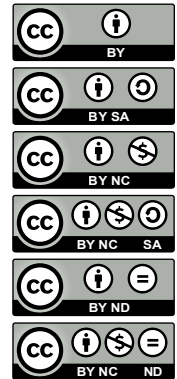


JUNE, 2022

BACKGROUND

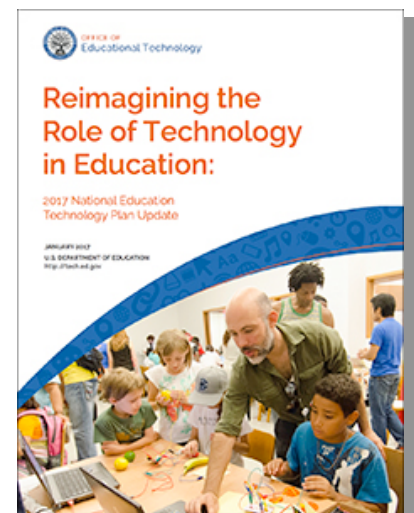
The Open Educational Resources (OER) movement is now more than twenty years beyond its inception when it was built on the concept that digital materials make learning content easy to reuse and share.

In 2001, the [Hewlett Foundation](#) dedicated multimillion-dollar grants to take courses from the Massachusetts Institute of Technology (MIT) freely available online. 2001 also saw the creation of the [Creative Commons](#) (CC), a non-profit responsible for developing CC licenses that have allowed intellectual content to be shared with fewer restrictions. The following year, in 2002, the name Open Educational Resources was established at a meeting of the United Nations Educational, Scientific and Cultural Organization (UNESCO).



During these early years, the Hewlett Foundation also provided funding to develop the [OER Commons](#) at the [Institute for the Study of Knowledge Management in Education](#) (ISKME). Throughout this period, the Hewlett Foundation continued to fund work designed to “equalize access to knowledge by making high-quality educational materials and opportunities more broadly available.”

The OER movement inched closer to the mainstream in the years that followed, and by 2015 the U.S. Department of Education began requiring each of its competitive grant recipients to openly license resources created with grant funds. That same year, the number of content pieces licensed by Creative Commons surpassed 1 billion. The following year saw the launch of a [#GoOpen initiative](#) with commitments from 13 states to transition some courses from textbook content to OER. The 2017 [National Education Technology Plan](#) defined Open Educational Resources as “teaching, learning, and research resources that reside in the public domain or have been released under a license that permits their free use, reuse, modification, and sharing with others.”



CURRENT LEGISLATIVE TRENDS

In many ways, 2022 trends in OER legislation mirror larger trends in education and national politics. As our economy continues to tighten school budgets, it is natural that “free” resources are gaining prominence. Lawmakers, often starting at the post-secondary level, are incentivizing the use of public domain texts and other no-cost alternatives to lower college expenses. We have also seen a nationwide push for communities and parents to have more say, or at least visibility into, a school’s curriculum. While many of the bills that follow are still in consideration or discussion, and some of them have been defeated or drastically revised, their initial intent highlights three trends relative to OER.

REDUCE COST

The biggest OER-related trend in proposed legislation in 2022 was states pushing for more affordable textbooks for students. Utah and Indiana are two of the few remaining states who charged textbook fees to families. This year both introduced legislation that would end that practice. In Indiana, [HB1216](#) would require “each public school to provide curricular materials at no cost to each student.” And for Utah, [HB211](#) suggested that schools would not charge for textbooks or “maintenance costs of school equipment.” At the post-secondary level, there were several bills (Illinois [SB3856](#), Tennessee [SB1019](#), Louisiana [HB499](#)) written in an attempt to reduce or eliminate textbook costs. Two of these specifically call out open resources in their directives. Minnesota ([SF1599](#)) would expand the use of OER and amends definitions for open resources and open textbooks. New York ([A3102](#)) referred to higher education as a directive to establish a New York state open resources council and open-source digital library.



Nebraska educators are working this summer to build new social studies resources and new world language resources. They have also developed an officiating course that will soon be [added to their hub](#) in hopes of inspiring high school students to help meet the need for officials for youth sports. Nebraska CTE teachers have also developed a middle school career education course and will be adding those lessons to the hub this month.

