Joanie Pond was voted vice chair. The complexity of the Board's task became apparent as board members reviewed the legislation and explored a draft work plan provided by Ms. Pond. Chris O'Neal of the University of Virginia made a presentation on the national context of current legislative and policy explorations of open education resources. Adding to the broader view, Douglas Levin provided all members with a report from the National Association of State Boards of Education entitled "Rethinking the State Role in Instructional Materials Adoption: Opportunities for Innovation and Cost Savings."

Also at the initial meeting, Tom Woodward, Assistant Director for Instructional Technology in Henrico County, presented on Henrico County Public School's Electronic Resource Program. That division has encouraged teachers to submit lesson plans focusing on 21<sup>st</sup> century skills and the content is openly available to teachers, students, and parents.

These various presentations provided background to the group about open education resources, their uses in K-12 education, and issues that will be central to the Board's mission. Several Board members commented on the issues based on their varied experiences and backgrounds. Senator Watkins asked the Board to consider these suggestions in preparation for the next meeting.

The agenda and minutes of this meeting are included in Appendix B.

### March 30, 2011

At the March meeting, the Board reviewed recommendations from the Virginia Educational Technology Advisory Committee (VETAC). These recommendations were based on the current multidivision online providers approval criteria. Dr. Patricia Wright, Superintendent of Public Instruction, also summarized the current textbook review process to provide insight as the Board considers how to set criteria for approval of open education consortiums. These two documents provide different paths the Board might take for establishing criteria for Consortium approval as well as plans for monitoring the Consortiums.



Ms. Pond proposed a set of goals be adopted by the Board. However, after discussion, it was determined that the Board needed more information about how current organizations provide open education resources. Several potential presenters were suggested by various Board members from both the nonprofit and for-profit arenas.

The agenda and minutes of this meeting are included in Appendix B.

### **June 6, 2011**

During the June 6 meeting, there were two presentations by organizations that would possibly be considered as open education resource consortiums. The following presenters offered insight into their work:

- Maribeth Luftglass, Allison Calderon, and Derek Kelley discussed Fairfax County Public Schools' Electronic Curriculum Resource Tool (eCart).
- Tameka Hobbs from the Library of Virginia and Matthew Gibson from *Encyclopedia Virginia* spoke on "Assessing Virginia's History on the Web with *Encyclopedia Virginia* and Virginia Memory."

Additionally, Doug Levin explained a current national initiative involving the State Educational Technology Directors Association (SETDA) and the Hewlett Foundation. These two organizations are currently in discussions about issues surrounding distribution of open education resources, which is an area which may be of concern to the Board.

These presentations led to discussions among the Board members regarding the evaluation of resources, copyright issues involved with open education resources, methods of distribution, and metatagging. Senator Watkins suggested that the next meeting include a representative from the Attorney General's Office so that some of the legal issues can be clarified as needed. In the meantime, the Virginia Department of Education staff was charged with developing a draft set of criteria, approval process, and a monitoring process.

The agenda and minutes of this meeting are included in Appendix B.

### **July 25, 2011**

A draft of the Consortium Designation Process was presented for first review at the July meeting by Dr. Tammy McGraw of the Virginia Department of Education. Dr. Kirk Schroder, an entertainment/media attorney, led a discussion on the key points that the Board might wish to include in their final version of the designation process. Carrie Nee, Assistant Attorney General in the Education Section of the Office of the Attorney General, attended this meeting to provide assistance.



The Board discussed the draft criteria and processes in light of the several presentations made in earlier meetings by entities that are currently providing open education resources. Copyright questions were also addressed by Assistant Attorney General Nee. Senator Watkins asked members to review the draft, make note of the questions and concerns, and bring them to the October meeting.

The agenda and minutes of this meeting are included in Appendix B.

### **October 17, 2011**

At the October meeting of the Board, Chairman Watkins noted that he had received a letter from Dr. Patricia Wright, Superintendent of Public Instruction, regarding some concerns about the timely achievement of the Board goals based on regulatory constraints. Anne Wescott, Assistant Superintendent for Policy and Communications, was asked to present to the Board regarding Virginia's regulatory process. The process is a lengthy procedure which generally takes 18 months to two years or longer.

Chairman Watkins then asked Dr. Wright to present the content of her letter to the Board, wherein she describes an alternative process by which the Board could ensure it meets its goals within a more reasonable and flexible time frame.

The Board examined issues within the wording of the legislation and considered the realistic timeline that regulations would entail. After conferring with the Assistant Attorney General who noted that a practical solution would entail a change in the legislation itself, the Board requested that Chairman Watkins introduce legislation to amend the *Code* during the upcoming session to help the Board meet its responsibility to ensure that open education resources are of the highest quality and the most broadly available to educators. To provide continuity, Senator Watkins and Ms. Pond were re-elected to the positions of chair and vice chair.

The draft Open Education Consortium Designation Process was tabled until after the General Assembly session.

The agenda and minutes of this meeting are included in Appendix B.





