Checklist: Transitioning Away from Remote Learning

Many schools are planning to return to full in-person learning next fall, but transitioning away from remote learning requires thoughtful steps to protect student privacy and promote equity. The following steps will help ensure that student data is truly destroyed on devices and services being retired and that students can continue accessing valuable services.

KEY

Develop Robust Data Governance

Engage the Community

Promote Equity

Build Stakeholder Capacity & Digital Literacy

Comply with Legal Rules

Establish a Decision-making Process for Determining Which Online Learning Tools to Retire

- ☐ If possible, integrate decisions about online learning technology into existing data governance structures. If not, establish a new data governance structure to oversee this decision-making process.

- ☐ Work with educators and staff to inventory any technology they adopted during the pandemic in an open, non-punitive system.

- ☐ As part of data governance, provide a mechanism to hear from parents and community members to ensure that decisions reflect their concerns and meet their needs.

  - ☐ Include topics such as feedback on what was effective, what was not, and **what services marginalized groups (such as students with disabilities) would like to retain.**

  - ☐ Prioritize inclusivity and accessibility to ensure that parents and families across all backgrounds may participate.

  - ☐ Communicate proactively with communities to share the information they need to give thoughtful input and make informed decisions regarding data and technology.

  - ☐ Embed data and technology considerations into the community consultation required under the Elementary and Secondary School Emergency Relief Fund and the American Rescue Plan.

- ☐ Prioritize retiring tools that negatively impact equity (such as remote proctoring software).

Destroy Data on Services and Devices Being Retired

- ☐ Determine if data needs to be retained through data governance procedures.

  - ☐ Consult with communities on potential uses of data.

  - ☐ Consult with counsel to comply with federal and state legal requirements that implicate data retention or destruction.

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☐ 🔵 Back up data to be retained in accordance with documentation for devices, software, and web applications.

☐ 🔵 Destroy data that is no longer needed from the device or service using technical best practices.

    ☐ **Do not** merely factory reset a device or delete user accounts; the data may still be recoverable. Instead, follow the vendor's recommendations to reformat or erase the hard drive.

☐ 🔵 Ensure that any staff member tasked with backing up and destroying student data is trained on appropriate best practices.

Re-Evaluate Contracts and Data Sharing Agreements and Amend or End as Needed

☐ 🔵 For online learning services that will no longer be used, request destruction of data, verify that the destruction has been performed, and terminate agreements.

☐ 🔵 🔴 For services that will continue to be used, review data sharing agreements for compliance with legal requirements and best practices and to ensure they reflect the planned uses of online learning services once students are attending school in-person.

Resources

- Elizabeth Laird & Hannah Quay-de la Vallee, Center for Democracy & Technology, *Balancing the Scale of Student Data Deletion and Retention in Education*: https://cdt.org/insights/report-balancing-the-scale-of-student-data-deletion-and-retention-in-education/

- Elizabeth Laird, Center for Democracy & Technology, *Responsible Use of Data and Technology in Education: Community Engagement to Ensure Students and Families Are Helped, Not Hurt*: https://cdt.org/insights/responsible-use-of-data-and-technology-in-education-community-engagement-to-ensure-students-and-families-are-helped-not-hurt/

- Student Privacy Policy Office, U.S. Department of Education, *Protecting Student Privacy While Using Online Educational Services: Model Terms of Service*: https://studentprivacy.ed.gov/resources/protecting-student-privacy-while-using-online-educational-services-model-terms-service

- Student Privacy Policy Office, *Best Practices for Data Destruction*: https://studentprivacy.ed.gov/resources/best-practices-data-destruction

- Privacy Technical Assistance Center, U.S. Department of Education, *Data Governance Checklist*: https://nces.ed.gov/Forum/pdf/data_governance_checklist.pdf

- U.S. Department of Education, *State Plan for the American Rescue Plan*: https://oese.ed.gov/files/2021/04/ARP-ESSER-State-Plan-Template-04-20-2021_130PM.pdf

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