



Beyond the Screen: Distinguishing Educational Technology from Consumer Tools

Understand the Difference.

Protect Students.

Support Effective Learning.

Educational technology is not new. It has been used by students in classrooms and for at home learning for decades. When technology is safely and actively integrated into the learning experience through evidence-based educational tools, it transforms a potential distraction into an inclusive and powerful learning resource. This document outlines a few key terms and practices to help distinguish between educational technology and consumer-facing technology.

SIIA represents a diverse spectrum of companies, including developers of educational technology and providers of consumer-focused tools. While both offer significant value, they serve distinct roles. Understanding these differences is essential for effective implementation and regulatory compliance.

EDUCATIONAL TECHNOLOGY

Educational technology (“ed tech”) is defined by its intentional design for formal learning environments and its strategic partnerships with schools, districts, and universities. By anchoring digital tools in sound pedagogy, these platforms function as a seamless extension of the school’s curriculum, delivering measurable academic outcomes through structured interactions. Because they are governed by formal contracts, they provide the necessary data privacy and administrative oversight essential for institutional accountability.

What types of technology are considered to be ed tech?

- Subject-based curriculum tools
- Learning management systems
- Student information systems
- Intelligent tutoring systems

CONSUMER-FOCUSED TECHNOLOGY

While consumer-focused technology can offer educational experiences, it is engineered for individual adoption rather than formal integration. Lacking the governance of institutional agreements, these tools typically prioritize passive content consumption over the rigorous, structured interactions required in a classroom. Consequently, while consumer products offer significant value in informal contexts, they lack the specific architectural design and pedagogical alignment required to advance a school’s core strategic objectives.

What are some examples of consumer focused technologies?

- Social Media
- Educational resources not included in the school curriculum
- Streaming Services
- Mobile applications used outside of the school context
- Public-facing Websites

THE REGULATORY LANDSCAPE FOR ED TECH

The ed tech sector is governed by a complex framework of federal, state, and local regulations. While federal mandates establish a national baseline, requirements often vary by state and individual Local Education Agencies (LEAs). These laws are designed to safeguard student privacy, ensure accessibility, and mandate pedagogical efficacy.

Student Privacy and Data Protection

- Federal statutes—including the Family Educational Rights and Privacy Act¹ (FERPA), the Children’s Online Privacy Protection Act² (COPPA), and the Protection of Pupil Rights Amendment³ (PPRA)—grant specific protections to students and parents. These laws generally require schools to obtain informed consent before sharing Personally Identifiable Information (PII) with third-party vendors. Many state-level regulations further strengthen these protections by:
 - **Prohibiting Targeted Advertising:** Explicitly banning the monetization of student data for commercial purposes.
 - **Contractual Oversight:** Mandating rigorous data-sharing agreements that dictate how vendors collect, safeguard, and eventually delete student information.

Digital Accessibility

- Under federal mandates such as the Individuals with Disabilities Education Act⁴ (IDEA) and the Americans with Disabilities Act⁵ (ADA), educational institutions must provide equitable access to learning. This requires that any technology integrated into the curriculum be architecturally accessible to all students, ensuring that those with disabilities are not excluded from digital learning opportunities.

Evidence-Based Funding Requirements

- Funding for classroom technology is often tied to federal legislation such as the Every Student Succeeds Act⁶ (ESSA). These funds are not unrestricted; rather, they are contingent upon products meeting specific “evidence of effectiveness” tiers. Under ESSA, districts must demonstrate that the technology purchased with federal dollars has a proven, measurable impact on student outcomes, ensuring that public investment is directed toward validated pedagogical tools.

^[1] Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (1974).

^[2] Children’s Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501–6505 (1998).

^[3] Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h (1978).

^[4] Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 (2004).

^[5] Americans with Disabilities Act of 1990, Pub. L. 101-336, 104 Stat. 327 (1990).

^[6] Every Student Succeeds Act, 20 U.S.C. § 6301 (2015).

FREQUENTLY ASKED QUESTIONS

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Why must policymakers distinguish between ed tech and consumer-focused technology?

Understanding this distinction is vital for crafting effective policy and mitigating institutional risk. While both categories provide educational value, they operate under fundamentally different legal and architectural frameworks:

- **Prohibited Features:** Consumer-focused technologies often include features—such as targeted advertising or the creation of permanent profiles—that are expressly prohibited in formal educational settings. These platforms may collect data beyond what is necessary for a specific pedagogical purpose.
- **Regulatory Coverage:** Institutional ed tech is governed by a robust, overlapping framework of student-specific privacy and accessibility laws. In contrast, consumer tools are generally subject to broader consumer protection statutes, such as COPPA or state-level general privacy acts like the Virginia Consumer Data Protection Act⁷ (VCDPA).
- **Consent and Governance:** Ed tech is governed by institutional contracts and school-level oversight. Consumer products typically rely on individual user agreements, which may require separate parental or student consent and may not align with state-specific educational mandates.

For policymakers, conflating these two categories can lead to regulations that either inadvertently stifle classroom innovation or fail to provide the necessary protections for student data within the school ecosystem.