## **FUTURE MEETINGS**

The first meeting in 2012 was set for May 17, 2012. Tentative dates for future meetings are July 17, August 14, and October 16.



**Appendix A**  
**Legislation**



The Open Education Curriculum Board's purpose is prescribed in the *Code of Virginia*.

**Code of Virginia §§ 2.2-2462 through 2.2-2464:**

**§ 2.2-2462. Definitions.**

"Open Education Consortium (Consortium)" means any entity whose purpose is to solicit and obtain rights to curriculum content from Virginia educators and others for the sole purpose of making such content available to Virginia educators and the public in a variety of authorized licensing arrangements. Consortiums shall be designated by the Open Education Curriculum Board and shall be subject to the requirements and regulations adopted by the Board.

"Tier I content" means educational content, professional development materials, assessment tools, and any other materials related to education instruction submitted to a Consortium and organized, edited, and aligned to Virginia Standards of Learning and offered to the general public for no cost under a Creative Commons license.

"Tier II content" means educational content, professional development materials, assessment tools, and any other materials related to education instruction submitted to a Consortium and organized, edited, and aligned to Virginia Standards of Learning and state assessment requirements based on research-supported scope and sequence. A Consortium may offer incentives to encourage the contribution of content, activities, lesson plans, and other educational materials. Tier II content may be licensed or sold for a reasonable fee.

"Tier III content" means educational content, professional development materials, assessment tools, and any other materials related to education instruction submitted to a Consortium and developed into commercial-grade textbooks and instructional materials suitable for state or local adoption. A Consortium may offer incentives to encourage the contribution of content, activities, lesson plans, and other educational materials. Tier III content may be licensed or sold for a reasonable fee, provided the cost shall not exceed the cost of comparable commercial products.

**§ 2.2-2463. Open Education Curriculum Board; membership; terms; quorum; compensation; staff.**

A. The Open Education Curriculum Board (the Board) is hereby established as a policy board within the meaning of § [2.2-2100](#) in the executive branch of state government. The purpose of the Board shall be to designate qualifying entities as Open Education Consortiums and set the standards for submission of materials and licensing of education curriculum developed by the Consortiums.

B. The Board shall consist of 10 members to be appointed as follows: (i) one representative of an open education nonprofit entity, one representative of a textbook publisher that sells textbooks in the Commonwealth for use in elementary or secondary public schools, and one active elementary or secondary public school teacher, to be appointed by the Governor; (ii) three members of the House of Delegates to be appointed by the Speaker of the House of Delegates; (iii) one member of the Senate to be appointed by the Senate Committee on Rules; and the Superintendent of Public Instruction, the Secretary of Education, and the Secretary of Technology, or their designees, who shall serve *ex officio* with voting privileges. Members of the Board shall be citizens of the Commonwealth.



*C. After the initial staggering of terms, nonlegislative citizen members shall be appointed for terms of two years. Legislative members shall serve terms coincident with their terms of office. The Superintendent of Public Instruction and Secretaries of Education and Technology shall serve a term coincident with their terms of office. Vacancies in the membership of the Board shall be filled in the same manner as the original appointments for the unexpired portion of the term.*

*D. The Board shall annually elect from among its members a chairman and a vice-chairman. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board. A quorum shall consist of six members.*

*E. For each day or part thereof spent in the performance of his duties, each member of the Board shall receive such compensation and reimbursement for his reasonable expenses as provided in § [2.2-2104](#).*

*F. The Board shall adopt rules and procedures for the conduct of its business, including a provision that Board members shall abstain or otherwise recuse themselves from voting on any matter in which they or a member of their immediate family have a personal interest in a transaction as defined in § [2.2-3101](#). The Board shall meet not more than four times a year, and other meetings may be held at any time or place determined by the Board or upon call of the chairman or upon a written request to the chairman by any two members. Except for emergency meetings and meetings governed by § [2.2-3708](#) requiring a longer notice, all members shall be duly notified of the time and place of any regular or other meeting at least 10 days in advance of such meeting.*

*G. The Office of the Attorney General shall render legal services to the Board, as requested.*

*H. Staff for the Board shall be provided by the Department of Education and the Secretary of Technology.*

**§ 2.2-2464. Powers and duties of the Open Education Curriculum Board.**

*The Board shall:*

- 1. Develop an application process for designating Open Education Consortiums in the Commonwealth;*
- 2. Develop reporting requirements for Consortiums to monitor and ensure compliance with this article;*
- 3. Report annually to the General Assembly and the Governor on activities of the Board and the Consortiums;*
- 4. Advise the Governor and the General Assembly on open education policies that have the potential to reduce the cost of textbooks and educational materials in the Commonwealth while maintaining or adding value to the learning experience; and*
- 5. Promulgate any regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of this article.*



**Appendix B**  
**Meeting Agendas and Minutes**



Open Education Curriculum Board Meeting  
Monday, January 10, 2011  
2:00 P.M.  
Department of Education  
James Monroe Building – 22<sup>nd</sup> Floor Conference Room

