

Congress of the United States

Washington, DC 20510

October 12, 2018

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

Dear Secretary DeVos:

We write today as part of our continued interest in the Department of Education's implementation of the Open Textbook Pilot.

We are pleased that the Department has awarded FY 2018 funds as part of the Pilot. The winning project—receiving \$4.9 million and led by the University of California (UC)-Davis—seeks to build on the existing LibreTexts Project to “create an open online set of textbooks and other materials that can be used across the undergraduate and career technical education curriculum.” Among other goals, the project sets out to create the first zero textbook cost option for an American Chemical Society-certified curriculum for a Bachelor's degree in chemistry. As part of the project, UC-Davis has partnered with institutions in Michigan, Indiana, Arkansas, and Maryland – in addition to two community college districts in California.

While we look forward to the success of this project in achieving savings to students, we noted in our August 2 letter that there were risks associated with the Department “putting all of its eggs in one basket” by awarding a single grant. As a result, along with appropriating an additional \$5 million for the Pilot in the Fiscal Year (FY) 2019 Department of Defense and Labor-Health and Human Services, and Education Appropriations and Continuing Appropriations Act (P.L. 115-245), House Report 115-952 makes clear Congress' intent that the Department make at least 20 new grants with the additional funds. Individual grants should amount to between \$100,000 and \$1,000,000. This will help to engage more institutions of higher education throughout the country and help to broaden the impact of the federal investment on students.

Congress laid out further expectations and directives for the Department's implementation of the Pilot in FY 2019 in House Report 115-952, as well as Senate Report 115-289, including that the Department:

- Conduct a new competition to award FY 2019 Pilot funds;
- Give institutions of higher education at least 60 days to apply for FY 2019 Pilot funds;
- Award funds to one or a group of institutions of higher education for creating new open textbooks for use by students in courses, especially those with high enrollments, that are part of a degree granting program and for expanding the use of open textbooks in such courses;
- Allow funds to be used for professional development for faculty and staff at institutions of higher education, creation or adaptation of open textbooks, development or improvement of tools and informational resources that support the use of open textbooks—including accessible materials for students with disabilities, research evaluating the efficacy of the use of open textbooks for achieving savings for students and the impact on instruction and student learning outcomes, and partnerships with other entities to carry out any of these activities;
- Require any tools, technologies, or other resources created, developed, or improved wholly or in part with Pilot funds for use with an open textbooks be licensed under a worldwide, non-exclusive, royalty-free, perpetual, and irrevocable license to the public to exercise any of the rights under copyright conditioned only on the requirement that attribution be given as directed by the copyright owner;
- Require grant recipients to report to the Secretary regarding the effectiveness of the project in expanding the use of open textbooks and in achieving savings for students, the impact of the project on expanding the use of open textbooks at institutions of higher education outside of the institutions receiving the grant, open textbooks created or adapted under the grant—including instructions on where the public can access each open textbook, the impact of the project on instruction and student learning outcomes, and all project costs – including the value of any volunteer labor and institutional capital use of the projects; and
- Make such reports available to the public.

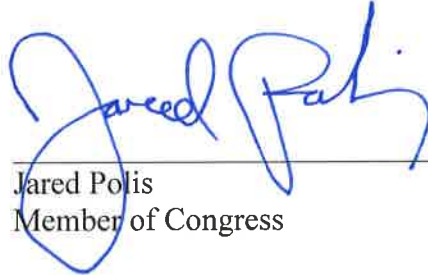
With its investment of an additional \$5 million in the Open Textbooks Pilot, Congress continues to meet the calls of students across the country struggling to pay for their post-secondary course materials. With the language contained in Senate Report 115-289 and House Report 115-952, Congress laid out its clear intent for how that additional investment should be carried out by the Department. We ask you to confirm that the Department will respect Congressional Intent and abide by these key criteria.

We look forward to continuing to work with you to ensure that this Pilot achieves the highest level of savings for students as possible. We look forward your prompt response. Thank you.

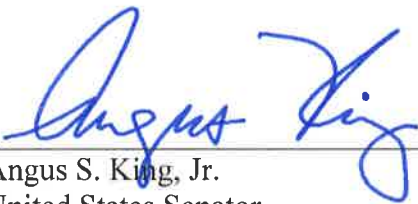
Sincerely,



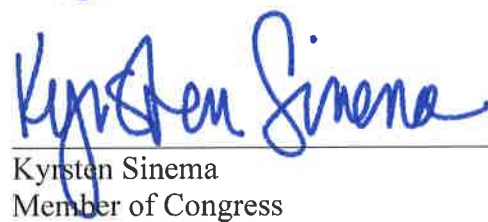
Richard J. Durbin
United States Senator



Jared Polis
Member of Congress



Angus S. King, Jr.
United States Senator



Kyrsten Sinema
Member of Congress



Tina Smith
United States Senator

cc: The Honorable Roy Blunt, Chairman, Senate Appropriations Subcommittee on Labor,
Health and Human Services, Education, and Related Agencies
The Honorable Patty Murray, Ranking Member

The Honorable Tom Cole, Chairman, House Appropriations Subcommittee on Labor,
Health and Human Services, Education, and Related Agencies
The Honorable Rosa DeLauro, Ranking Member