PROVIDE ACCESS

Another focus for bills this session was to make sure learning materials are accessible. To prepare for further remote learning needs, Tennessee ([HB1964](#)) sought to require that all textbooks and materials adopted after 2024 would be “electronically accessible and designed to support remote instruction.” Legislation of this nature could even level the playing field for OER in terms of adoption. Tennessee also suggested ([SB2369](#)) that schools should “conduct a remote learning drill during or after school hours” to ensure that parents and students could transition to digital content. In Missouri ([HB2827](#)), the legislation would also make sure parents could access curricular materials with a special provision that would require a link on a school website to access “open-source instructional material.” Florida ([HB7051](#)) and West Virginia ([HB4355](#)) also sought to require lists of course materials from universities, and (in WV) whether they included open resource material.

CREATE RESOURCES

This legislative session also saw bills that sought to specifically support the creation of open resources. Illinois introduced a bill ([HB2928](#)) for a pilot course in humanities that would “use only open educational resources in support of the degree program.”

Massachusetts legislators authored two bills for content creation. Each called specifically for the identification and development of OER, with [H688](#) focused on media literacy, and [H689](#) targeting an Integrated Cultural Studies curriculum. South Carolina ([H3332](#)) authored a similar bill to create OER for media literacy, as well as digital citizenship and internet safety.

Oregon launched the [Oregon Open Learning](#) Hub in May of 2020. Since then, their staff has managed grants to develop open resources for Sexuality Education as well as Supporting Students who are Emergent Bilingual. Look for them to add these resources to their hub in the coming year.



RECOMMENDED PRACTICES FOR STATES

When SETDA updated Digital Instructional Materials Acquisition Policies for States (DMAPS) in 2019, twenty states reported having a definition for OER. Since then, this work has grown, with more states acknowledging the importance of OER, and hosting expanded information on department websites.

The pandemic obviously pushed the demand for online courses and materials to support emergency learning and remote learning. States invested efforts in pointing teachers toward content already in existence. However, new creation efforts seem to have been diminished due to the strain on districts and educators over the past few years. There is concern among states that even if OER is a cost saving, it may still be too much of a lift for a depleted and exhausted educator workforce. This year, one of the original #GoOpen states reports that creation activity has dwindled, and another shared that their OER work had not been reassigned following a retirement. At the national level, the US ED's Office of Educational Technology [made the decision](#) to “sunset the federal leadership of the #GoOpen initiative.”

ISKME will continue to carry the torch in growing the open community. They have convened a group called K-12 Open Ed Professional Learning Workgroup that meets monthly with several states who are working on content, as well as training resources for teaching educators about working with OER. States are continuing to build new content, and factors are aligning for a renewed push for OER creation and sharing. Remote learning has increased access to devices and connectivity needed to make use of digital content, and even if ESSER funds are a one-time investment, using the flexibility they provide to develop content that will continue to be free is a particularly sound investment.

Last year, **Connecticut** launched [GoOpen CT](#) to unify efforts across the K-12 and higher education communities to develop high-quality, standards-aligned learning materials. In addition to content developed on the local level, the site hosts curriculum developed by its SEA for all districts to use and has garnered the enthusiastic support of its governor and education commissioner.



CT

If your state is ready to start moving forward with OER, SETDA recommends that you consider the following actions. Regardless of where your state is in the process, these are some concrete ways to take the next step.

**Define
OER**

On your department website, post a clear definition of what Open Educational Resources mean in your state, and your support for districts and educators who choose to use them.

**Highlight
OER**

So you don't have content of your own yet? No problem! Establish a page to link to OER content that already exists. Point out good options from other states and other repositories.

**Adopt
OER**

Ensure that districts' mechanisms for resource adoption allow for more than just textbooks to be chosen. Make sure district leaders see open coursework as a responsible and equitable option where high-quality content exists.

**License
OER**

Take a page from the U.S. Department of Education and require that all content created with grant dollars in your state be shared under a creative commons license. This is a great way to gather some resources that are specifically designed with your standards and your students in mind.

**Share
OER**

As your content library begins to grow, partner with ISKME to build a hub for your state. [OER Commons Hubs](#) make your resources easily accessible to your teachers, and they make it even easier for you to share content that is already in the open network.

**Promote
OER**

For those with a thriving hub who are actively generating new content, your final step is to help champion this work. We look to you to lead collaborations with other states and strengthen the open network.

This work is funded by the William & Flora Hewlett Foundation, and shared under the CC BY license.