**AGENDA**

Introduction of Members

Review of the Legislation/Charge of the Committee

Election of Committee Chairman/Vice Chairman

Member Discussion of Open Educational Resources/Conceptual Structure

Presentation of National Status of Open Educational Resources – Chris O’Neal

Presentation on Henrico County Public School’s Electronic Resource Program – Tom Woodward

Public Comments

Schedule of Meetings



**REVISED**

Open Education Curriculum Board Meeting  
January 10, 2011

Virginia Department of Education – James Monroe Conference Room

Committee Members in Attendance

Ms. Joanie Pond, Pearson Digital Learning  
Mr. Chris McCarney, Chesterfield County Public Schools  
Mr. Doug Levin, State Educational Technology Directors Association  
Delegate Betsy Carr  
Senator John Watkins  
Mr. Lan Neugent, Virginia Department of Education (representing Dr. Patricia Wright)  
Ms. Karen Jackson, Deputy Secretary for Technology (representing Mr. Jim Duffey)  
Delegate Christopher Peace

Committee Members not in Attendance

Secretary Gerard Robinson  
Delegate Richard Anderson

Mr. Lan Neugent opened the meeting by welcoming and introducing Committee members.

Review of the Legislation

The cost of textbooks has risen and schools have been looking for alternatives to replace textbooks. At the same time, textbook publishers have been making available electronic versions of the traditional textbook as a resource. The quality of the materials that are being produced vary tremendously. This board has been created as a policy-making board. Our charge is to have entities who would like to be qualified as a consortium come present instructional material to the board for review. The consortium would be looking at the board to provide standards for submission of materials and the licensing of education curricula developed by the Consortium. The legislation does provide a way in which to have entities provide the resources free or, in the case of a non-profit, an amount to cover their cost of development. The board's powers and duties are to adopt rules and procedures. The board is also charged with developing an application process as well as a reporting process for the consortia. We have a requirement to report the activities of the board to the General Assembly and the Governor's office. The board will review policy and have consortiums come forward to find a way to reduce the costs to schools by providing high-quality products based on a three tier system.

Tier 1: Educational content, professional development materials, assessment tools, and any other content available to Virginia educators and the public in a variety of authorized licensing arrangements. Consortiums will be designated by the Open Education



Curriculum Board and will be subject to the requirements and regulations adopted by the board. The content would be offered to the general public at no cost under the creative commons license.

Tier 2: As above in Tier 1, consortiums may offer incentives to help create content and content may be licensed or sold for a reasonable fee.

Tier 3 – As above in Tier 1, content submitted to consortiums for development into commercial-grade quality material that would be suitable for state and local adoption. The cost shall not exceed those of comparable commercial products.

### Charge of the Committee

The first order of business is the election of a Chairman and Vice Chairman.

Delegate Carr nominated Senator Watkins to serve as Chairman. Ms. Joanie Pond seconded the nomination. The nomination was approved unanimously by the board. Senator Watkins agreed to accept the Chairman role for at least the first year but recommends the board should be led by an individual from the private sector after that time.

Ms. Joanie Pond and Mr. Douglas Levin each self-nominated for the position of Vice Chairman. Senator Watkins recommended Ms. Joanie Pond for the role of vice chairman. The nomination was approved unanimously by the board.

### Member Discussion of Open Educational Resources/Conceptual Structure

Ms. Joanie Pond provided the board with a draft work plan outline for review and discussion. The work plan summarized the board’s purpose as a policy board created to recognize qualifying entities as consortiums and set the standards for submission of materials and the licensing of educational curriculum distributed by the consortiums. The three tiers for submitted content are all aligned with the Virginia Standards of Learning as well as the state’s assessment requirements.

Mr. Douglas Levin suggested that further discussion would be helpful to further differentiate the three tiers, particularly with regard to the definition of “free” as this could mean at no cost or proprietary.

Mr. Chris McCarney raised the question of how long the material will be available at no cost and whether or not teachers will be able to modify the material to adapt to the needs of their students.





Delegate Peace discussed the fact that Internet providers such as Verizon are unable to bring broadband into certain communities.

Delegate Carr discussed the ongoing battle with broadband availability and the need to look beyond the digital content and the educational requirements and move forward in implementing these types of materials to all consumers regardless of socioeconomic status.

Senator Watkins suggested making providers find a way to make the technology available to all areas.

A presentation on the National Status of Open Educational Resources (OER) was made to the committee by Mr. Chris O’Neal. According to the National Educational Technology Plan, Open Educational Resources are an important element of an infrastructure for learning and the Department of Education has a role in stimulating the development and use of these resources in ways that address pressing educational issues. Several states, including Virginia, are working to solidify the process. There is a national issue relating to awareness. Questions are raised as to whether or not educators know anything about Open Educational Resources and how to access and manage them. There is a need to put policy in place to guide educators in the vetting and management of resources.

Mr. Douglas Levin provided the committee with a policy update report published by the National Association of State Boards of Education entitled, “Rethinking the State Role in Instructional Materials Adoption: Opportunities for Innovation and Cost Savings.” This report outlines the insights from a forum for State Board of Education members and other state education leaders.

