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Article

OER State Policy Discourse

Adding Equity to the Cost Savings Conversation

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Abstract

In response to rising tuition, state disinvestment, and financial uncertainty over the years, open educational resources (OER) have been introduced as a solution to address the college affordability crisis (Colvard et al., 2018). The Scholarly Publishing and Academic Resources Coalition (SPARC) sees OER as not just a way to lift the financial burden of educational materials, but also as a path to improving teaching and learning, strengthening the economy, advancing societal goals, and breaking down barriers to education (SPARC, n.d.-b). State policymakers have created grant programs or other initiatives to incentivize the creation, use, or expansion of OER in an effort to decrease costs associated with postsecondary education. This raises the question of how state policy discourse defines the problem that then informs the solutions addressed in OER legislation and how introducing an equity discourse into OER policy making can strengthen efforts to remove barriers to higher education.

Introduction

The term "Open educational resources" (OER) was coined by the United Nations Educational, Scientific and Cultural Organization (UNESCO) at the 2002 forum on Open Courseware in Higher Education (UNESCO, n.d.). As the originator of the term, UNESCO's (n.d.) definition is often directly cited or built upon to identify OER as: "teaching, learning and research materials in any medium – digital or otherwise – that reside in the public domain or have been released under an open license that permits no-cost access, use, adaptation and redistribution by others with no or limited restrictions." For a resource to be truly "open" the legal permission for use must allow users to: retain, reuse, revise, remix, and redistribute educational materials (Wiley, n.d.). The "5R's" provides anyone with the ability to not only access these materials indefinitely (retain), but to also edit (revise), mix with other OER content (remix), present the content publicly (reuse), and share with others (redistribute). Limiting any of the 5R's also limits the openness of materials, but disagreement in the open content community over the ability to include certain restrictions has created a variety of definitions that arguably weakens the common goal of open education (Cronin, 2017; Wiley, n.d.; Wiley et al., 2014). Cronin (2017) shares

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that using "open" as an umbrella term can be a strength as individuals have the flexibility to mold open education practices (OEP) and OER to their own needs, but this flexible definition can also weaken the open education movement by rendering the open content label as meaningless. There are also emerging definitions within open education, including varied definitions of OER, that can lend to redefining facets of the field of open education. Lambert (2018) proposes one such definition of open education that highlights the social justice benefits often left out of prior research:

> Open Education is the development of free digitally enabled learning materials and experiences primarily by and for the benefit and empowerment of non-privileged learners who may be under-represented in education systems or marginalized in their global context. Success of social justice aligned programs can be measured not by any particular technical feature or format, but instead by the extent to which they enact redistributive justice, recognitive justice and/or representational justice. (p. 239)

Despite the subtle differences in the definitions of OER, a unifying practice when creating OER content is the use of an open license, such as a Creative Commons license, which includes the option of adding components to lessen or strengthen the accessibility – or openness – of educational materials (Wiley et al., 2014).

Because OER are published under an open license, OER can assist states with their initiatives to counter the high costs of costs of commercial textbooks. Several states have created grant programs or other initiatives designed to introduce and expand the use of OER in public postsecondary institutions. The growth of state policies incentivizing, or sometimes even directing, institutions to replace traditional textbooks with OER is in need of further study. More specifically, the discourse displayed in these policies is important to consider as it sets the tone for how each state defines OER, why OER is needed, and what problem OER will solve – which can vary by region (Placier, 1993). The purpose of the policy analysis in this paper is to 1) analyze the discourse state policymakers use in signed legislation promoting OER in higher education and 2) provide research-based policy recommendations for states pursuing or expanding on OER legislation.

Literature Review

Within a higher education context, OER has been introduced as an innovative tool with a record of increasing student retention rates and quality of student learning as well as decreasing students' annual college costs (Bhattarai & Seid, 2020; Bliss, 2015; Colvard et al., 2018; Senack, 2014). Due to its cost savings benefits, OER is largely touted as a way to address the college affordability crisis, a crisis created in part by college tuition increasing at a faster rate than inflation almost every year since 1980 (Laderman & Weeden, 2020). The cost of replacing textbooks may seem minute compared to the cost of college tuition. However if all Introductory to Psychology courses in the United States adopted an OER textbook, approximately 1.6 million students would save up to $160 million per year (Nusbaum et al., 2020). The high price tag of course materials is a primary reason why 65% of students surveyed in 2013 chose to go without a course textbook, even though 94% understood this decision could negatively

impact their grade (Senack, 2014). This is especially notable for low-income students who face greater difficulties in paying for textbooks on top of other tuition and fees (Colvard et al, 2018). Therefore, offering free or low-cost alternatives has been shown to produce even higher grades and decrease drop-out rates at a faster rate for students, especially low-income students. (Bhattarai & Seid, 2020; Bliss, 2015; Colvard et al., 2018). The same impacts from adopting OER have also been shown for first-generation and racially marginalized students (Nusbaum et al., 2020).