Is all technology that is advertised as “educational” designed for schools?

No. While many apps are marketed as educational, institutional ed tech is specifically designed for formal learning and governed by school contracts that prioritize data privacy and pedagogical alignment. Unlike consumer-facing apps, institutional tools typically require secure access to manage student participation and comply with legal standards that prohibit using student information for commercial marketing or advertising. These agreements ensure that providers only collect data necessary for the educational service and maintain strict security procedures to protect student confidentiality.

^[7] Va. Code § 59.1-571 et seq.

Who is responsible for the evaluation, selection and management of ed tech products?

In a formal educational setting, schools, districts, and state agencies serve as the primary decision-makers. Many of these entities involve families in this decision-making process. Whether selecting foundational textbooks or advanced AI-driven tutoring systems, these institutions exercise full authority over the procurement process.

Unlike consumer tools, ed tech is typically governed by formal contracts between the institution and the vendor. These agreements are managed by procurement officers, curriculum directors, or IT professionals to ensure compliance with:

- **Data Management:** Standards for data access, portability, and deletion.
- **Security:** Rigorous cybersecurity requirements to protect institutional networks.
- **Pedagogical Alignment:** Verification that the tool supports specific curriculum goals and state standards.

How is ed tech integrated into the student experience?

Ed tech is not a peripheral add-on; it is seamlessly integrated into instructional management, pedagogy, and assessment. Its application spans the entire academic lifecycle:

- **Instruction & Composition:** Students utilize platforms to develop core competencies, from drafting literary essays to mastering complex geometric theorems.
- **Assessment:** Tools facilitate both formative and summative assessments, providing teachers and parents with real-time, data-driven insights into student progress.
- **Administration:** Student Information Systems (SIS) and Learning Management Systems (LMS) allow educators to manage grades, distribute assignments, and streamline parent-teacher communication regarding institutional updates or emergency closures.

Do students have unfettered access to the internet on school devices?

No. Unlike consumer devices, school-managed technology operates within a secure "walled garden" designed to prioritize safety and academic focus. Under the Children's Internet Protection Act (CIPA)⁸, schools are legally required to implement content filtering and monitoring tools that block access to harmful or inappropriate material as a condition of federal funding.

Beyond legal mandates, districts use administrative controls to restrict access to non-educational sites, such as social media or gaming platforms. These protections ensure that digital tools remain dedicated to curriculum-aligned activities, creating a supervised environment that minimizes distractions and safeguards student well-being.

^[8] 47 U.S.C. § 254(h) and (l)

Is there ed tech that isn't used by students?

Yes. While educational technology is often associated with student-facing applications, a vital segment of the ecosystem consists of institutional tools designed for administrators and educators to manage operations, regulatory compliance, and instructional quality. These systems are defined as "ed tech" by their intentional design for formal learning environments and their governance through strategic partnerships with schools and districts. Even without direct student interaction, these platforms—such as Student Information Systems (SIS)—provide the necessary architectural design to safeguard student privacy, ensure digital accessibility, connect with families, and facilitate evidence-based assessment. Unlike consumer-focused software, this administrative ed tech is governed by formal contracts and a robust framework of education-specific laws, including FERPA, COPPA, and IDEA.

How do ed tech vendors provide transparency to school leaders and parents?

Due to stringent federal and state requirements regarding privacy, accessibility, and efficacy, many vendors maintain websites where school leaders and parents can access relevant information. These resources are designed for administrators, IT specialists, and families, often including:

- **Privacy Documentation:** Policies that distinguish between general website practices and specific product-level data protections. Privacy requirements differ by state so there may be multiple documents outlining practices for specific jurisdictions.
- **Accessibility Standards:** Documentation such as Voluntary Product Accessibility Templates® (VPAT®) to ensure compliance with disability laws.
- **Evidence of Impact:** Published efficacy research and sample content to validate the tool's pedagogical value.

What is the "School Official Exception" under FERPA?

The School Official Exception is a provision within FERPA that allows schools to share student data with third-party providers without prior parental consent. To qualify as a "School Official," an ed tech provider must meet three strict criteria:

1. **Institutional Function:** The provider must perform a service or function that the school would otherwise use its own employees to perform.
2. **Direct Control:** The provider must operate under the school's direct control regarding the use and maintenance of educational records.
3. **Strict Limitations:** The provider must adhere to federal restrictions prohibiting the unauthorized use or re-disclosure of PII.

This exception ensures that schools can adopt modern digital tools while maintaining the same level of legal accountability as they would with internal staff.

Can parents review their child's data held by an ed tech vendor?

Under FERPA, parents have a legal right to inspect and review their child's education records. Because ed vendors act as "School Officials" under the "direct control" of the school, they are required to support the school in fulfilling these requests.

- **The Review Process:** Parents typically coordinate with the school district—the legal owner of the data—rather than the vendor directly.
- **Data Deletion:** Ed tech is bound by strict retention policies. Once the data is no longer necessary for the educational purpose, the vendor must securely delete it in accordance with the school's instructions.

ADDITIONAL RESOURCES

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