

December 8, 2011

The Honorable Tom Harkin, Chairman
U.S. Senate Appropriations Subcommittee
on Labor, Health and Human Services,
Education and Related Agencies
131 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Richard Shelby, Ranking Member
U.S. Senate Appropriations Subcommittee
on Labor, Health and Human Services,
Education and Related Agencies
304 Russell Senate Office Building
Washington, D.C. 20510

Honorable Denny Rehberg, Chairman
U.S. House of Representatives Appropriations
Subcommittee on Labor, Health and Human
Services, Education and Related Agencies
2358-B Rayburn House Office Building
Washington, D.C. 20515

Honorable Rosa DeLauro, Ranking Member
U.S. House of Representatives Appropriations
Subcommittee on Labor, Health and Human
Services, Education and Related Agencies
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Harkin, Chairman Rehberg, Ranking Member Shelby and Ranking Member DeLauro:

As leading organizations focused on ensuring that all students have affordable access to the highest quality educational resources and tools, we are writing to express our concern about language included in the House Labor, Health and Human Service, Education and Related Agencies Subcommittee's draft Fiscal Year 2012 budget for the U.S. Department of Labor. Section 124 of the draft bill would impose counterproductive administrative requirements that would severely restrict the Department of Labor in making grants to develop high quality educational resources for career training programs serving displaced American workers and other students. Section 124 is budget neutral, but would cost taxpayers in the long term by limiting the development of innovative and cost effective educational materials that aim to improve workforce training during this period of perilously high unemployment.

The Department of Labor's Trade Adjustment Assistance Community College and Career Training (TAACCCT) initiative provides a prime example of the type of visionary educational resources model that would be crippled by Section 124. The TAACCCT program supports community colleges and other institutions of higher education to develop innovative new materials and training programs to improve the knowledge and skills of displaced workers, and requires that grantees make these resources available, adaptable and useable by all educators, students and other interested stakeholders. The impact will extend beyond career training programs to other K-12 and higher education programs, particularly as states transition to college and career ready standards.

Section 124 would preclude the use of federal funds for this type of innovative and cost effective program unless the Secretary performs a "comprehensive, market-based analysis" to determine whether similar resources are available or under development in the marketplace. This requirement would be an unnecessary and wasteful use of Department resources in the case of the TAACCCT program, as virtually all of the proposed resources would be licensed for free public use and therefore fundamentally different than those currently available in the marketplace. Furthermore, Section 124 ignores the fact that many resources "available for purchase or licensing in the marketplace" are effectively unavailable to students due to rapidly rising costs. Finally, requiring the Secretary to consider resources "under development" could block critical innovation through grant programs for the sake of products that may not ever materialize.

Investments in open educational resources such as the TAACCCT program provide an enormous return on investment for taxpayers, spur innovation by allowing commercial reuse and distribution, and encourage K-12 and postsecondary institutions to adapt and reuse materials – all critical advantages during this time of scarce local, state and federal resources for education.

For these reasons, we respectfully urge you to remove Section 124 of the draft House bill so that the Department of Labor can most effectively support higher education's effort to assist displaced workers and to ensure that taxpayer funded educational tools materials benefit the widest possible array of students.

Sincerely,

American Association of Community Colleges
Association of College and Research Libraries
Association of Research Libraries
Benetech
Cerritos Community College District
CK-12 Foundation
College of the Canyons
Colorado State University
Council of Chief State School Officers
Creative Commons
Duraspace
EDUCAUSE
Flat World Knowledge, Inc.
Greater Western Library Alliance
Hallway Technologies
Kuali Foundation
Monterey Institute of Technology and Education
New America Foundation's Open Technology Initiative
New America Foundation's Early Education Initiative
Open Education Group Brigham Young University
OpenCourseWare Consortium
Peer 2 Peer University
Public Knowledge
Rancho Santiago Community College District
rSmart
Santa Ana College
Santiago Canyon Community College
Saylor Foundation
Scholarly Publishing and Academic Resources Coalition (SPARC)
State Educational Technology Directors Association
Tompkins Cortland Community College
Thanos Partners
20 Million Minds Foundation
Rodney Tom, State Senator, Washington State
Unicon, Inc
U.S. Public Interest Research Group (PIRG)
Washington State Board for Community and Technical Colleges