While research shows the same or increased student success outcomes (Fischer et al, 2015) and perceptions of educational quality in classrooms that traded in commercial textbooks for OER (Ikahihifo et al., 2017; Bliss et al., 2013), barriers still exist to challenge or prevent integrating OER into a sustainable higher education curriculum. In the United States, the use of OER has grown in popularity, specifically in higher education. This is partially due to increased interest by large foundations, like the Willian and Flora Hewlett Foundation, that help to fund state policy and higher education leaders in the pursuit of expanding access to and affordability of a college education (Bliss, 2015). Despite the worldwide interest and national funding of OER, many faculty and staff members within higher education still face barriers in creating, using, or expanding OER at their institutions (Hodgkinson-Williams, 2010). These barriers can vary across departments, institutions, and states, making a one size fits all approach to OER unfeasible. For example, while introducing OER policies can be a successful step in implementing OER in one institution, this could be detrimental in another that is less trusting of administration or relies more on a bottom-up approach (Cox & Trotter, 2016).

Despite the increasing visibility of the language of OER, textbook affordability, and equitable access to educational materials, there is limited research on OER accessibility and the impact of OER accessibility on equitable educational outcomes (Willems & Bossu, 2012; Navarrete & Luján-Mora, 2018). This holds especially true regarding research with a focus on usage and perception of OER by systemically marginalized students, including disabled, queer, trans, and racially marginalized students (Seiferle-Valencia, 2020). Bensimon (2018) identified the use of proxies, or race-evasive language like “low-income”, in equity and social justice conversations further harms racially marginalized populations. The push for disaggregated data that filters results by race, gender, class, and other social identities that can contribute to differing educational outcomes is one way to center the voices of Black, Indigenous, Latinx, and Asian people. Focusing on cost savings or the financial benefits of replacing commercial textbooks with OER, and the lack of disaggregated data within this research, may, therefore, overlook other identities or factors that can shape students’ ability to acquire educational materials (Katz, 2019).

Methods

To examine policymakers’ discourse that can further advance or hinder equitable outcomes in higher education, I employed policy discourse analysis (PDA) to analyze enacted legislation concerning OER in public postsecondary institutions. When viewed through a postructuralist lens, discourse is an important tool that policymakers yield in order to create and maintain power as policymaking has historically been conducted within a positivist nature that separates the “expert” elites from the public

community (Foucault & Gordon, 1980; Sidney, 2006; Young & Diem, 2017). By rejecting language's ability to objectively describe reality, postructuralism accepts the inability to control language as it fluctuates based on contextual social settings created by the dominant discourse (Allan, 2009; Bioland, 1995; Fairclough & Fairclough, 2012). Regarding this study, state policies were viewed as reflective of a greater social context, specifically the college affordability crisis. OER's primary purpose as a cost savings tool to fix this crisis is not an objective fact, yet the passage of legislation stating this has created a hierarchy where the dominant discourse defines the problem and resulting policy solutions. According to Derrida, the only way to break this hierarchy is to deconstruct the text with the goal of exposing binary oppositions that "exclude and devalue allegedly inferior terms or positions" (Bioland, 1996, p. 527). In deconstructing OER state policies, guided by a poststructuralist framework, the goal is to not replace the original hierarchy with a new, equally oppressive, hierarchical system – but to abolish the hierarchy of dominant discourse by accepting the social construction of language that is used to further marginalize students that policymakers are committed to serve (Bioland, 1996). Guiding this analysis of OER state policies are the following research questions:

1. What discourses do state policymakers use in signed legislation promoting OER in public postsecondary institutions?
    a. How does this discourse shape the problem, solution, and intended impact of OER?
2. How can introducing a counter discourse strengthen or expand on state OER legislation?

