



OFFICE OF
Educational Technology

The Department of Education Open Licensing Requirement

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Office of Educational Technology • US Department of Education

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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

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FREE

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

The 5 Rs

RETAIN

Right to make, own, and control copies of the content

REUSE

Right to use the content in a wide range of ways

REVISE

Right to adapt, adjust, modify, or alter the content itself

REMIX

Right to combine the original or revised content with other material to create something new

REDISTRIBUTE

Right to share copies of the original content, your revisions, or your remixes with others

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



Office of Ed Tech

The Office of Educational Technology (OET) provides leadership for maximizing technology's contri...

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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 (Department'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?

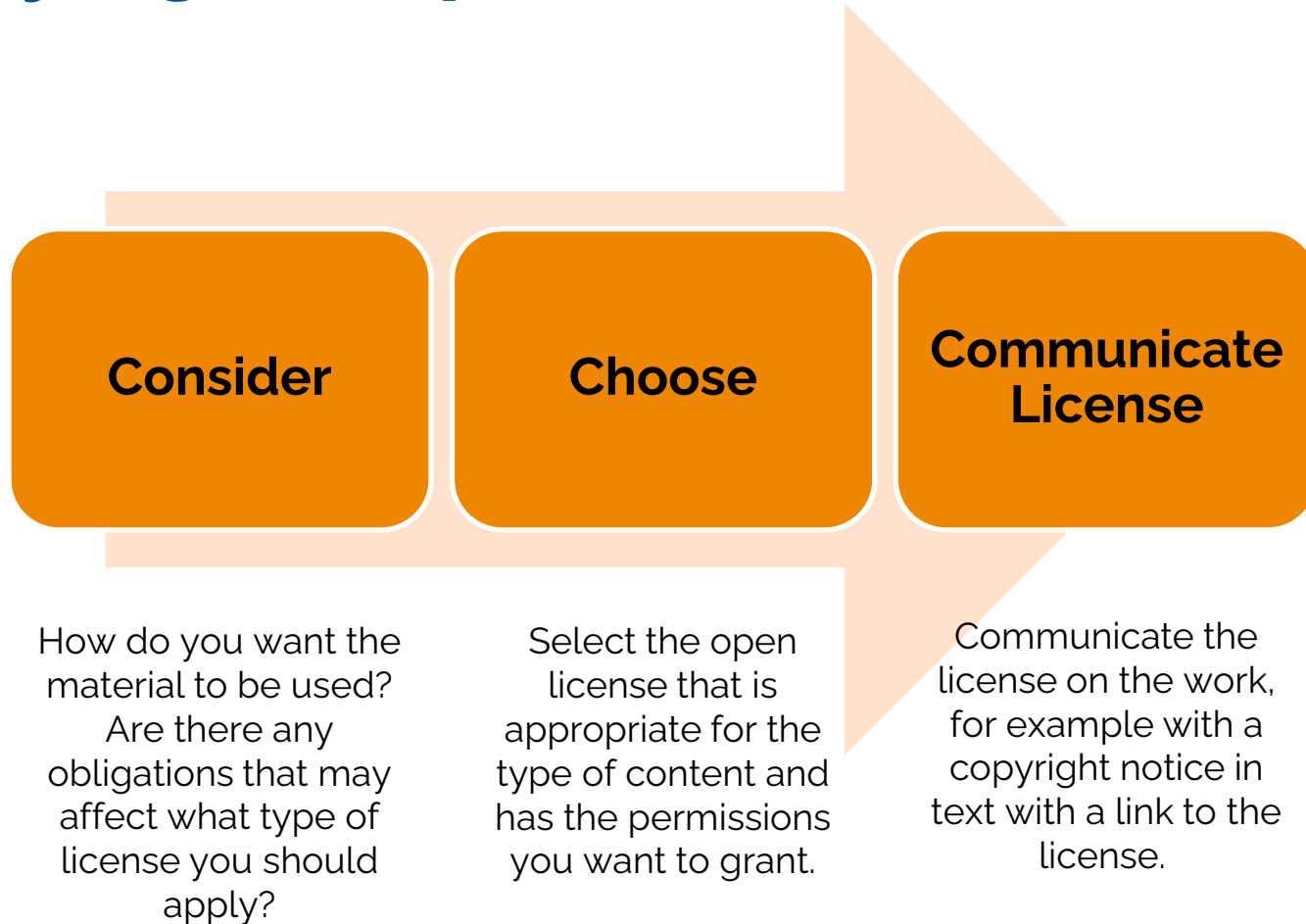
- The public can use, reuse, modify, and share the openly licensed deliverables.
- The public can prepare derivative works of openly licensed works (i.e., build on, expand, or enhance openly licensed works).
- When using openly licensed copyrightable work, the public must provide attribution to the copyright 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



DISCLAIMER

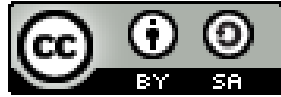
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most
open







OER

5R permissions

retain, reuse, revise,
remix, redistribute

most
closed

License Type	User must...	Symbol
CC BY	Credit original author.	 The symbol for the CC BY license, featuring the CC logo, a person icon, and the letters 'BY' below.
CC BY-SA	Credit author and license adaptations under the same terms.	 The symbol for the CC BY-SA license, featuring the CC logo, a person icon, a circular arrow icon, and the letters 'BY SA' below.
CC BY-NC	Credit author and use work for non-commercial purposes.	 The symbol for the CC BY-NC license, featuring the CC logo, a person icon, a crossed-out dollar sign icon, and the letters 'BY NC' below.
CC BY-NC-SA	Credit author, use work for non-commercial purposes, and license adaptations under same terms.	 The symbol for the CC BY-NC-SA license, featuring the CC logo, a person icon, a crossed-out dollar sign icon, a circular arrow icon, and the letters 'BY NC SA' below.

How do I attribute?

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TASL
Title
Author
Source
License

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](#).

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?

Q & A

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Thank you!



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