



CNMI Public School System Instructional Technology Appropriate Use Regulation

Board of Education Action No. 2021.17.09
Approved on September 30, 2021

I. Executive Summary

The CNMI Public School System Office (PSS) of Instructional Technology & Distance Education provides a myriad of online services to support both students and professionals alike. Its core branches include 1) Student Portal, 2) Professional Portal, 3) Educational Technology Training Program, and 4) the Aspiring Leaders Program. PSS has made a significant commitment to digital learning and provides technology tools and resources to its students and staff for educational and professional activities. The district's Educational Technology program has trained nine cohorts of educators, approximately 940 participants, about various technology tools and the elements of digital citizenship. The goal of providing these resources is to develop efficient and responsible users of technology by promoting educational excellence and fostering high quality teaching and learning. PSS firmly believes that technology resources are of great importance in enhancing teaching and learning. While these technology innovations are beneficial for instruction, PSS recognizes the need to develop regulatory guidelines in relation to the use of technology resources to ensure optimal data privacy and security.

In light of the COVID-19 pandemic during SY 20-21 and the presence of the Delta variant during SY 21-22, the (PSS) has leveraged its remote learning capacity to provide instruction to ensure optimal safety and while ensuring that learning continues for its 10,000 students and 1000 personnel. The hybrid learning approach has mitigated the vulnerability of COVID-19 by providing both remote and face-to-face learning methods. However, current policies do not define nor support guidelines of using online programs, services, or applications in accordance with the Family Educational Rights and Privacy Act (further referred to as FERPA) and the Children's Online Privacy Protection Act (further referred to as COPPA), which entail the vulnerability of personally identifiable information (further referred to as PII).

Student safety in unison with education has always been the primary concern of the CNMI Public School System. Distance education through online platforms has become the cornerstone of dynamic learning since 1993 and was piloted with the University of Illinois. In that time, educators found that there was a dire need for privacy protection and Congress enacted the Children's Online Privacy Protection Act (COPPA) in 1998. The primary goal of COPPA is to place parents in control over what information is collected from their children online. The Rule was designed to protect children under age 13, while accounting for the volatile nature of the Internet. During the onset of the coronavirus pandemic, there has been an increasing number of attacks that are targeting organizations especially in education because education organizations and institutions have often been slow to react to an increasingly dangerous security landscape, leading many to become prime targets and victims of cyberattacks. To combat this, organizations started taking cybersecurity in education more seriously and assessed whether their current strategies were enough to defend themselves against modern threats. According to research, of the more than 50 million students and teachers in an online forum, 87% of educational establishments have experienced at least one successful cyberattack. Information like educational records and healthcare records are some of the most sought-after data for cybercriminals, fetching up to \$265 for each profile on the black market. The education sector accounted for 13% of all data security breaches during the first half of 2017, resulting in the compromise of some 32 million personal records and has grown

significantly larger at the present 30%. Taking action by adopting regulations similar to school districts in California, Illinois, and New York will ensure proper safety measures are taken into account when dealing with sensitive student information. COPPA permits a school district to consent to the collection of this information on behalf of all of its students, thereby eliminating the need for individual parental consent given directly to each individual website operator. COPPA outlines what operators of commercial websites and online services must do to protect the privacy and safety of children online and imposes certain requirements on those individuals that have access to student information. Operators may not use the personal information collected from children based on a school's consent for commercial purposes unless parental consent is obtained.

These guidelines provide a process through which the district can conduct research for online programs, services, or applications (further referred to as tools) and ensure they protect student PII before being used. The guidelines are significant in that they place responsibility on a teacher to protect student PII with the use of FERPA/COPPA regulations. Any PII from a student's education records that a tool receives under FERPA may only be used for the specific purpose for which it was disclosed.

While PSS is bound by federal regulation such as FERPA and COPPA, there is a need to operationalize procedures to ensure compliance. A checklist with such guidelines has been developed for this purpose. This checklist is intended to assist users in understanding how a technology tool will collect, use and/or transmit user information so that the CNMI Public School System can approve or deny the use of any tool for the safety and security of student PII. Attached is a list of tools that have been approved for use by the district that abide by FERPA and COPPA regulations.

