

# **OER STATE POLICY PLAYBOOK**

**2026 EDITION**

The cost of textbooks is a major barrier to making higher education affordable and effective for all students. States and institutions across the country are leveraging open educational resources (OER) and other freely available materials to expand access and reduce costs by millions each year.

**SPARC\***



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Graphic Design by Kim Henze

# WHY SHOULD STATES SUPPORT OPEN EDUCATIONAL RESOURCES?



## EXPAND ACCESS

OER offer college students flexible, high-quality course materials that they can access anywhere and keep forever.



## REDUCE COSTS

Students save on average \$116 per course when assigned OER. Total savings are more than \$1 billion worldwide.



## IMPROVE LEARNING

OER are openly licensed so that faculty can freely customize materials to meet local course needs and adapt to changing technology.

*The rising cost of higher education is about more than tuition...*

College textbook prices have **more than doubled** since 2000, and the average undergraduate budget for books and supplies is **\$1,240**. *All* students deserve affordable, flexible course materials they can access anywhere and keep forever. That is why campuses and states across the country are turning to OER as a solution.

**OPEN EDUCATIONAL RESOURCES (OER)** are course materials—from supplemental content to entire textbooks—that are free for people everywhere to use and repurpose. Created at educational institutions across the globe, OER can be freely and legally downloaded from a variety of online databases, content libraries and established sources. OER offer faculty more flexibility than traditional textbooks and can save students millions each year.

# RECOMMENDATIONS FOR STATE OER POLICY

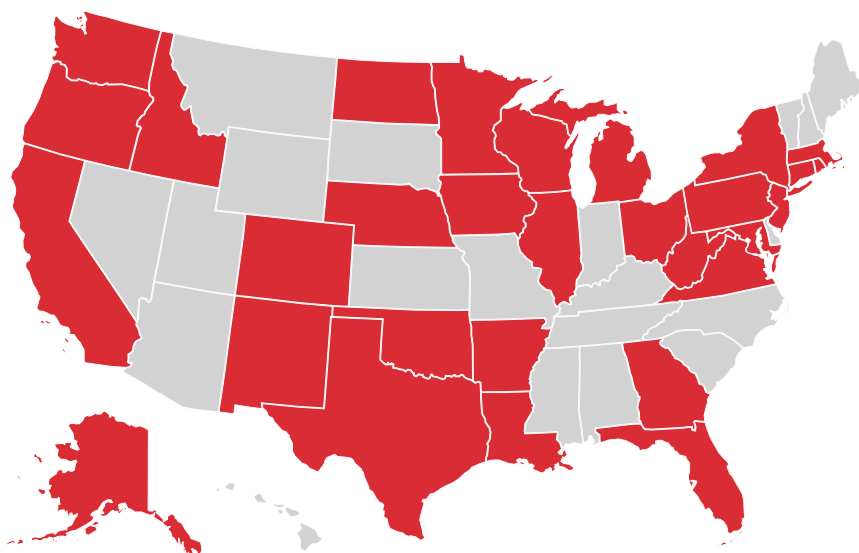
This playbook provides a set of ideas that state policymakers and institutional leaders can consider to harness the power of OER to tackle textbook costs and make higher education more affordable, effective, and flexible for all students. These ideas can be pursued separately or combined depending on local needs and opportunities.

***Open educational resources are free for people everywhere to use and repurpose.***

Nearly half of all states and the U.S. Congress have passed legislation leveraging OER as a solution to higher education challenges, in some cases generating 10-20 times the return on investment. Expanding OER at institutions can be as simple as offering encouragement and support for the use and sharing of high quality materials academics create.

## IS YOUR STATE ON THE OER STATE POLICY MAP?

■ States with higher education OER policy or state-funded initiatives



# OER POLICY PLAYS

## 01 **DEFINE OER CLEARLY**

Clearly and accurately defining terms such as “open educational resources” and “low cost” is essential for strong policy.

## 02 **CONSULT STAKEHOLDERS**

OER policy is stronger when it is developed in consultation with stakeholders.

## 03 **OER GRANT PROGRAMS**

Even a modest investment in OER grants can yield a substantial return on investment for students.

## 04 **COURSE CATALOG MARKING**

Transparency over which courses use OER helps students make informed decisions.