I searched the Scholarly Publishing and Academic Resources Coalition (SPARC) OER State Policy Tracker for state policies that were signed into law to adopt, create, or expand OER across the state at public higher education institutions (HEIs). As a global member organization advocating for open access, open data, and open education, SPARC has tracked state policy activities concerning OER in the United States since 2015 (SPARC, n.d.-a). SPARC updates this list weekly during active legislative sessions and collects state policies enacted in previous years. At the time of data collection, the SPARC OER State Policy Tracker was last updated on February 10, 2021. Thirty states were found to have at least one existing policy, or activity in the current session, concerning OER in K-12 or postsecondary education. After an initial analysis, several themes emerged that excluded 22 states due to: lack of existing signed legislation; initiative that is not supported by a signed legislative bill; pertaining explicitly to K-12 schools or non-postsecondary institutions; or not implementing statewide adoption, creation, or expansion of OER at HEIs.

These exclusion criteria assisted in narrowing the analysis to policies currently in practice in order to stimulate ongoing discussions of the most interest to state legislators and higher education leaders (Kelchen et al., 2019). Analyzing discourse only in signed legislation, compared to analyzing previous bill versions and supporting legislative texts, created a focus on the policy currently put into practice. Policies that focused on a singular institution, or online degrees, were not included as they would be outliers within a discussion on statewide implementation. Even though statewide implementation was a top criterion, the actual adaptation of the policy was not analyzed as policies are not often implemented

exactly as intended and analyzing how an institution implemented each state policy was out of scope for this project (Kelchen et al., 2019). The resulting sample included in this analysis came from eight state policies (see Table 1 for more details on each state policy): Colorado (HB 1331), Connecticut (HB 7424), Minnesota (SF 2415), New Jersey (S768), Oregon (HB 2871), Oregon (HB 2729), Texas (SB 810), and Washington (HB 1561). Each policy text was linked from the SPARC OER State Policy Tracker to the corresponding state legislature website where the final, enacted and signed bill was downloaded in full.

Table 1
OER State Policies

State and Year	Policy	Main Purpose	State Oversight
Colorado, 2018	HB 1331	• Establish OER grant program • Establish OER council	OER Council: • Five faculty members; • Three library professionals; • One person enrolled as a student at a public institution of higher education • One instructional design expert; • One informational technology expert; and • One administrator; • AND executive director of the Department of Higher Education, commissioner of education, and state librarian

Connecticut, 2019	HB 7424	• Establish OER grant program • Establish OER council	OER Coordinating Council: • Statewide coordinator • A faculty, admin, and staff member from University of Connecticut • A faculty, admin, and staff member from regional community-technical college system • A faculty, admin, and staff member from Charter Oak State College • A faculty, admin, and staff member from Connecticut State University System • A faculty, admin, and staff member an independent institution of higher education • One student from any public or independent higher education institution
Minnesota, 2019	SF 2415	Establish Z-degree textbook program	Board of Trustees of the Minnesota State Colleges and Universities
New Jersey, 2019	S768	Expand the use of open textbooks and commercial digital learning materials	Secretary of Higher Education
Oregon, 2015	HB 2871	• Establish OER grant program • Employ an OER specialist	Higher Education Coordinating Commission

Oregon, 2017	HB 2729	Establish an OER council	Higher Education Coordinating Commission; ● Stakeholders include "faculty, staff and librarians from public universities listed in ORS 352.002 and community colleges"
Texas, 2017	SB 810	● Establish OER grant program ● State repository study proposal	Texas Higher Education Coordinating Board
Washington, 2018	HB 1561	● Establish OER grant program ● Multi-state partnership outreach	Washington Student Achievement Council

PDA was the best strategy to pursue the research questions because it builds upon discourse analysis's objective approach to identify, and better understand, the dominant discourse that enables systems of oppression to persist, with the goal of disrupting these inequitable practices (Allan & Tolbert, 2019). In line with Allan and Tolbert's (2019) description of PDA as a grounded methodology, multiple stages of coding took place using both inductive and deductive coding to mitigate researcher bias (see Table 2 for coding examples). In the first stage, data was manually coded using Nvivo software where initial coding produced a list of proposed codes (Saldaña, 2014). Then, focused coding identified the most salient themes in line with the research questions (Allan & Tolbert, 2019; Saldaña, 2014). Four overarching

themes emerged from the data: what is being presented as the problem, what is the solution to the problem, what will be the desired result of this solution, and who holds power through this process. A closer analysis of each theme then led to identification of dominant discourses and "potential policy silences" in OER state policy texts (Allan & Tolbert, 2014, p. 144).

