



December 14, 2015

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Open Licensing Requirement for Direct Grant Programs (ED-2015-OS-0105-0001)

Dear Secretary Duncan:

The Consortium for School Networking (CoSN) is pleased to submit comments responding to the Department of Education’s Notice of Proposed Rulemaking regarding Open Licensing Requirement for Direct Grants Programs. CoSN applauds the Department’s decision to use open licensing as a strategy to magnify the digital transition’s impact on teaching and learning and promote digital equity. Far too many schools lack access to high quality instructional, professional development, and other resources, and innovative steps are needed to ensure limited public resources are used wisely and effectively. As you finalize the proposed regulations, we hope you will consider the following input from school district technology leaders.

Improving Access to High Quality Open Educational Resources will Support the Digital Transition

Open educational resources (OER) represent an increasingly important element of the digital transition being led by the nation’s school district technology leaders. CoSN’s 2015 IT Leadership Survey revealed that 83 percent of district technology leaders project that the majority of their content will be digital over the next three years. As the digital transition continues and districts speed toward this new reality, district and state leaders are increasingly exploring OER development, adoption and use, as a powerful strategy for helping to ensure that less affluent communities are not left on the wrong side of the digital divide.

OER’s legal flexibility – married to digital materials unique characteristics – creates rich opportunities to work-with, adapt, and build-on, educational content in exciting ways. Copyright licenses that prohibit sharing, adaption, and reuse often limit innovation and suppress technology’s full capacity to support new models of teaching and learning. Teachers and students benefit greatly from the ability to adapt and share open resources consistent with emerging efforts to better tailor instruction and promote rich collaboration within classrooms and schools, as well as with other educators and learners across the country and around the world.

Open licensing policies are not new to the Federal Government, and we urge you to approve and expand this concept to federal formula funds as well in order stimulate and support additional state and district initiatives for developing high quality OER. This approach would build on recent Department practice. For example, we support the Department’s decisions in 2010 and 2014 to embed open licensing among the priorities in the Department’s existing Final Supplemental Priorities and Definitions for Discretionary Grant Programs, including making it a core element of the First in the World program. The proposal also aligns with other federal departments and programs, including the Department of Labor’s far-reaching Trade Adjustment Assistance Community College and Career Training grant program. CoSN is also closely following the cohort of ten districts participating in the Department’s #GoOpen challenge to replace at least one textbook with openly licensed educational resources within the next year, and we hope other districts will recognize the value this strategy offers teachers and students.

Providing Appropriate Technical Assistance and Promoting Sharing will further the Department’s OER and Education Technology Goals

CoSN encourages the Department to offer grantees and the public ongoing information about open licensing and establish a clear mechanism for ensuring that covered intellectual property is discoverable and accessible through appropriate technical interoperability. The Department should highlight standard open licensing, publishing expectations, and other best practices. We agree with Creative Commons that this “approach could include guidance on how to properly mark a work under a standard open license, advice on finding and reusing existing openly licensed educational resources before creating new materials, sharing editable content so that it may be adapted by the public, and suggestions (or requirements) about publicly accessible, online repositories where the grant-funded resources could be published, shared, and archived.” Additionally, the Department should implement a low-burden process for grantees to share the intellectual property subject to the final regulations and ensure that the material is shared using technical specifications that promote distribution and use by other parties.

The Open License Definition Proposed by the Department Represents a Balanced Approach

CoSN encourages you to maintain the balanced open license definition proposed in the public notice:

“The license must be worldwide, non-exclusive, royalty-free, perpetual, and irrevocable, and must grant the public permission to access, reproduce, publicly perform, publicly display, adapt, distribute, and otherwise use, for any purposes, copyrightable intellectual property created with direct competitive grant funds, provided that the licensee gives attribution to the designated authors of the intellectual property.”

This licensing model will provide teachers and students with rights to use, revise, and redistribute Department funded educational resources as needed, without seeking permission of the government or grantee. The definition, however, will also ensure that grantees and authors receive appropriate credit when others use their work, including when experts build-on, adapt, or otherwise use the resources for other innovative purposes.

Thank you for providing this opportunity to contribute to the rulemaking process. CoSN strongly urges you to adopt this proposal, and we look forward to working with you and district leaders to support the new requirements' implementation.

Sincerely,

Keith Krueger
Chief Executive Officer
CoSN

Consortium for School Networking

CoSN is the premier professional association for school district technology leaders. CoSN empowers educational leaders to leverage technology to create and grow engaging learning environments. For over two decades, CoSN has provided local education leaders with the management, community building, and other capacities essential for using technology and broadband services to transform learning for all students. Today, the CoSN community represents nine million students in school districts nationwide and continues to grow as a voice for effectively using technology to dramatically improve teaching and learning.