## 05 **OER TASK FORCE OR COUNCIL**

Convening in-state expertise can help develop policy ideas and implement plans.

## 06 **TRANSPARENCY FOR AUTOMATIC CHARGES**

Some institutions bill for textbooks automatically. Ensure students are informed.

## 07 **OER CALL TO ACTION**

Even without formal policy, an explicit endorsement can help prompt local action.

## 08 **INSTITUTIONAL OER POLICIES**

Policymakers can prompt institutions to develop their own OER policies.

## 09 **OER STUDY**

For states newer to OER, a first step may be to gather information about the current landscape.

## 10 **OER FOR DUAL-CREDIT**

OER is available in vocational and K-12 contexts too, with many opportunities for collaboration.

# 01 DEFINE OER CLEARLY

The term “open” has a specific and internationally-recognized meaning for educational resources, yet it can be easily confused with related terms such as affordable, free, or digital. Below is SPARC’s recommended definition, which has been proposed in Congress, along with other definitions that are widely accepted. The term “low cost” should never be included in an OER definition, and instead defined separately.

## OPEN EDUCATIONAL RESOURCES MODEL LANGUAGE

The term “open educational resource” means a teaching, learning, or research resource that is offered freely to users in at least one form and that either resides in the public domain or has been released under an open copyright license that allows for its free use, reuse, modification, and sharing with attribution.

### EXAMPLE: TEXAS SB 810 (2017)

“Open education resource instructional material” means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for the free use, reuse, modification, and sharing with others.

### EXAMPLE: UNITED NATIONS SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

Open Educational Resources (OER) are 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.

## HOW OPEN IS IT?

There has been a lot of talk about digital textbooks lately, but not all models are equally effective. Proprietary models often rely on charging students an extra fee for access to digital materials that expire at the end of the term—and assume every student has an internet-connected digital device. With OER, all students can access the materials for free in at least one form, access never expires, and print copies can be produced at a low cost for students who need it.

# 02 CONSULT STAKEHOLDERS

Stakeholder perspectives are important for crafting strong policy that can be successfully implemented. While there is often broad agreement among key stakeholders that OER can benefit students, each state or campus has its own unique perspectives and needs.

## STUDENTS

Students are most directly impacted by textbook costs, and therefore they should be at the heart of the conversation. Students are often skeptical of industry-driven models like “inclusive access” and prioritize OER over other solutions. Always listen to students first.

## LIBRARIES

Academic libraries have extensive experience in curating, managing, and publishing digital resources. Libraries regularly work with faculty to find high quality materials, and frequently act as conveners of OER initiatives. Turn to them for expertise.

## FACULTY

Faculty are the decision-makers about what textbooks students buy. Quality always comes first and affordability is important too. Faculty tend to be supportive of OER, so long as policies respect their right to select materials for their courses and they get credit for any OER they create.

## BOOKSTORES

Campus stores often play a key implementation role in OER policy. While some institutions out-source bookstore operations to large corporations, some keep stores local and can be supportive of local OER efforts that reduce costs for students.

## ADMINISTRATORS

Institutions are often under pressure to reduce costs, and OER initiatives deliver significant savings. OER programs can also raise the profile of the institution and advance completion and student success. Some administrators may be convinced by industry marketing for “inclusive access” models that hide the cost of textbooks in tuition and fees.

## OTHERS

On-campus groups include disability support services, distance learning, teaching and learning centers, information technology, and student services. Off-campus groups include parents, alumni, consortia, and employers. Textbook publishers are also likely to have a viewpoint, although many are international or based outside your state.

# 03 OER GRANT PROGRAMS

OER grant programs provide funding to support the adoption, customization, or creation of OER. Programs may be administered through institutions or system offices, and they can be established through legislation, appropriations, or by prioritizing OER within existing grant programs. OER grant programs have a strong track record of achieving significant and immediate savings for students while advancing other priorities such as completion and student success. Even a modest state investment can generate a significant return on investment within just a few years.