This was the report from a convening of nine states about the future of textbook adoption. Many states have focused on the uses of technology and digital content, but few states have begun to experiment with “open source” content. Open educational resources are free from copyright restrictions or publicly licensed for anyone to use, adapt and redistribute. The resources need to be of high quality and there needs to be an ability to update them to keep pace with new developments, new assessments, and new adoption standards. The resource certainly should be cost effective and engaging. Resources need to engage learners through multiple media types and should be supported by or grow from voluntary, collaborative interstate efforts.

A presentation on Henrico County Public School’s Electronic Resource Program was made by Tom Woodward, Assistant Director for Instructional Technology in Henrico County. Henrico County has a major lesson plan push for 21<sup>st</sup> century lesson plans. Content is available to teachers, students, and parents.



Public Comments: Senator Watkins opened the floor to public comments. No comments were introduced.

Senator Watkins suggested that at the next meeting the board review in more detail the work plan submitted by Ms. Joanie Pond and be prepared to make detailed comments and suggestions.

Mr. Lan Neugent suggested a presentation on the Department of Education's multidivisional virtual school provider application process. There was also discussion on requesting presentations from Pam Moran (DaVinci/English) and also Fairfax County Public Schools.

The tentative meeting schedule was reviewed and the board unanimously accepted the future meeting dates of: March 21, 2011, May 23, 2011, July 18, 2011, and September 19, 2011.

The meeting was adjourned at 3:45 p.m. by Senator Watkins.



Open Education Curriculum Board Meeting  
Wednesday, March 30, 2011  
2:00 P.M.  
Department of Education  
James Monroe Building – 22<sup>nd</sup> Floor Conference Room

**Meeting Agenda**

Approval of the Minutes from January 2011 meeting

Report on Virginia's Proposed Revised  
Textbook Review Process

Dr. Patricia Wright

Criteria for Approval of Open Education Consortiums

Tammy McGraw

Open Education Curriculum Board Draft Work Plan Outline

Joanie Pond

Public Comments

Proposed Change in Meeting Dates:

Change July 18, 2011 to July 25, 2011

Change September 19, 2011 to October 17, 2011

Adjournment



**Open Education Curriculum Board Meeting  
Minutes**

**March 30, 2011**

The Open Education Curriculum Board (OECB) met at the James Monroe State Office Building, Jefferson Conference Room, 22<sup>nd</sup> Floor, Richmond, Virginia.

**Members Present:**

Senator John Watkins, Chair  
Delegate Richard “Rich” Anderson  
Delegate Betsy Carr  
Dr. Patricia Wright, Superintendent of Public Instruction  
Ms. Karen Jackson (Representing The Honorable Jim Duffey, Secretary of Technology)  
Mr. Chris McCarney  
Ms. Joanie Pond

**Members Absent:**

Delegate Christopher Peace  
The Honorable Gerard Robinson, Secretary of Education  
Mr. Douglas Levin

**Department of Education Staff Present:**

Mr. Lan Neugent, Assistant Superintendent for Technology, Career & Adult Education  
Dr. Tammy McGraw, Director, Office of Educational Technology

**Welcome**

Senator Watkins called the meeting to order at 2:03 p.m.

**Approval of Minutes**

A motion was made to approve the revised version of the January 20, 2011, meeting minutes. The motion was seconded and carried unanimously. Copies of the minutes had been distributed to all board members.

**Criteria for Approval of Open Education Consortiums**

Dr. Tammy McGraw presented recommendations made by the Virginia Educational Technology Advisory Committee (VETAC) regarding approval criteria for the Open Education Consortiums. A handout was provided.



VETAC is a committee that has representation from several organizations across the Commonwealth including professional organizations, small, medium and large school divisions, and others that have an interest in educational technology issues in Virginia. The purpose of the committee is to advise the Superintendent of Public Instruction and the Virginia Board of Education on matters related to educational technology. The committee was asked to provide input and suggestions of areas the Open Education Curriculum Board may wish to consider in approving Consortiums. The criteria were broken down into the following categories:

- Educational Quality
- SOL Alignment
- Accessibility
- Free from Advertisement
- Searchability
- Copyright Clearance
- Organizational Stability
- Security
- Regular Review
- Technical Support
- Professional Development
- Costs Designated
- Licensing

The VETAC members were most concerned about the quality of content and searchability.

Mr. Lan Neugent remarked that the criteria were offered as a point of departure and there is no suggestion that these be considered as the final criteria.

Dr. Wright clarified that the considerations from VETAC were similar to the criteria that the Virginia Board of Education approved for Multidivision Online Providers.

Senator Watkins expressed a concern that not all school systems have high-speed Internet access and that there is a need to look at other alternatives that would allow all students access to the content.

Ms. Jackson reported to the OECB that in collaboration with Mr. Neugent, there is a plan to assess Internet capability in school divisions beginning this spring. This information will be reported back to the OECB upon completion.