Online educational services increasingly collect a large amount of data as part of their operations. Without these guidelines in place, there is a chance that student PII may be at risk and unknowingly disclosed to tool providers that are not approved by the district. The tool provider may not share or sell PII, or re-use it for any other purpose, except as directed by the district and as permitted by FERPA and COPPA.

As such, there is an opportunity to amend the current policy § 60-30.2-370 on internet usage to implement procedures for the appropriate use of technology tools and resources in compliance with FERPA and COPPA.

Recommended Regulation for Adoption

Request to amend § 60-30.2-370 on Internet Usage.
<http://www.cnmilaw.org/pdf/admincode/T60/T60-30.pdf>

The Public School System (PSS) offers internet access for employee and student use. The Board of Education recognizes that it is important for students to have access to electronics-based research tools for their application to learning, problem solving, production of work, and Title 60: Board Of Education by The Commonwealth Law Revision Commission (Mar. 28, 2018) Page 116 of 310 presentation of information. The Board also recognizes that while these resources represent extraordinary learning opportunities and enriching educational materials, they also offer persons with illegal or unethical motives avenues for reaching

students, teachers, parents/guardians and members of the community. Additionally, these resources present tempting opportunities for users to explore areas that are either confidential, have restricted access or are inappropriate to the classroom or workplace. The regulation in this section outlines acceptable student and employee behavior with respect to use of PSS technology and electronic resources. It may be referred to as the “Acceptable Use Regulations” for the employee’s use of Public School System Educational Systems Network (PSS-ESN).

Regulatory Statement:

Through the Commissioner of Education, the Instructional Technology & Distance Education Office, shall initiate procedures for all educational technology tools, programs, and applications used for teaching and learning to (1) ensure the protection of student data privacy and (2) direct appropriate use of all educational technology tools by schools.

Regulatory Language:

All educational technology tools must be approved by the Office of Instructional Technology & Distance Education prior to use within the CNMI Public School System. All persons seeking to have an educational technology tool approved for use shall:

- a. Submit an education technology tool application form to the principal of the school where you are employed; and
- b. The principal shall upon receipt review the education technology tool application form and, if sufficient, sign and forward the application to the Office of Instructional Technology & Distance Education; and
- c. The Office of Instructional Technology & Distance Education shall have a standing committee within its office who will review the application and ensure that it meets the guidelines in the Educational Technology Tool Checklist. If it complies with the Educational Technology Tool Checklist, the Office of Instructional Technology & Distance Education will seek approval from the Commissioner of Education, and notify the principal within 10 business days. The tool will be included in the published list of approved tools on the CNMI PSS website; and
- d. The Office of Instructional Technology & Distance Education shall inform the Principal of the respective school that the tool was approved for use within the CNMI Public School System. The principal will then provide notice to the parents of the students who will utilize this tool that it has been approved.
- e. No educational technology tool may be used within the CNMI Public School System unless approved by the Office of Instructional Technology & Distance Education. If a tool is disapproved by the Office of Instructional Technology & Distance Education, the principal appeals the ruling by submitting an appeal to the Office of Instructional Technology & Distance Education which states how the educational technology tool can be used without disclosing a student's personally identifiable information. The committee will review the appeal and render a decision based on the Commissioner’s endorsement.

Clarifying Terminology:

- **PII** is any information about an individual maintained by an agency, including (1) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and (2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information. Examples of PII include, but are not limited to: Name, such as full name, maiden name, mother's maiden name, or alias; personal identification number, such as social security number (SSN), passport number, driver's license number, taxpayer identification number, or financial account or credit card number; address information, such as street address or email address; personal characteristics, including photographic image (especially of face or other identifying characteristic), fingerprints, handwriting, or other biometric data (e.g., retina scan, voice signature, facial geometry).
- **Instructional Technology** is a specific technology field that deals with theory and practice of design, development, utilization, management and evaluation of processes and resources for learning.
- **Hybrid learning** is an approach to education that combines online educational materials and opportunities for interaction online with traditional place-based classroom methods.
- **Children's Online Privacy Protection Act (COPPA)**, through the United States Federal Trade Commission, imposes certain requirements on operators of websites or online services directed to children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age.
- **Family Educational Rights and Privacy Act (FERPA)**, through the United States Department of Education is a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student ("eligible student"). The FERPA statute is found at 20 U.S.C. § 1232g and the FERPA regulations are found at 34 CFR Part 99.