## EXAMPLE: MARYLAND SB 424 (2017)

- (1) for Fiscal Year 2019, the Governor shall include \$100,000 in general funds in the state budget for the purpose of providing a grant to the William E. Kirwan Center for Academic Innovation at the University System of Maryland for the Maryland Open Source Textbook Initiative.
- (2) The funds allocated under paragraph (1) of this subsection may be used to:
  - (i) award grants to support and promote the adoption, adaptation, and creation of openly licensed educational resources in order to reduce a student's cost of attendance while maintaining or improving learning outcomes;
  - (ii) reimburse expenses incurred in the operation of the Maryland Open Source Textbook Initiative, including administrative functions and the evaluation of its efficacy;



## CASE STUDY: OER GRANTS IN NORTH DAKOTA

The state legislature included a \$110,000 appropriation for OER in the 2015-2017 biennium budget for the North Dakota University System. The system office used the funds to **provide grants** to faculty who created, adapted, and adopted OER to save students money on textbooks. An official **State Audit** of the program found that it had saved students between 10 and 20 times the original investment within just two years.



## OPPORTUNITY: FEDERAL OPEN TEXTBOOK PILOT PROGRAM

The U.S. Department of Education offers a **federal grant program** to support larger-scale projects to create open textbooks. Around \$12 million in grants was available in 2023, and future funding may be provided by Congress. While this program does not replace the need for state-level support, it can expand opportunities for innovation.



# 04 COURSE CATALOG MARKING

Federal law requires institutions to make textbook price information available in the course schedule students use during registration ([20 USC § 1015b](#)). A growing number of states have taken steps to require institutions to mark which courses use OER. Course marking increases transparency, empowering students to make informed decisions about the cost of courses they select.

## Recommendations

- *Consult multiple stakeholders in crafting legislation*
- *Provide sufficient time for implementation*
- *Offer flexibility for local approaches*

### EXAMPLE: ALASKA SB 13 (2024)

- (a) The University of Alaska online course schedule must provide a description of each course that clearly identifies
- (1) required course materials;
  - (2) which of the required course materials, if any, are zero-cost resources;
  - (3) to the extent practicable, which of the required course materials, if any, are low-cost resources; and
  - (4) the amount of each automatic fee, if any, charged for required course materials when a student registers for a course.
- (b) A search function on the University of Alaska online course schedule must provide for searches identifying courses in which all required course materials are zero-cost or low-cost resources.



### CASE STUDY: COURSE MARKING IN OREGON

Oregon was the first state to adopt an OER course marking requirement through [HB 2871 §4](#) (2015). In 2018, the state commissioned an evaluation that found the policy successful in identifying lower cost course materials, although implementation included several complexities. The key recommendations were to standardize marking practices statewide and to devote efforts to raising student awareness.



### RESOURCE: COURSE MARKING GUIDE

With course marking policies expanding to more states, practitioners developed a guide entitled [Marking Open and Affordable Courses: Best Practices and Case Studies](#). The guide is available for free online.

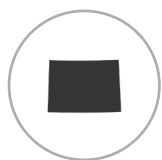
# 05 OER TASK FORCE OR COUNCIL

States have convened OER task forces to develop recommendations, conduct studies, oversee programs, or support ongoing statewide coordination. The most successful task forces include a broad group of stakeholders from the campus community and are charged with a clearly defined goal. Often, states will designate a state agency or staff person as a convener.



## CASE STUDY: MASSACHUSETTS OPEN EDUCATION: ACHIEVING ACCESS FOR ALL

The Massachusetts Department of Higher Education launched an **OER Advisory Council** focused on building capacity for OER across the state. Working with a diverse group of stakeholders, the project is implementing a set of recommendations to leverage OER for the benefit of students. The project was awarded a \$1.3 million grant from the U.S. Department of Education.



## CASE STUDY: COLORADO OER COUNCIL

The Colorado **OER Council** was originally convened through **SB 258** (2017) to develop and submit recommendations to the state legislature, which were codified a year later through **HB 18-1331** (2018). Under the OER Council's leadership, the state's program has been a huge success, generating nearly \$4 million in student savings in its first cycle, a seven-times return on investment. The state has continued funding the initiative to expand the impressive return on investment.

### EXAMPLE: COLORADO HB 18-1331 (2018)

- (1) There is created in the department of higher education the Colorado open educational resources council, which is comprised of the following members:
  - (A) Twelve persons from public institutions of higher education appointed by the executive director as follows:
    - (i) Five faculty members;
    - (ii) Three library professionals;

- (iii) One person enrolled as a student at a public institution of higher education;
- (iv) One instructional design expert;
- (v) One informational technology expert; and
- (vi) One administrator;

[...]