Table 2
Codebook

Codes	Text Example	Text Coded
Problem ● Textbook Costs – Ed Material Costs	"Student expenditures on textbooks and other educational materials represent a significant portion of student educational costs, adding up to, on average, an additional twenty-two percent above the cost of tuition and fees for a first-year community college student" (Colorado).	Textbook Costs – Ed Material Costs
Solution ● Expand OER ● Multi-State Partnership ● OER Council or Committee ● OER Grant Initiative ● OER Replace Traditional Textbook ● State Funding ● Z-Degree	"Ensure that the institution is making a good faith effort to provide open textbooks to students" (New Jersey).	Expand OER

Desired Result ● DFW Rates ● High Enrollment – Number of Students ● High Impact Courses ● Multiple Sections, Courses or Institutions ● OER Awareness ● Share OER Publicly ● Student Cost Savings	"Each report must include (1) the number of courses transitioned to using an open textbook resulting from the programs in this section, and (2) the total amount of student textbook savings resulting from the transitions" (Minnesota).	Student Cost Savings; Multiple Sections, Courses or Institutions
Who Has Power/Agency ● Higher Ed Admin ● Higher Ed Faculty or Staff ● Higher Ed Institutions ● OER Council and/or Committee ● Policymakers – Government Leaders ● Students	"The board shall establish and administer a grant program to encourage faculty at institutions of higher education to adopt, modify, redesign, or develop courses that use only open educational resources... Under the program, a faculty member of an institution of higher education may apply to the board for a grant to adopt, modify, redesign, or develop one or more courses at the institution to exclusively use open educational resources." (Texas)	Policymakers – Government Leaders; Higher Ed Faculty or Staff; Policymakers – Government Leaders

OER Defined ● Cost to Access ● Public Domain – Open Access License	The purpose of the program is to encourage the use of low or no-cost open educational resources in Oregon's post-secondary institutions of education (Oregon, HB 2871).	Cost to Access

Results

Following data analyses, a dominant discourse of "cost savings" was identified as the lead reason for introducing each examined OER legislation. The policy solutions varied but tied back to the dominant discourse by focusing on the problems of high textbook costs, financial access to educational materials, and increasing college costs for students. This led to calls for implementing OER in high-enrollment and high-impact courses with the goal of achieving a high return on investment across public HEIs.

Problems and Solutions

Colorado was the only policy document that directly outlined a problem that needed to be fixed, but the solutions put forth in the other examined policy documents made clear that the dominant discourse was concerned with addressing the problem of high or increasing college costs. The introduction of Colorado's HB 1331 stated that "student expenditures on textbooks and other educational materials represent a significant portion of student educational costs" and further mentioned that because of these costs "students often do not buy textbooks or course materials, resulting in poor academic performance." Highlighting the use of OER at other HEIs that have helped reduce student costs, Colorado goes on to call for the expansion of OER at public HEIs. Similarly, Connecticut and New Jersey sought to expand OER. Connecticut specifically discussed identifying "high-impact courses for which open educational resources will be developed, converted or adopted" and promoted the use of OER across campuses. New Jersey not only wanted to expand OER, but also to ensure HEIs were making progress towards implementing OER in order to "achieve savings for students enrolled in the institution." Another solution presented by Minnesota incorporated the expansion of Z-Degrees, or zero textbook cost college degrees, at three colleges within the Minnesota State Colleges and Universities system.

Intended Impact

Following the dominant discourse of high college costs, policy texts shared a dominant discourse of student cost savings as their intended impact. States not only declared cost savings as a key goal, but intended to see "significant savings" (Colorado and Connecticut) or "the highest level of savings" (New Jersey) as a result of OER expansion. To track these savings, each state that implemented a grant initiative required that participating HEIs reported student cost savings or prioritized grant funds based

on the potential to save students money. It was also common for policy texts to require HEIs to report the number of courses using OER, which followed the discourse of implementing OER in "high-impact" or "high-enrollment" classes. Minnesota required both of these metrics in their grant reports stating that reports must include "(1) the number of courses transitioned to using an open textbook resulting from the programs in this section, and (2) the total amount of student textbook savings resulting from the transitions." On top of reporting student cost savings and number of courses, Colorado also requested HEIs applying for grants to submit how they intended to evaluate the use of OER. Outside of this request, the methods for evaluating use or impact of OER was not clear for any state. While states focused on similar outcomes, there was an absence of how to measure those outcomes.

Power in Discourse

The process of targeting OER expansion differed across each state as well as who would provide oversight for these initiatives. In Colorado, an OER council was established with the purpose of serving as a resource to and providing support for public HEIs to create and expand OER. Comprised of twelve members representing geographic diversity of the state, including one currently enrolled student, all members represented public HEIs. Connecticut had a similar makeup of council members, but included representatives from independent institutions, and the council's main purpose was to solely oversee the OER grant process. Oregon, Texas, and Washington differed by granting their existing state higher education governing bodies oversight.

