Digital Instructional Materials: Requirements and Recommendations

The instructional materials students and teachers engage with are a critical part of student learning and experience. No matter where digital instructional materials are used, be it within traditional school walls or in an online environment, the quality of those materials is crucial to effective teaching and rich, meaningful student learning.

This document highlights **Digital Materials Requirements and Recommendations** which apply to all digital instructional materials. If digital instructional materials are basal and are not present on the list of materials adopted by the State Board of Education, they also require an Independent Adoption of Instructional Materials. The requirements and recommendations in this document can be used both independently (if digital materials are supplemental) or in addition to the adoption criteria used in an Independent Adoption process.

Key Terms:
Basal materials are intended to be a *substantial and ongoing* component of instruction. Districts are required to adopt basal instructional materials in order to teach to the academic content standards. Basal instructional materials may include: Adaptive or personalized learning programs, digital textbooks, print textbooks.

Supplemental materials are used *in conjunction with* the basal instructional materials of a course. They contain resources to supplement and/or differentiate core instruction. Supplemental materials may include: articles, audio clips, films, intervention materials, novels.

Digital Materials Requirements[1] and Recommendations

Requirements	
Student Data Privacy	- Explanation from vendor of how they comply with the Children's Online Privacy Protection Act (COPPA) - Explanation from vendor of how they comply with the Oregon Student Information Protection Act (OSIPA) - If student records or personally identifiable information (PII) will be disclosed through use of the digital materials, the district must ensure that this instance of disclosure meets the **school official exception** to the Family Educational Rights and Privacy Act (FERPA).
Accessibility	- Ensuring accessible design: - Vendor-provided assurance that all learners have equitable access to their materials by ensuring that they meet WCAG 2.0 AA or higher standards; **or** - Vendor-provided Voluntary Product Accessibility Template (VPAT)

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[1] OAR 581-011-0050, OAR 581-011-0087, OAR 581-022-2355

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	describing how their software or digital content meets accessibility standards. ● Vendor-provided program accessibility support services that comply with special education policies and procedures. ● Identify school district program faculty and staff who will work with students and families to personalize programs and adhere to accommodations as dictated by special education, language acquisition, and other requirements.
Recommendations	
Digital Learning Design Elements	● Resources should be easy to understand and use for teachers and learners. ● Multimedia elements should support, rather than distract from, intended learning outcomes and instructional content. ● Consider how teachers will be able to adjust and adapt materials to meet student needs.
Technology Integration and Interoperability Elements	● Technology features (e.g., interactivity, animation, automated feedback, etc.) should be purposefully employed to enhance content and instruction. ● Ensure teacher and student devices meet the minimum requirements to support use of all included software components. ● Teachers and students need access to Internet broadband at a speed adequate to support any components that require connectivity. ● Test technology features to ensure reliable functioning in the environment (e.g., devices, wireless connectivity, etc.) where the resource will be used.
Algorithms or Adaptive Learning	● Evaluate if materials rely on algorithmic systems to determine the content each student interacts with (i.e. personalized or adaptive learning programs). ● Explore to what degree the software provides context for questions when students may not be familiar with the terminology and/or situations presented in a question or task. ● Ensure that teachers have agency to adapt a student's learning path by adding or removing content. ● Evaluate whether the software ensures that all students will be exposed to rigorous grade-level content. ● Have the algorithmic systems been evaluated for bias by an entity other than the publisher/developer?

Appendix

Additional Information on Student Data Privacy Laws

Family Educational Rights and Privacy Act (FERPA): "Under the **school official exception** to FERPA's general consent requirement, educational agencies and institutions may disclose students' educational records, or personally identifiable information (PII) in those records, to a provider of such a service or application as long as the provider:

1. Performs an institutional service or function for which the educational agency or institution would otherwise use its own employees;
2. Has been determined to meet the criteria set forth in the educational agency's or institution's annual notification of FERPA rights for being a school official with a legitimate educational interest in the education records or PII;
3. Is under the direct control of the educational agency or institution regarding the use and maintenance of the education records or PII; and
4. Uses the education records or PII only for authorized purposes and does not redisclose the education records or PII to other parties (unless the provider has specific authorization from the educational agency or institution to do so and it is otherwise permitted by FERPA). See 34 CFR §99.31(a)(1)(i)."
    ([FERPA & Virtual Learning During COVID-19](), Privacy Technical Assistance Center and the Student Privacy Policy Office)

Children's Online Privacy Protection Act (COPPA): "COPPA imposes requirements on operators of websites or online services directed to, or that have actual knowledge they are collecting the personal data of, children under 13 years of age." *(From [Protecting Personal Information Issue Brief](), Oregon Legislative Policy and Research Office, 2019)*

➢ COPPA requires websites to post a privacy policy and obtain verifiable parent or guardian consent for data collection of users under age 13, and sets limits on data collection practices.
➢ When considering purchasing or licensing online services for students, the provider should be able to explain how they comply with COPPA.

Oregon Student Information Protection Act (OSIPA): "The OSIPA prohibits online education sites, services, and applications from compiling, sharing, or disclosing K-12 student information for any purpose other than educational purposes." *(From [Protecting Personal Information Issue Brief](), Oregon Legislative Policy and Research Office, 2019)*

➢ Oregon's law takes student data collection and privacy a step further than the federal COPPA. It is important for school districts to act as conscious consumers and proactively request assurance that online services comply with OSIPA in order to protect student data privacy.

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Access to instructional materials and resources is required for all students. This is addressed in federal law in Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA). "Under both laws, recipients of federal financial assistance and public entities must ensure that individuals with disabilities have an equal opportunity, as compared to individuals without disabilities, to participate in their services, programs, and activities." *(From OCR Short Webinar on Online Education and Website Accessibility)*

This requirement is also specifically called out in OAR 581-011-0087 regarding digital instructional materials.

➢ Publishers can ensure that traditional print instructional materials are accessible for all students through the National Instructional Materials Access Center (NIMAC). Although there is not a similar assurance process for digital instructional materials, there are standards for digital and web accessibility called the Web Content Accessibility Guidelines (WCAG).