

United States Senate

WASHINGTON, DC 20510

August 2, 2018

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary DeVos:

We are pleased that the Department of Education is seeking applications from institutions of higher education for grants under the Open Textbooks Pilot (Pilot). At the same time, we have concerns about the Department's implementation to date and plans for making awards. We urge the Department to take additional steps to ensure that its implementation of the Pilot is most effective at achieving savings for students.

On May 2, Frank Brogan, then delegated the duties of Assistant Secretary for Postsecondary Education, provided an update on the Department's implementation of the Pilot. He noted that the Department would soon be publishing a Notice Inviting Public Comment in order to solicit feedback and, presumably, gather expert opinions on the implementation. At some point later, and without clarifying publicly, the Department determined that it would not seek public comment.

Instead, the Department conducted "limited" consultation with "representatives of publishing companies, college book stores, the Task Force on Apprenticeship Expansion, the American Council of Community College Trustees, American Association of Community Colleges, the U.S. Chamber of Commerce Foundation, and other institutions of higher education that participated in conferences or meetings where Department staff were in attendance." Experts from organizations representing the open educational resources community (OER) or officials from states that have implemented successful open textbook programs are inexplicably absent from this list. But this expertise is critical to ensuring that the limited funds Congress provided for the pilot are used most efficiently and effectively to achieve savings for students. We urge the Department to select experts from the OER community as peer reviewers to evaluate grant applications under the Pilot.

In its notice inviting applications, the Department revealed that it plans to award between one and three grants. While we recognize that many small awards may not provide the resources necessary for a project to be successful, we also believe there are risks to making just one or two large grants. With fewer grants, the stakes of each project become higher. Fewer grants could also limit stakeholder participation and the reach of the grant's impact. We urge the Department to carefully consider these risks before putting all of its eggs in one basket.

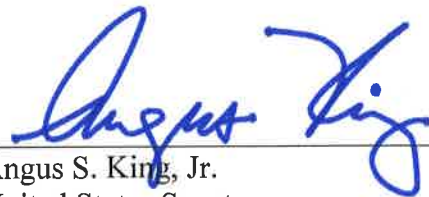
The Department's notice also lays out a "Competitive Preference Priority" by which applications will receive additional points. Under this priority, the Department asks projects to integrate technology-based strategies for assessment and monitoring individual performance into open textbooks. We request that the Department clarify that technologies integrated with open textbooks as part of this priority are subject to the same licensing terms as open textbooks as defined in the notice. Otherwise, the Department will be incentivizing projects to include technologies which may be necessary for the effective use of the open textbooks, but actually cost students money – thereby, not providing the greatest possible savings to students.

Thank you for your consideration. We look forward to continuing to work with you on implementation of the Open Textbooks Pilot and your prompt response.

Sincerely,



Richard J. Durbin
United States Senator



Angus S. King, Jr.
United States Senator



Tina Smith
United States Senator