(5) The council has the following duties:

- (A) to recommend to the commission statewide policies for promoting adaptation, creation, and use of open educational resources at public institutions of higher education across the state;
- (B) to facilitate professional development and the sharing of knowledge concerning creating and using open educational resources for public institutions of higher education, faculty, staff, and students, which may include:
  - (i) developing informational materials about open educational resources to distribute to public institutions of higher education across the state for use and adaptation as appropriate;
  - (ii) creating and maintaining a website to link to the materials that the council develops, other open educational resources, and any existing institutional open educational resources databases; and
  - (iii) convening regular meetings, which may include convening open educational resources interest groups to share information and ideas, including through meetings, workshops, conferences, webinars, and an annual open educational resources conference for higher education faculty, instructional designers, librarians, campus administrators, secondary educators who teach concurrent enrollment courses, and other relevant staff;
- (C) to implement the open educational resources grant program created in section 23-4.5-104 and ensure that faculty and students at public institutions of higher education across the state can easily identify and access the open educational resources developed using grant money;
- (D) to advise the department concerning allocation of the money appropriated for the purposes of this article 4.5 to pay the costs of the grant program, convening interest groups, and providing staff support; and
- (E) to prepare and submit an annual report concerning the use of open educational resources at the public institutions of higher education in the state, as described in section 23-4.5-105.

# 06 TRANSPARENCY FOR AUTOMATIC CHARGES

Unlike freely-available solutions like open educational resources (OER), many campuses have adopted other digital textbook models often known as “Inclusive Access” that automatically charge the cost of course materials to students’ tuition and fees. While this type of program is federally regulated under 34 CFR § 668.164, this regulation is being **reconsidered** by the U.S. Department of Education in 2024. Meanwhile, states have taken steps to increase the transparency of these charges and add guardrails to avoid runaway fees.

## EXAMPLE: WEST VIRGINIA HB 4355 (2022)

- (g) An institution shall disclose to a student enrolled at the institution as provided by this section any charges for course materials or access to digital courseware assessed by the institution or another entity to the student on the student’s enrollment in a course, course section, or program or in the institution for the applicable semester or term, regardless of how the charge is assessed on an opt-in, opt-out, or compulsory basis. [...]
- (i) For a charge described by subsection (g) that is assessed based on the cost of required or recommended course materials or access to digital courseware for a certain course or course section in which the student is enrolled, the institution shall:
  - (1) In the listing required under subsection (f), state or provide an internet website link to:
    - (A) The full amount of the charge;
    - (B) If the charge is for a course material in a primarily electronic format or for access to digital courseware, the terms under which the publisher of the course material or digital courseware collects and uses student data obtained through a student’s use of the course material or digital courseware; and
    - (C) Any provision that allows the student to opt in or opt out of the charge or the collection or use of the student’s data; and
  - (2) Itemize the charge separately from any other charges assessed for the course or course section in the institution’s billing to the student.



## RESOURCE: MODEL TRANSPARENCY POLICY

Based on conversations with stakeholders and lawmakers in states including California, Texas, and West Virginia, SPARC has developed **model policy language** that ensures transparency and basic guardrails for automatic textbook fees.

# 07 OER CALL TO ACTION

State governments can provide important leadership by calling for OER action in order to meet state priorities, such as affordability, retention, and completion. A strong, visible statement made by a governor, legislature, top-level administrator, or state agency can get the attention of campus stakeholders, raise awareness, and prompt action. While this play is often best when combined with others, it can have a large impact on its own.

## EXAMPLE: NORTH DAKOTA HCR 3013 (2013)

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-third Legislative Assembly urges the State Board of Higher Education and faculty members of North Dakota University System institutions to increase the use of open textbooks for academic courses in order to reduce the financial burden to higher education students; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the State Board of Higher Education, to the Chancellor of the North Dakota University System, and to each North Dakota University System institution president.

## FACT:

Out of sixteen peer-reviewed academic studies on the use of OER, all found that students using OER had the **same or better** results than those using traditional textbooks. Studies looked at various factors including grades, perceptions of quality, and completion rates.