### Report on Virginia's Textbook Review Process

Dr. Patricia Wright, superintendent of public instruction, gave a report on Virginia's textbook review process. A handout was distributed that details Virginia's textbook review process as approved by the Virginia Board of Education on March 24, 2011.

Dr. Wright reported that the Virginia Board of Education recognized that the primary responsibility for ensuring the quality of the content has to rest with the publishers with oversight by the Virginia Department of Education and the Virginia Board of Education. In meeting with publishers and talking with school division representatives, there was general agreement to place this primary responsibility on the publishers. The publisher will certify that certain conditions have been met prior to approval and attest to an agreement that if the textbooks are placed on a Board-approved list and should errors be detected after the approval process that corrective action will take place immediately to make the necessary correction. The agreement provides for due process to ensure that publishers have a chance to appeal whether or not an error is actually an error. It is the responsibility of the publisher to provide the factual basis and credible resources to back up the facts. The *Constitution of Virginia* gives authority to the Virginia Board of Education for approving instructional materials. As a part of the certification process, publishers are asked to provide information with regard to the authors and editors and their backgrounds in addition to three content review experts. Two of the experts must have an advanced degree in their field and one must be a classroom teacher.

Once a publisher submits the certification agreement, textbooks submitted go through a review process. It is important to have K-12 educators on content review committees that the Department organizes. The committee will be looking for Standards of Learning (SOL) correlation and the teachability of the material. The Virginia Department of Education will then make recommendations to the Virginia Board of Education on a recommended list.

Once the Virginia Board of Education adopts the recommended textbook list, it will go out for public comment for 30 days. The Virginia Board of Education will then make a final decision. After that, the responsibility of adopting the textbook and the ordering of materials rests with the local school boards. Publishers need to ensure that school divisions have the option of purchasing electronic and paper copies of the materials.

When there are updates to the approved materials, the Virginia Department of Education needs to be notified to ensure that the same certification applies to updates as for the original materials adopted by the Virginia Board of Education. The Virginia Board of Education has delegated authority to the Superintendent of Public Instruction to institute a corrective action plan in the event of errors in materials. If there are serious or egregious errors, the Superintendent would take this information to the Virginia Board of Education who can ultimately decide whether further action is needed such as withdrawal from the approved list. It would be helpful for the members of the OECB to review Virginia's Textbook Adoption Review Process.



### **Open Education Curriculum Board Draft Work Plan Outline**

Ms. Joanie Pond, representing Pearson, presented the Open Education Curriculum Board Draft Work Plan Outline. A handout was distributed of the draft work plan for board consideration.

Items presented for discussion and consideration to establish the Open Education Curriculum Board's core goals are listed below:

- Ensure that entities identified and recognized as "Consortiums" are made up of a collaborative partnership between a variety of entities to discourage any single organization being approved as a Consortium. The OECB should consider requesting presentations from the stakeholders.
- Determine if incentives will be provided for the development of content aligned to the Virginia curriculum standards. The OECB may find it useful to hear from division superintendents on this matter.
- Establish parameters of the three tiers and how it will be determined which content goes into each tier.
- Define recommended minimal requirements for accessing and distributing content. The OECB should continue to evaluate existing digital content implementations.

Senator Watkins recommended having representatives from the Library of Virginia, the Virginia Historical Society, the Prince William County school division, and public broadcast stations make presentations before the OECB. Senator Watkins requested a meeting to include Delegate Anderson and Lan Neugent to develop a list of possible presentations for future meetings. Lan Neugent reported that representatives from the Library of Virginia were unable to make a presentation at today's meeting but have asked to be on the agenda for the meeting in May. The OECB members agreed with the direction outlined by Senator Watkins who also recommended inviting corporate providers to present before the Open Education Curriculum Board. Ms. Pond recommended Dr. Kirk Schroder, and she will contact him in this regard.

### **Proposed Change in Future Meeting Dates**

Senator Watkins introduced two proposed changes to currently established meeting dates. The proposed changes were to move the July meeting to Monday, July 25 and the September meeting to Monday, October 17. The board members were in mutual agreement of these changes.

### **Request for Public Comment**

Senator Watkins opened the floor for public comment. There were no comments.



**Adjournment**

There being no further business before the board, Senator Watkins adjourned the meeting at 3:19 p.m.





Open Education Curriculum Board Meeting  
Monday, June 6, 2011  
2:00 P.M.  
Department of Education  
James Monroe Building – 22<sup>nd</sup> Floor Conference Room

**Meeting Agenda**

Approval of the Minutes from meeting held March 30, 2011

Fairfax County Public Schools Presentation:  
eCART

Allison Calderon  
Derek Kelley  
Maribeth Luftglass

Resource Distribution Engine

Lan Neugent

Library of Virginia/*Encyclopedia Virginia* Presentation:  
Virtual Virginia: Assessing Virginia's History on the Web  
with *Encyclopedia Virginia* and Virginia Memory

Tameka Hobbs  
Matthew Gibson

Criteria for Approval of Open Education Consortiums

Tammy McGraw

Regulation Proposal

Lan Neugent

Discussion

Public Comments

Adjournment



**Open Education Curriculum Board Meeting  
Minutes**

**June 6, 2011**

The Open Education Curriculum Board (OECB) met at 2 p.m. in the James Monroe State Office Building, Jefferson Conference Room, 22<sup>nd</sup> Floor, Richmond, Virginia.