II. Recommended Guidelines

The Standard Operating Procedures (SOP) outlined below should be considered when amending the current policy to include district approved educational technology tools. (*See Figure 1*)

The Checklist entails the FERPA/COPPA regulations required to protect student PII. (*See Figure 2*)

The Application for Proposed Use of New Technology Tools. (See Figure 3)

Standard Operating Procedures (SOP) for Digital Tool Approval:

For approval of a digital tool that is not currently listed as an Educational Technology tool, the following flow chart should be used to initiate the process for vetting its use in the classroom:

Flow Chart (Figure 1)



Checklist (Figure 2)

Criteria	Yes	No
Is the privacy policy of the tool accessible on its webpage?		
Does the tool provide a list of all entities collecting personal information from its database?		
Does the tool provide a description of the personal information that will be collected and how it will be used?		
Does the tool describe how personal information collected from students is stored?		
Does the tool describe parental rights for students' personal information?		
Does the tool sell student education record data to external companies?		
Does the tool safeguard data by using it only for the purpose for which it was disclosed at the time of signing up?		
Does the tool protect the user's private information to prevent unauthorized access?		
Is parental consent required to verify consent for a student to use the tool?		
Are parents and the district able to view communication between the tool and the student?		
Notes, comments, or clarifications for any of the criteria listed above:		



Office of Instructional Technology & Distance Education
CNMI Public School System

Ed Tech Tool Application Form



Please use this application to use an educational technology tool for instruction. The application must be submitted to IT&DE by the School Principal and will be reviewed by a committee within 5 to 10 business days.

Please fill out each section by typing or printing neatly.

Teacher name: _____

School: _____

Grade level/Subject: _____

Name of tool: _____

Briefly describe what the tool will be used for. What instructional benefit does it have?

What type of Personally Identifiable Information (PII) does the tool require from students? (Example: name, birthdate, grade level, etc.)

Teacher Signature: _____ Principal Signature: _____

Note: If the tool is approved by the committee, it will be added on the list of district-approved educational technology tools. If the tool is disapproved, the teacher may use an alternative tool or submit an appeal statement stating how the tool can be used in a way that does not disclose student PII.

III. District Approved Tools

The following digital tools have been vetted to meet FERPA and COPPA standards and have been approved by the district for teacher and student use:

- HMH Ed Learning Platform
- Lab-Aids Portal
- Blackboard
- Gmail
- Google Contacts
- Google Calendar
- Google Keep
- Google Tasks
- Google Drive
- Google Docs
- Google Slides
- Google Sheets
- Google Forms
- Google Earth
- Google Images
- Google Sites
- Google Classroom
- Blogger
- PosterMyWall
- Easel.ly
- MakeBeliefsComix
- Powtoon
- Canva
- WordArt.com
- Prezi
- Educreations
- Lexia Core5
- Flipgrid
- Screencastomatic
- iMovie
- Quizizz
- Kahoot
- Autocrat
- Achieve3000
- Achieve 3000 Math
- Actively Learn
- Smarty Ants
- Renaissance/
- Freckle
- Clever
- Savvas
- Sora
- Edpuzzle
- IXL
- PearDeck
- YouTube
- Khan Academy
- Epic Books
- Seesaw
- GoNoodle
- Edmodo
- Class Dojo
- Blendspace
- Socrative
- Padlet
- Code.org
- NoRedInk
- Sora
- Quill
- Boom Cards
- Prodigy
- Vooks
- MobyMax
- Delta Math
- ReadWorks
- Typing.com
- iCivics
- CNN 10
- PureEdge
- Mangahigh
- GoNoodle
- NearPod
- BrainPop
- eDynamic Learning
- Generation Genius
- Mystery Science
- CS First with Google

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