



Digital Instructional Materials and the Williams Sufficiency Standard

When considering the adoption of digital materials, some districts have cited the Williams Settlement legislation, which was signed on September 29, 2004, as a barrier. The Williams Settlement legislation established the “sufficiency” standard for instructional materials, which requires that all students, including English learners, have access to standards-aligned textbooks or instructional materials in the core subjects for use in class and to take home.

Unfortunately, some districts have interpreted this to mean that they cannot adopt digital instructional materials unless every student has access to a computer with Internet access at school and at home. While this remains the ideal, technology has evolved so that there are ways to meet the sufficiency requirement of Williams AND adopt digital materials.

This memo provides a framework for how districts can adopt digital instructional materials while fully honoring the equity principle at the heart of the Williams Settlement legislation and the sufficiency requirement.

What Schools are Subject to the Sufficiency Standard?

All schools are subject to the Williams standards, including the sufficiency standard. County Superintendents are responsible for visiting the schools in the bottom three deciles within the first four weeks of school to verify that those schools satisfy the relevant standards.

What is the Sufficiency Standard and How Does it Apply to Digital Instructional Materials?

Instructional materials are defined in Ed Code 60010(h) as “all materials that are designed for use by pupils and their teachers as a learning resource and help pupils acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.”

Sufficiency of instructional materials is defined in Ed Code 1240(c)(2)(B) to mean that each pupil has sufficient textbooks and instructional materials in the four core areas as defined by Section 60119. Ed Code 60119(c)(1) states that sufficient textbooks or instructional materials means “each pupil, including English Learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home.”

Web-based or electronic textbooks count as instructional materials. In order to meet the sufficiency standard, however, students need to have access to such materials both at school and at home. This presumes that students with Web-based materials have access to computers or other devices and the Internet in school and at home, and that students with electronic textbooks have access to computers or other devices in school and at home.

How Can Districts Meet the Sufficiency Standard While Adopting Digital Instructional Materials?

As long as the district assures that students can access the relevant content at school and at home, districts can adopt digital instructional materials. Indeed, many districts already have done so. Three general approaches that districts may take in adopting digital instructional materials, while ensuring sufficiency, are described below. Although described as distinct "Approaches," they may also be viewed as reflecting different segments of a spectrum. Districts may plan to move from one approach to another over time or to adopt materials for different subjects and grades that fit within different approaches.

Static Approach: Static, digital materials. Under this approach, the materials are a PDF, operating as a book on a digital reader, without interactivity. Under this approach, digital versions of textbooks and other materials replace hard copies. Generally, districts will also have to adopt accompanying workbooks or practice-books in hard copy for student assignments.

Interactive Approach: Interactive digital materials, with ability to access content without an active internet connection. Under this approach, the materials are interactive but they have been designed so that students can access relevant materials regardless of whether they have internet access at home.

This is accomplished by adopting digital materials with one or more of the following features or functionality: (a) the digital materials, including interactive content, come preloaded on the devices to allow use at school and then use the devices at home without connectivity; (b) the digital content is loaded on a flash drive that the students can use at home on a computer or device without connectivity; (c) on a regular basis (e.g., daily or weekly), students download relevant interactive materials to the devices before leaving campus (or the materials update automatically at some point during the school day); and/or (d) homework is based on printed materials, such as a practice book that comes with the digital techbook adoption or supplementary handouts.

- Examples: In Riverside USD, teachers upload important materials onto a learning management system, instead of simply providing a link to web-based content. If there is something for an assignment that must be downloaded, it is the student's responsibility to do so before leaving campus.

In rural areas with limited broadband connectivity, districts may request that the publisher provide a server for school sites to ensure students can access the interactive digital materials at school and download them for use at home.

Fully Interactive and Connected Approach: Fully interactive digital materials based on universal internet access. Under this approach, the materials are interactive and require

universal wifi for students to access the relevant materials. This would include materials designed to operate “in the cloud,” *i.e.*, that function only with a live internet connection, or in which students must have wifi to access content, such as recorded lectures or interactive, web-based graphics. (Because universal wifi access in entire communities has not been achieved, this is an aspirational approach.)

Access to Devices

Because “sufficient instructional materials” require access to the materials both at school and at home, the above approaches presume that the district assures that all students have devices for use at school and at home in conjunction with before adopting instructional materials in an exclusively digital format. Many districts in California have accomplished this, through one or more of the following strategies:

- School districts, such as Riverside USD, have adopted a Bring Your Own Device (BYOD) policy. Like RUSD, a district can conduct a survey to gauge student need, and those who are unable or unwilling to provide their own device are provided one by the district at no cost. Such policies, however, must be developed to satisfy the free schools guarantee, which is described in more detail below.
- To expand the number of students who are able to provide their own device, a district foundation or public/private partnership, such as the Napa Valley Education Foundation and NapaLearns in Napa County, can offer a Rent-to-Purchase program for devices. Parents put down a small initial payment, and are billed monthly during the school year. At the end of the year, they own the device. Alternatively, businesses and public/private partnerships can assist districts with funds to purchase outright devices to provide for students who cannot bring them from home.
- Some districts, such as Coachella Valley USD, have purchased a device for every student in the district to use at school and at home.
- For programs where the district provides a device (either to all students or to those who are unwilling or unable to provide their own), students check out a device to use in class and take home, and the device is theirs for the entire school year. Schools use the same inventory system as they do for textbooks to keep track of what device has gone to what students. Though it is not required, parents can purchase insurance against loss or theft.

Free Schools Clause and Illegal School Fees

The “free schools” clause of the California Constitution and related statutes prohibit public schools from requiring students to purchase materials as a condition of participating in educational activities. The California Department of Education has issued guidance providing more details about the free schools clause and school fees, which can be accessed at: <http://www.cde.ca.gov/re/lr/fm/fma1202.asp>.

Just as school districts cannot charge students for required textbooks, see Education Code Section 60070, school districts may not require students to purchase devices or internet access, to provide their own devices, or otherwise pay a fee as a condition of accessing required course materials under the free schools guarantee, see Education Code Section 49010(b)(3). Accordingly, districts must assess whether they can ensure that all students will be able to access electronic devices both at school and at home without requiring students to purchase or

provide devices. Additionally, unless the district can assure that all students have internet access at school and at home, districts must also be conscious of whether students will be able to access the digital content without an internet connection.

Conclusion

Reaching the ideal state where all students have devices and connectivity at school and at home may not be accomplished overnight. But the level of student engagement and achievement that is possible when digital materials are used and the increasing importance of technology in society underscore the importance of incorporating technology into education in the meantime while ensuring equity.

Although many families have the devices and appropriate connectivity in place, the most at-risk children may not. Particularly as testing now requires students to be familiar with working digitally, developing a framework for incorporating digital materials into every day instructional practice is essential. We hope that Districts will consider the approaches outlined above for meeting the sufficiency standard while adopting digital materials.

Sincerely,



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