**Members Present:**

Senator John Watkins, Chair

Delegate Betsy Carr

Dr. Patricia Wright, Superintendent of Public Instruction

Ms. Karen Jackson (Representing The Honorable Jim Duffey, Secretary of Technology)

Mr. Chris McCarney

Ms. Joanie Pond

Mr. Douglas Levin

**Members Absent:**

Delegate Richard “Rich” Anderson

Delegate Christopher Peace

The Honorable Gerard Robinson, Secretary of Education

**Department of Education Staff Present:**

Mr. Lan Neugent, Assistant Superintendent for Technology, Career & Adult Education

Dr. Tammy McGraw, Director, Office of Educational Technology

Mrs. Jean Weller, Educational Technology Specialist, Office of Educational Technology

**Approval of Minutes:**

A motion was made to approve the March 30, 2011, meeting minutes as printed and distributed to all board members. The motion was seconded and carried unanimously.

**Fairfax County Public Schools Presentation: Electronic Curriculum Resource Tool (eCart):**

Ms. Maribeth Luftglass, Ms. Allison Calderon, and Mr. Derek Kelley made a presentation to the board on Fairfax County Public Schools’ Electronic Curriculum Resource Tool (eCart).

Ms. Luftglass explained that eCart was developed in a partnership between Fairfax County Public Schools and business partners. eCart is a resource for teachers and administrators, giving Web-based access to Fairfax County Public Schools’ assessments, resources, and tools that support teaching and learning. The product that has been developed represents a public-private partnership. Portions of the application were developed in-house by Fairfax County Public Schools in partnership with Northrop



Grumman who designed the assessment engine as a donation to Fairfax County, and Blackboard who provided the search engine. There are three primary components:

- Curriculum repository containing instructional resources
- System access utilizing Blackboard as the learning portal
- Reporting applications which serve as an information dashboard

In response to questions regarding the approval process for repository resources, Ms. Luftglass explained that curriculum specialists have the final approval as to what goes into the curriculum repository. Items do not get placed into the repository until they are tagged. They are tagged against the standard benchmarks and indicators and are directly tagged to the curriculum that is also aligned with Virginia Standards of Learning (SOL).

In response to a question regarding the server space for eCart, Ms. Luftglass explained that Fairfax County hosts eCart inside its data center.

#### **Resource Distribution Engine:**

Mr. Lan Neugent addressed the challenge of the board regarding the distribution of resources as they become available. The State Educational Technology Directors Association (SETDA) has been working with the Hewlett Foundation in discussions about issues surrounding distribution of open education resources. Mr. Neugent asked Mr. Douglas Levin to provide the board with a general overview of this project. Mr. Levin explained that SETDA and the Hewlett Foundation have been exploring the issue of the distribution of open education resources. The major search engines (Bing, Google and Yahoo) will come to an agreement on content description so that each engine can present the results of searches in a more useful way.

#### **Library of Virginia/Encyclopedia Virginia Presentation:**

Ms. Tameka Hobbs from the Library of Virginia and Mr. Matthew Gibson from *Encyclopedia Virginia* made a joint presentation to the board entitled “Assessing Virginia’s History on the Web with *Encyclopedia Virginia* and Virginia Memory.” Handouts were provided to board members. An overview of what is currently available was presented. The core educational attributes of Virginia Memory and *Encyclopedia Virginia* are:

- Authoritative and accessible
- Aligned to Virginia SOL
- Primary documents and dynamic media
- Professional development materials at no cost

Virginia Memory is modeled closely to the American Memory site from the Library of Congress and is a way of offering library patrons access to the digitized materials in the collections. The Library also participates in the National Newspaper Digitization Project and has contributed over 200,000 pages of Virginia titled material. Other features of the Virginia Memory Web site include This Day in Virginia History. An additional feature is



the Online Classroom and the Shaping the Constitution resources from the Library of Virginia and the Library of Congress project.

*Encyclopedia Virginia* is an online publication of the Virginia Foundation for the Humanities. This resource develops the civic, cultural, and intellectual life of the Commonwealth by creating learning opportunities for all Virginians. The publication was launched in 2008 and currently contains approximately 540 entries and 1,169 media objects. The *Encyclopedia* allows for browsing by SOL categories.

**Criteria for Approval of Open Education Consortiums:**

Mr. Lan Neugent reported to the board that work continues on developing the policy document and reviewing the criteria information that was recommended by the Virginia Educational Technology Advisory Board (VETAC) and presented at the last meeting of the Open Education Curriculum Board by Dr. Tammy McGraw. The plan is to finalize a document for presentation at the next meeting of this board.

