

Congress of the United States

Washington, DC 20510

April 18, 2018

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

Dear Secretary DeVos:

As the authors of the Open Textbooks Pilot¹ included in the Fiscal Year (FY) 2018 Consolidated Appropriations Act (Public Law 115-41), we write today to share our intent behind the \$5 million in funding Congress provided for this new competitive grant program.

Textbooks are one of the most overlooked costs of going to college, but they can be substantial and create an unnecessary barrier to attaining a college education. Unlike tuition and other costs associated with college, students often feel textbook costs up front. The College Board estimates that the average student at a four-year public institution of higher education spent \$1,250 on college books and supplies during the 2017-18 academic year and students at community colleges spent \$1,420. A single book can often cost hundreds of dollars.

According to the Bureau of Labor Statistics Consumer Price Index, textbook prices increased by nearly 90 percent between 2006 and 2016. As a result of these high costs, some students do not purchase required course materials – putting themselves at an academic disadvantage. A survey by U.S. PIRG found that 65 percent of students decided not to buy a textbook because of the cost and 94 percent of those students worried it would negatively affect their grade.

Open textbooks, on the other hand, are licensed under an open license and available free of charge to the public. This allows professors, students, researchers, and others to freely access these materials as a supplement or alternative to traditional textbooks. States that have invested in open textbooks have found that the savings for students can be up to ten times the original investment. Accordingly, the \$5 million federal investment Congress made in FY 2018 could save students an estimated \$50 million if implemented and spent properly by the Department of Education.

¹ 164 CONG. REC. H2,045-H2,902 (daily ed. Mar. 22, 2018) (explanatory statement submitted by Mr. Frelinghuysen, Chairman of the House Committee on Appropriations, regarding the House Amendment to Senate Amendment on H.R. 1625). See 164 CONG. REC. H2,706 (daily ed. Mar. 22, 2018) for discussion of the Open Textbooks Pilot.

As the Department begins the implementation process, we want to be very clear about key conditions that it must meet. In implementing and carrying out the Open Textbooks Pilot, the Department must:

- Provide the full \$5 million designated by Congress to the Open Textbooks Pilot;
- Provide grants, through a competitive process, to traditional institutions of higher education for projects that create new open textbooks for use by students in courses that are part of a degree granting program and expand the use of open textbooks in such courses in order to achieve savings for students while maintaining or improving instruction and student learning outcomes;
- Require that any open textbooks created with grant funds be licensed under a nonexclusive, 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; and
- Give special consideration to projects at institutions of higher education that demonstrate the greatest potential to achieve the highest level of savings for students through sustainable, expanded use of open textbooks in postsecondary courses, especially those with high enrollements, offered by the institution receiving the grant and expand the use of open textbooks at institutions of higher education outside of the institution receiving the grant.

As the Congressional sponsors of the Affordable College Textbook Act (S. 1864 and H.R. 3840), on which the Open Textbooks Pilot was based, we encourage the Department to look to this legislation for further guidance. Specifically, we urge the Department's implementation to:

- Require each institution of higher education desiring a grant under this section, to submit an application to the Secretary that includes a description of the project to be completed with grant funds, a plan for promoting and tracking the use of open textbooks in postsecondary courses offered by the eligible entity – including an estimate of the projected savings that will be achieved for students, a plan for evaluating, whether existing open textbooks could be used or adapted before creating new open textbooks, a plan for quality review and review of accuracy of any open textbooks to be created or adapted through the grant, a plan for assessing the impact of open textbooks on instruction and student learning outcomes at the eligible entity, a plan for disseminating information about the results of the project to institutions of higher education outside of the eligible entity – including promoting the adoption of any open textbooks created or adapted through the grant, and a statement on consultation with relevant faculty in the development of the application;
- Allow institutions of higher education receiving grants to use grant funds for professional development for any faculty and staff members at institutions of higher education – including the search for and review of open textbooks, the creation or adaptation of open textbooks, development or improvement of tools and informational resources that support the use of open textbooks –

including accessible instructional 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 that full and complete digital content of each open textbook created or adapted with grant funds be made available free of charge on an easily accessible and interoperable website and in a machine readable, digital format that anyone can directly download, edit with attribution, and redistribute;
- Require any institution of higher education receiving a grant to, upon completion of the supported project, 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 institution 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 used for the project.

With its appropriation of \$5 million to fund the Open Textbooks Pilot, Congress answered the calls of students and families across the country for relief from the high costs of college textbooks. We look forward to working with you to ensure that the Department of Education's implementation respects the promise to our constituents that this appropriation represents. Thank you for your consideration.

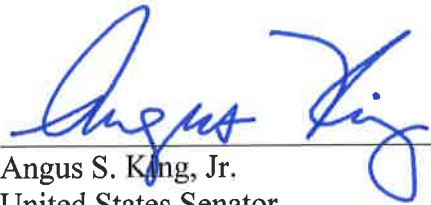
Sincerely,



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