New Jersey stood alone in assigning the state's Secretary of Higher Education the duty of managing the policy's OER expansion plan. This plan was also unique in that it required HEIs to submit an annual report on their intent, or actions already taken, to "expand the use of open textbooks and commercial digital learning materials in order to achieve savings for students enrolled in the institution." The Secretary of Higher Education would then evaluate these institutional reports to determine if they met the priorities outlined in the policy text. A final report from the Secretary would cover these findings as well as track "...which institutions of higher education are offering textbooks" and be submitted to the New Jersey Governor and Legislature.

Some of these initiatives were created with a broad focus, like Oregon (HB 2871) that encouraged "the use of low or no-cost open educational resources", but the majority of states made OER grants inclusive only to faculty. For example, Texas declared these grants were meant to "encourage faculty" to incorporate OER into their courses. Washington and Connecticut followed suit as they designed each grant to support faculty in their pursuit of creating, adapting, or adopting OER. In the creation of Minnesota's Z-Degrees, faculty were also identified as those who would receive opportunities and incentives "to identify, review, adapt, author, and adopt open educational resources."

No matter who was appointed to oversee the OER grant initiative, or who was allowed to access grant monies for OER expansion, state legislators and government leaders were key in determining who was included in each policy text. Both Colorado and Connecticut designated the executive directors of their state higher education departments control of appointing members to each OER council. As stated earlier, New Jersey's Secretary of Higher Education was the sole person overseeing their OER initiatives

while Oregon, Texas, and Washington's higher education commissions took the lead. Even with dispersing oversight duties outside of the legislative body, all states required a report, typically submitted on an annual basis, sent to state legislators and government leaders. Texas's reporting requirement included submitting a report covering key policy metrics to "the governor, lieutenant governor, speaker of the house of representatives, and each standing legislative committee with primary jurisdiction over higher education."

Defining OER

While all policy texts in this study advocated for the expanded use of OER, how states defined this term varied (see Table 3 for states' OER definitions). Core pieces of the UNESCO (n.d.) definition were seen across policies. For example, Colorado, Minnesota, Oregon, and Texas all defined OER as "teaching, learning, and research resources" that resided in the public domain. On the other hand, Colorado detours from UNESCO's "no-cost" requirement by stating that resources could be available "for free or very low cost." Connecticut also added a financial value to OER as long as it was "lower than the market value of the printed textbook or other educational resource." While New Jersey's policy defined OER as being freely accessible to the public, it also called for an expansion of programs to "reduce the cost of commercial digital learning materials."

Table 3
States' OER definitions

State Policy	OER Definition
Colorado	"Open educational resources" means high-quality teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits free use or repurposing by others and may include other resources that are legally available and available to students for free or very low cost. Open educational resources may include full courses, course materials, modules, textbooks, faculty-created content, streaming videos, exams, software, and other tools, materials, or techniques used to support access to knowledge.

Connecticut	"Open educational resource" means a college level resource made available on an Internet web site to be used by students, faculty and members of the public on an unlimited basis at a cost lower than the market value of the printed textbook or other educational resource, including full courses, course materials, modules, textbooks, streaming videos, tests, software and other similar teaching, learning and research resources that reside in the public domain or have been released under a creative commons attribution license that permits the free use and repurposing of such resources.
Minnesota	"Open educational resources" are high-quality teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and repurposing by others, and may include other resources that are legally available and free of cost to students. Open educational resources include course materials, modules, custom and open textbooks, articles, faculty-created content, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.
New Jersey	"Open educational resource" means an educational resource that is licensed under an open license and made freely available online to the public.
Oregon	"Open educational resources" means teaching, learning and research resources that: (a) Reside in the public domain or that have been released under an intellectual property license that permits their free use and repurposing by others; and (b) Conform to the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and to any additional accessibility standards established by the Higher Education Coordinating Commission by rule.

Oregon	[no definition was included as this bill builds on top of, and references, HB 2871]
Texas	"Open educational resource" means a teaching, learning, or research resource that is in the public domain or has been released under an intellectual property license that permits the free use, adaptation, and redistribution of the resource by any person. The term may include full course curricula, course materials, modules, textbooks, media, assessments, software, and any other tools, materials, or techniques, whether digital or otherwise, used to support access to knowledge.
Washington	"Open educational resources" means freely accessible, openly licensed educational textbooks, documents, materials, and media that reside in the public domain for free use and repurposing for the intention of teaching, learning, assessing, and researching.