Dr. Wright suggested that board members refer to the minutes from the March 30, 2011, meeting which outlines the criteria recommended by VETAC. Senator Watkins recommended that this item and further discussions of this topic be tabled until the next meeting of the board on July 25, 2011.

**Discussion:**

Senator Watkins requested that a representative from the Attorney General's Office and Dr. Kirk Schroder be asked to attend the next meeting to provide further guidance related to the distribution of resources. Mr. Neugent will make the appropriate contacts.

**Request for Public Comment:**

Senator Watkins opened the floor for public comment. There were no comments.

**Adjournment:**

There being no further business before the board, Senator Watkins adjourned the meeting at 4:17 p.m.



Open Education Curriculum Board Meeting  
Monday, July 25, 2011  
2 P.M.  
Department of Education  
James Monroe Building – 22<sup>nd</sup> Floor Conference Room

**Meeting Agenda**

Approval of the Minutes from meeting held June 6, 2011	Chairman Watkins
First Review of Virginia’s Open Education Consortium Designation Process	Lan Neugent
First Review of Open Education Curriculum Board Regulations Document	Kirk Schroder
Schedule for 2012 Open Education Curriculum Board Meetings April 16, 2012 June 11, 2012 August 13, 2012 October 15, 2012	Chairman Watkins
Election of Chairman/Vice Chairman for 2012	Chairman Watkins
Agenda Items for Next Meeting	Chairman Watkins/ New Chairman
Discussion	
Public Comments	



**Open Education Curriculum Board Meeting  
Minutes**

**July 25, 2011**

The Open Education Curriculum Board (OECB) met at 2 p.m. in the James Monroe State Office Building, Jefferson Conference Room, 22<sup>nd</sup> Floor, Richmond, Virginia.

**Members Present:**

Senator John Watkins, Chair

Delegate Betsy Carr

Delegate Richard “Rich” Anderson

Mr. Lan Neugent (Representing Dr. Patricia Wright, Superintendent of Public Instruction)

The Honorable Jim Duffey, Secretary of Technology

Mr. Douglas Levin

Mr. Chris McCarney

Ms. Joanie Pond

**Members Absent:**

The Honorable Gerard Robinson, Secretary of Education

Delegate Christopher Peace

**Department of Education Staff Present:**

Mrs. Anne Wescott, Assistant Superintendent for Policy and Communications

Ms. Michelle Vucci, Director, Office of Policy

Mrs. Jean Weller, Educational Technology Specialist, Office of Educational Technology

**Approval of Minutes:**

A motion was made to approve the June 6, 2011, meeting minutes as printed and distributed to all board members. The motion was seconded and carried unanimously.

**First Review of Open Education Curriculum Board Regulations Document:**

Dr. Kirk Schroder presented the board with a discussion outline of key points to consider for the drafting of regulations by the Virginia Open Education Curriculum Board. The three key areas outlined are:

1. Creating an incentive to submit content.
2. Organizing the submitted content.
3. Establishing a common platform for making the submitted content available.



The Open Education Curriculum Board received suggestions from Dr. Schroder to adopt policies that:

1. Encourage creation of education materials that will be made available for use by Open Education Consortiums.
2. Encourage the creation of Consortiums to develop, organize, and make education materials available.
3. Pursue policies that have the potential of reducing the cost of textbooks and educational materials.

**First Review of Virginia’s Open Education Consortium Designation Process:**

Mr. Lan Neugent presented the board with the First Review of Virginia’s Open Education Consortium Designation Process. The legislation mandates that the board have an application process in place for the review of open education resources. Following the board’s approval of criteria for designating qualifying entities and the Virginia Open Education Review Process, the Department of Education will request Consortiums to submit applications for review and approval. The Open Education Curriculum Board will consider the review committee’s recommendations and determine whether an application should receive OECB-Designated Consortium status and which tier level it meets. Once approved as an OECB-Designated Consortium, Consortiums may make their resources available on the Internet or through printed media. The Open Education Curriculum Board will receive public comment and/or written comment concerning approved Consortiums to follow adherence to OECB-approved criteria. If the criteria are not met, Consortiums will be required to submit a corrective action plan for consideration.

Senator Watkins recommended the board review the document and bring comments at the next meeting on October 17, 2011. Senator Watkins recommended the Office of the Attorney General review the document and provide representation at all future board meetings. Carrie Nee, Office of the Attorney General, was in attendance at the July 25, 2011, meeting and reported to the board that she or another staff member from the Office of the Attorney General will be permanently assigned to this board to provide counsel.

**Schedule for 2012 Open Education Curriculum Board Meetings:**

The meeting dates for 2012 will be as follows:

- April 16, 2012
- June 11, 2012
- August 13, 2012
- October 15, 2012

**Agenda Items for Next Meeting (October 17, 2011):**

Board members were asked to review the documents presented at the July 25, 2011, meeting and bring their comments and suggestions to the October 17, 2011, meeting for further discussion.