(Hilton, 2016)



## CASE STUDY: RHODE ISLAND OPEN TEXTBOOK INITIATIVE

In the fall of 2016, Rhode Island Governor Gina Raimondo issued a **challenge** to the state's higher education institutions to save students \$5 million over 5 years through the use of open textbooks. The announcement brought the majority of RI's institutions to the table, and the state is on track to exceed this goal.

# 08 INSTITUTIONAL OER POLICIES

Each campus has its own unique challenges and opportunities for implementing OER as a solution to high textbook costs. One way to prompt conversations among key stakeholders is to direct institutions to develop their own policies, procedures, or guidelines for the adoption and support of OER. Policies can also be developed at the state governing or coordinating board level. Where policies related to traditional materials already exist, updating them to include OER can help remove barriers.

## **EXAMPLE: FLORIDA HB 7019 (2016)**

Each Florida College System Institution and state university shall adopt textbook and instructional materials affordability policies, procedures and guidelines in order to minimize the costs of textbooks. This includes course instructors using open-access textbooks, where possible and instructors are encouraged to develop, adapt, and review open-access textbooks especially in high-demand general education courses.

## **EXAMPLE: IDAHO INSTRUCTIONAL MATERIAL ACCESS AND AFFORDABILITY POLICY (2021)**

Each institution shall develop and implement a plan to increase access and affordability of instructional materials for all students. Plans shall include the following elements: [...]

- iii. Professional development opportunities for faculty and staff related to the discovery, adoption, and use of OER and other affordable instructional materials.
- iv. Strategies to support faculty adoption, adaption, and/or use of OER and other affordable instructional materials.
- v. Programs, incentive structures, or other strategies to encourage and support faculty to publicly share OER developed for their own courses.

## **RECOGNIZING FACULTY EXPERTISE**

It is vital that OER policies are designed to *support* and *encourage* faculty to adopt OER, and never to pressure or mandate them. Faculty should have the right to select textbooks and course materials most appropriate to their courses. When chosen by faculty, OER can enhance academic freedom, since the material is more flexible to update, remix, and share to improve the quality for all students — something not possible with traditional materials.

# 09 OER STUDY

For states newer to OER, a first step can be to call for a study. Like task forces, studies can help assess the status of OER in the state and identify opportunities. Studies can be conducted either by a task force or commissioned from the state auditor, legislative research service, or state agency that oversees education. Studies may be conducted with existing resources or supported with one-time funding.

***OER offer faculty more flexibility than traditional textbooks and can save students millions each year.***

## **EXAMPLE: NORTH DAKOTA HCR 3009 (2013)**

WHEREAS, a North Dakota University System student pays an estimated average of \$1,100 per year for academic course textbooks; and

WHEREAS, high textbook costs create a financial burden for students to attend a higher education institution which may limit student access to higher education; and

[...]

WHEREAS, the use of open textbooks can significantly reduce higher education costs for students which increases student access to higher education; and

WHEREAS, the use of open textbooks among all North Dakota University System institutions and other states' higher education systems for common core courses may result in efficiencies reducing state costs related to higher education;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management study the use of open textbooks in the North Dakota University System, including options to develop partnerships with other states to use open textbooks; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-fourth Legislative Assembly.

# 10 OER FOR DUAL-CREDIT

Open educational resources can benefit students who span higher education, vocational education, and K-12. The high cost of textbooks can be a significant burden for high schools offering dual credit programs, which allow students to get college credit while still in school. There are also opportunities to leverage federal funding under the Perkins Act, including through state career and technical education implementation plans.

## EXAMPLE: TEXAS HB 3650 (2019)

Any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program described by Subsection (b-1) must:

[...]

(6) require the district and the institution to consider the use of free or low-cost open educational resources in courses offered under the program;



## OER IN K-12 EDUCATION

States and districts across the country are leveraging OER in K-12 education. For example, more than 100 districts and 20 states have chosen to participate in the U.S. Department of Education's #GoOpen Campaign, which provides support for local efforts to transform teaching and learning through the use of openly licensed educational materials. Visit [tech.ed.gov/open](https://tech.ed.gov/open) for more information and resources.

## FACT:

The return on investment of OER adoption doesn't stop at savings. Many students choose to reinvest their textbook dollars in more credit hours—helping students reach their degree faster.