Discussion

As seen in state policy texts over the last several years, the dominant OER discourse focuses on the cost savings potential. This discourse is likely to continue as college affordability remains a policy issue that has been compounded by the economic impact of COVID-19 (Laderman and Tandberg, 2021). But what has been left out of the policy conversation is the equitable impacts for marginalized students, specifically students of color, when replacing commercial textbooks with OER alternatives. This creates a policy silence that evades inequities based on race since the dominant cost savings discourse centers around low-income students without acknowledging the income disparities between racially marginalized and white students (Kochhar & Cilluffo, 2018; McIntosh et al., 2020). Current evidence suggests that access to free and widely available OER materials can have a greater impact on student outcomes and success rates for students of color (Colvard et al., 2018; Nusbaum et al., 2020), but more studies with disaggregated data are needed. By naming the racial inequities in higher education and the positive impact of OER on students of color, policymakers can signal that collecting data beyond basic cost savings metrics is an important measurement of OER success (Stone, 2012). Without this knowledge, OER implementation can still ease student debt, but it may not benefit the students who need the financial assistance the most if those students are invisible in the state policy discourse.

Policy Recommendations

The following four policy recommendations are a result of the key findings from the initial analysis:

College affordability crisis: who is being impacted and who will benefit from OER

In analyzing OER state policies for dominant and counter discourses, cost savings (dominant) was mentioned in all seven while equity (counter) was never mentioned once. By naming educational inequities in the policy process, policymakers can signal that increasing both education and equity are worthy policy goals (Stone, 2012). Prioritizing OER at institutions and in classrooms with target student populations that could benefit the most from free and accessible OER on day one of classes, versus only focusing on high enrollment courses, can continue to work towards Nusbaum's et al (2020) conclusion that OER can provide a high-quality education while also serving as an educational equity tool.

Broaden metrics to track outcomes and success of OER implementation

Currently the main measurement of OER success is the total student cost savings that is maximized by replacing high-cost textbooks in high-enrollment courses. Many policies and institutions also include DFW (students who receive a D or F grade or who withdraw) rates to measure the success of OER implementation. What these measurements miss are how different populations of students may be reacting to OER. Cole (2010) argued for disaggregated data in the classroom due to the tendency to overgeneralize student-faculty interactions for minority students. This argument can also be applied to the use of OER in the classroom, as students from different racial and ethnic minority groups bring various lived experiences to higher education that need to be accounted for in the data. Including disaggregated data (race, gender, student status, etc) can not only highlight these differences, but better inform higher education leaders and policymakers how OER shapes student outcomes and success across our diverse student populations.

Expand seats at the table: Diversify stakeholders by reaching outside of public HEIs.

Public higher education institutions are overwhelmingly represented in OER councils and task forces, while students, community members, independent institutions, and K-12 educators are missing. Washington had the broadest representation by appointing the Washington Student Achievement Council (WSAC) to take charge of the OER grant pilot program. WSAC consisted of one representative from each education sector – non-profit HEIs, four-year HEIs, community and technical colleges, and K-12 institutions – as well as five citizens, including a current student. This can be an example for how other states can include a variety of educational professionals as well as stakeholders outside of HEIs to contribute to a more community centric vision of open education. Also, the inclusion of private universities would add additional voices from HEIs serving a growing range of college students.

Standardize the definition of OER

The UNESCO definition of OER is a global standard for freely accessible and adaptable resources that is obscured in policies adding an access or "low cost" fee to OER. Assigning a cost, even a small amount,

to accessing OER not only alters the intended use and definition of OER, but disregards the financial and opportunity cost students may still accrue that negates potential equitable outcomes of using OER.

Conclusion

This study showcases the significance of how policy discourses have the power to define policy problems and influence the development of solutions addressed by OER and affordable course materials legislation. The policies prioritize OER as a cost savings tool rather than as a tool for increasing education equity. By introducing a critical framework to policy (re)formation, this research aims to promote policy discourse that breaks down the dominant power structure that perpetuates the dominant discourse to better leverage the knowledge and lived realities from groups outside of government offices (Sidney, 2006). Without this change in discourse, OER implementation can still ease student debt, but it may not benefit the students who need the financial assistance the most if their interests and needs are not considered in the state legislation process.

Conflict of Interest Statement

The author has no conflicts of interest.

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