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Attn: James H. Shelton, III
Assistant Deputy Secretary for Innovation and Improvement
Office of Innovation and Improvement
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

To Whom It May Concern:

Thank you for the opportunity to provide input on the *Proposed Priorities, Requirements, Definitions, and Selection Criteria-Investing in Innovation Fund*.¹ We are a group of Open Educational Resource (OER) providers and advocates, and we appreciate the Department of Education's (ED) continued support for OER in its discretionary grantmaking.² We also note that Secretary Duncan has highlighted various benefits of OER, saying "Open Educational Resources can not only accelerate and enrich learning, they can also substantially reduce costs for schools, families and students."³

Insofar as the I3 program will use public funds to support the creation of educational materials, we urge ED to adopt a policy identical to that of the Department of Labor's (DOL) Trade Adjustment Assistance Community College and Career Training grant program (TAACCCT). That initiative requires that educational content created with DOL grant funds be shared under a Creative Commons Attribution license (CC BY).⁴ The DOL policy says:

In order to ensure that the Federal investment of these funds has as broad an impact as possible and to encourage innovation in the development of new learning materials, as a condition of the receipt of a TAACCCT grant, the grantee will be required to license to the public (not including the Federal Government) all work created with the support of the grant (Work) under a Creative Commons Attribution 3.0 (CC BY) license. Work that must be licensed under the CC BY includes both new content created with the grant funds and modifications made to pre-existing, grantee-owned content using grant funds ... This license allows subsequent users to

¹ <https://www.federalregister.gov/articles/2012/12/14/2012-30199/proposed-priorities-requirements-definitions-and-selection-criteria-investing-in-innovation-fund>

² <https://www.federalregister.gov/articles/2010/12/15/2010-31189/supplemental-priorities-for-discretionary-grant-programs>

³ <https://www.youtube.com/watch?v=8SdrhGrevsk>

⁴ <https://creativecommons.org/licenses/by/3.0/>

copy, distribute, transmit and adapt the copyrighted Work and requires such users to attribute the Work in the manner specified by the grantee.⁵

This is sound public policy; taxpayers should have free and legal access to publicly funded educational content. The DOL policy cited above recognizes the logic in allowing the public free and open access to content created with public money, and we urge ED's I3 grants to include the same provision. The \$2 billion DOL program's CC BY open licensing requirement will help maximize the impact of those grant funds, and the \$100+ million I3 Program can realize similar benefits by adopting the same policy. A study about a similar policy in Washington State predicted a cost savings to community college students of \$1.26 million in textbook costs during the 2011-2012 academic year alone.⁶ However, an update on the study found that the policy saved students \$3.10 million by the end of 2012 (and \$5.07 million savings estimated for 2012-2013). While similar proportional results are expected from the DOL policy, it is too early in the materials development cycle to collect this evidence.

If adopted, learners, educator and institutions will be granted broad access and reuse rights to the publicly funded educational content created under the I3 program. This openly licensed content offers benefits in terms of share-ability, accessibility, and transparency to both grantees and the grantor. An open licensing requirement for I3 grant outputs is also supportive of existing ED priorities including: "Improving Cost-Effectiveness and Productivity" and "Effective Use of Technology." Even though ED reserves the right to make content available for government purposes, requiring a CC BY license makes it clear to all users how they are able to access and use I3-funded materials and gives taxpayers an immediate indication of return on their investments in public education.

We would be pleased to answer any follow up questions you may have.

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⁵ www.doleta.gov/grants/pdf/taaccct_sga_dfa_py_11_08.pdf

⁶ <http://www.studentpirgs.org/resources/cost-analysis-open-course-library>