(*Achieving the Dream*, 2020)



# RELATED ISSUES

There are many digital textbook models being promoted, but not all provide the same benefits to students. While policymakers may consider other proposals concerning course materials or digital textbooks, it is important to avoid common pitfalls that could end up harming students in the long run. Here are some recommendations to keep in mind.

## *Not all digital textbook models are equally effective.*

### OPPOSE AUTOMATIC BILLING

Policymakers should beware proposals that seek to automatically charge students for digital textbook subscription fees. Lobbyists may use terms like “Inclusive Access” or “First Day” and reference [34 CFR § 668.164](#). But the truth is that this model is designed to benefit publishers and retailers, and the claims about student savings are dubious. Students should be able to choose where and how they purchase their textbooks, so that providers will compete and keep prices low. Automatic billing should be prohibited unless it is “opt-in” with expressed consent from students.

### SUPPORT ACCESSIBILITY

Accessibility is an important consideration for all kinds of digital materials. Not all students have equal access to digital devices or broadband, and some digital formats pose challenges for students with disabilities. These issues must be recognized and planned for, no matter what kind of digital material is being used. OER offers significantly more flexibility than proprietary digital materials, since it can be freely converted into offline digital formats, printed locally at-cost, and adapted to meet the needs of students with disabilities without the need for additional permissions.

### QUESTION “DIGITAL DISCOUNTS”

There is a new wave of subscription-based digital textbooks being advertised by traditional publishers. However, digital discounts can be deceptive. Print textbooks may have higher sticker prices, but at least can be kept, shared, or resold. Subscription-based digital textbooks expire, and also undercut tried-and-true methods of saving money like used book and rental programs. Given that students employ a wide range of cost-cutting strategies, digital subscriptions aren’t a complete solution. OER is still the best model for digital textbooks, since digital access is free and never expires.

### DEFEND STUDENT DATA PRIVACY

Proprietary digital textbooks are a new frontier for possible student privacy violations, since textbook publishers are in a position to capture vast amounts of user data. Just as students are a “captive market” for textbook prices, they are also a captive market for any data publishers collect through their course materials and platforms. Before considering policy that promotes proprietary digital materials, it is vital to ensure adequate privacy protections are in place. OER offers more flexibility to protect student privacy, since students do not have to “log in” to read it and the material can be hosted locally.

# MORE INFORMATION

Ever since the term “open educational resources” was coined in 2002, a movement has grown to support the expansion of this free, flexible model for high-quality educational materials. There is a broad coalition of individual practitioners, researchers, students, and organizations across the U.S. who are working to advance OER in their communities and can support policy efforts too. Check out the options below or email us at [sparc@sparcopen.org](mailto:sparc@sparcopen.org).

## SPARC RESOURCES

- **State Policy Playbook:** Download this resource in multiple formats to access links to research and model policies.
- **State Policy Tracker:** View state-by-state policies related to OER that have been adopted across the country, along with weekly tracking during the legislative season.
- **InclusiveAccess.org:** Explore the differences between OER and other digital textbook models to consider what is truly inclusive.

## COMMUNITY RESOURCES

- **DOERS3:** Collaboration of 38 statewide public higher education institutions and OER initiatives, serving over 7 million students at more than 876 colleges and universities in North America.
- **Regional Compacts:** The four regional interstate higher education compacts—**MHEC**, **NEBHE**, **SREB**, and **WICHE**—have launched OER efforts and offer resources on their websites.
- **UNESCO:** The United Nations Education, Scientific and Cultural Organization released a formal recommendation for government officials to advance OER.

## FACT:

**OPEN EDUCATIONAL RESOURCES**

**MAKE HIGHER ED MORE AFFORDABLE**



## ABOUT SPARC

SPARC is a global coalition of academic and research libraries with members in nearly every U.S. state. Our mission is to make “open” the default in research and education in order to expand access to knowledge, accelerate the pace of innovation, and benefit society. Policymakers play an essential role in providing higher education opportunities to their citizens, and we hope this resource can empower states to leverage OER as a policy solution. Our expert staff are available for policy consultations, and further resources on OER policy are available on our website at [sparcopen.org/oer-state-policy](https://sparcopen.org/oer-state-policy).



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