**Election of Chairman/Vice Chairman for 2012:**

Senator Watkins recommended that this item be tabled until the next meeting scheduled October 17, 2011.

**Request for Public Comment:**

Senator Watkins opened the floor for public comment. There were no comments.

**Adjournment:**

There being no further business before the board, Senator Watkins adjourned the meeting at 3:55 p.m.





Open Education Curriculum Board Meeting  
Monday, October 17, 2011  
2 P.M.  
Department of Education  
James Monroe Building – 22<sup>nd</sup> Floor Conference Room

**Meeting Agenda**

Approval of the Minutes from meeting held July 25, 2011	Chairman Watkins
Overview of the APA Process	Anne Wescott
Promulgating Regulations	Chairman Watkins
Virginia Open Education Consortium Designation Process	Lan Neugent
Report to Governor/General Assembly	Tammy McGraw/ Jean Weller
2012 Agenda Item Development	Chairman Watkins
2012 Meeting Schedule	Chairman Watkins
Election of Chairman/Vice Chairman	Chairman Watkins
Discussion	
Public Comments	
Adjournment	



Open Education Curriculum Board Meeting  
Minutes

October 17, 2011

The Open Education Curriculum Board (OECB) met at 2 p.m. in the James Monroe State Office Building, Jefferson Conference Room, 22<sup>nd</sup> Floor, Richmond, Virginia.

**Members Present**

Senator John Watkins, Chair  
Delegate Betsy Carr  
Delegate Richard “Rich” Anderson  
The Honorable Jim Duffey, Secretary of Technology  
Dr. Patricia Wright, Superintendent of Public Instruction  
Mr. Douglas Levin  
Mr. Chris McCarney  
Ms. Joanie Pond

**Members Absent**

The Honorable Laura Fornash, Secretary of Education  
Delegate Christopher Peace

**Department of Education Staff Present**

Mrs. Anne Wescott, Assistant Superintendent for Policy and Communications  
Mr. Lan Neugent, Assistant Superintendent for Technology, Career and Adult Education  
Ms. Michelle Vucci, Director, Office of Policy  
Dr. Tammy McGraw, Director, Office of Educational Technology  
Mrs. Jean Weller, Educational Technology Specialist, Office of Educational Technology

**Overview of the APA Process**

Mrs. Anne Wescott addressed the Board and provided an overview of Virginia’s regulatory process. Board members were given two handouts; (1) Standard Regulatory Process developed by the Virginia Department of Planning and Budget Economic and Regulatory Analysis Division. This document outlines the regulatory review process as required by the Administrative Process Act (§ 2.2-4000 et seq. of the *Code of Virginia*) and the Governor’s Executive Order Number 14 (2010): Development and Review of Regulations Proposed by State Agencies, and (2) letter from Dr. Patricia Wright to Chairman Watkins.

**Promulgating Regulations**

Chairman Watkins referred Board members to the letter from Dr. Patricia Wright. The letter suggested an alternative of going through the entire regulatory process. Instead, the Board might want to adopt criteria by which the consortia would be evaluated, and a process and procedures the Board would follow to evaluate consortia. This option would



likely require legislation to amend the Board's enabling legislation, which requires the Board to promulgate regulations.

Chairman Watkins requested Ms. Carrie Nee from the Office of the Attorney General address the Board regarding the requirements for the Board to promulgate regulations. As §§ 2.2-2465 and 2.2-2464 of the *Code* are currently written, regulations would be necessary to carry out the provision of the legislation. A practical solution would be going back to the General Assembly to seek revisions as to how the Board is to operate.

Dr. Kirk Schroder addressed the Board, following up on his presentation from July 25, 2011, and commented on the legislative process and the public policy role of the Board.

A motion was made and seconded that Chairman Watkins introduce legislation to amend the *Code* during the 2012 session of the General Assembly. The motion was approved unanimously.

#### **Virginia Open Education Consortium Designation Process**

This discussion was tabled.

#### **Report to the Governor/General Assembly**

Mrs. Jean Weller presented the Board with the logistical issues regarding the preparation and editing process for the report required to be submitted to the Governor and the General Assembly. Chairman Watkins requested the draft report be reviewed by the Board members with a final review by Chairman Watkins prior to submission.

#### **2012 Agenda Item Development**

The 2012 agenda will depend on the submission of the legislation and the approval of the requested change.

#### **2012 Meeting Schedule**

Chairman Watkins presented a revised meeting schedule for 2012. The first meeting will be May 17, 2012. Tentative dates for other future meetings are July 17, August 14, and October 16.

#### **Election of Chairman/Vice Chairman**

Delegate Carr made a motion for the re-nomination of Senator Watkins as Chairman and Joanie Pond as Vice Chairman of the Open Education Curriculum Board. The motion was seconded and carried unanimously.

#### **Public Comment**

Dr. Kirk Schroder addressed the Board. It is his interpretation of the legislation that a consortium does not apply for a tier and has the right to make a decision of a tier level.

#### **Adjournment**

The meeting adjourned at 3:40 p.m.