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National Report on e-Learning in Netherlands

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2 Introduction

Although distance learning in Netherlands has been long popular before the COVID-9 outbreak, as support towards relocating families, the pandemic has acted as a catalyst in the continuity of education provision in all levels of education, not only in Netherlands but all over Europe.

On EU level, the situation pre-pandemic was totally different to the one post-pandemic; on one hand the schoolchildren were lacking the most basic digital skills (International Computer and Information Literacy Study – ICILS in 2018), and on the other hand, fewer than 40% of all educators (Organisation for Economic Co-operation and Development – OECD in 2018) felt ready to use e-learning methods. On top of these, a considerable percentage of low-income households did not even have access to computers and broadband connection, according to Eurostat data from 2019.

Nevertheless, the 2018 data per country differed significantly with Netherlands being among the most digitally competent countries in EU. The ICILS study performed in 2013 and then in 2018 makes it possible to analyse the national performance in digital competence by a number of filters, since it assesses the capacities of young people to use information and communication technology (ICT). The digital competence scale as measured by ICILS is described across four (4) levels of increased sophistication, with level 2 being considered the minimum level for successfully implementing digital tools and practices in general education. Netherlands was among the countries that had one of lowest shares of underachievers (below level 2).

The pandemic has definitely accelerated the existing trend towards online and blended learning and has also marked a turning point for how technology has been used in education. The Open Public Consultation that was launched by the Commission in 2020 has helped towards a renewed Digital Education Action Plan that has set certain priorities and actions:

Priority 1: Fostering the development of a high-performing digital education ecosystem

Priority 2: Enhancing digital skills and competences for the digital transformation.

3 Current state-of-play of e-Learning in Netherlands

This section will describe the current state-of-play of distance learning in secondary education in Netherlands during the COVID-19 pandemic in regard to methods, tools and their technical characteristics. In particular, this section will explore mandatory technical characteristics that are connected to aspects of data protection. This section will try to answer the following sub-sections:

3.1 COVID-19 and distance learning

How did your country handle distance education during the COVID-19 pandemic? Were there different approaches for public and private secondary education? Were there any national directives? What were the most common issues during distance learning?

As in most EU countries, schools in Netherlands were forced to close and replace in-class learning with online learning, in an attempt to contain the spread of the virus. It is interesting to see some results from the 2018 Teaching and Learning International Survey (TALIS) that allow for researching the availability and use of the ICT technologies in the classroom before the crisis hit. For Netherlands, 51% of lower-secondary teachers used ICT for projects or class work 'frequently' or 'always'. In the same study, 49% of Dutch teachers reported that use of ICT for teaching was included in their formal education or training however 73% of teachers felt that they could support student learning through the use of digital technology (e.g., computers, tablets, smart boards) "quite a bit" or "a lot". Although 61% of Dutch teachers reported that ICT skills for teaching were included in their professional development activities, only a 16% reported a high need for professional development in ICT skills for teaching. These results may give a glimpse of what the status of pupils and teachers was shortly before the epidemic outbreak.

More specifically and on the pandemic conditions, the Dutch school system combines centralised and equitable school funding with a high degree of autonomy in school management. The country has also demonstrated OECD average in school spending and reading performance. The country experienced a relatively short lockdown (of 8 weeks, starting 16th March 2020), features an equitable school funding and is characterised by world-leading rates of broadband access. For all these reasons, Netherlands has been seen as a 'best-case' scenario, as analysed in a very recent study (Engzell et al. 2020), which dealt with the learning loss to school closures during the pandemic.

There is clear evidence that schoolchildren are learning less during lockdown than in a typical year.

Lesopafstand is a website developed by Kennisnet in collaboration with the Ministry of Education, Culture and Science providing resources to ensure continuity of learning during school closures (UNESCO).

Schools adopted stricter precautions when they reopened, with the aim of preventing transmission. Since January 2021, the general testing policy for children has been updated; more children were tested, even if they did not have symptoms in order to prevent further spread. As of 31 May 2021, the 1.5-metre rule has been discontinued for secondary education, which makes it possible for more children to go to school at the same time again. The aim is to have secondary school pupils and employees do periodic (preventive) self-tests twice a week. This is also a way to detect infections earlier and limit the risk of transmission within the school.

Detailed information on 'when to go to school, when to stay at home', source and contact tracing, Hygiene in schools, and general protocols to minimise the spread of the coronavirus are offered by the website of the Dutch Government.

3.2 Methods and tools for distance learning

What were the most common methods and tools for distance learning in secondary education? What kind of online platforms and application did educators use to teach? Was there any available training to educators beforehand? Were there any directives towards data protection?

Education in Netherlands is centrally administered by the Ministry of Education, Culture and Science (MOE) in The Hague, and sets the overall regulatory framework for education and provides funding for all levels of education. This means, that the Dutch system is decentralized with secondary level (same as all levels of education) having a high degree of autonomy in various matters, such as curriculum development or the hiring of teachers. Schools at the lower secondary level, for instance, in 2011 “made 86 percent of key decisions (compared to an OECD average of 41 percent), with the remaining 14 percent made by central government. Schools made 100 percent of the decisions regarding the organization of instruction, personnel management and resource management.”

While private schools are free to design their own curricula and teaching methods, it should be noted that the MOE ensures consistency by prescribing mandatory school subjects and defined learning outcomes for these subjects. The acquisition of required knowledge in mandatory subjects is tested in an attainment test at the end of elementary education, as well as in nationwide external examinations at the end of secondary education. Both private and public schools are also evaluated by the Inspectorate of Education, a government body that monitors quality standards and prepares annual State of Education reports for the MOE. There have been discussions in recent years to introduce national exit examinations in higher education as well, but universities presently continue to conduct their own graduation exams (WENR, 2018).

Netherlands, being among the most digitalised countries with the highest rates of broadband connection and access to digital tools, also experienced learning loss which however was much smaller than in other countries, since the government pursued a so-called ‘intelligent lockdown; relying on voluntary cooperation and allowing ordinary life to continue as much as possible (Engzell et al. 2020).

A survey that took place after the 1st closure of schools (from May 11th 2020 until June 1st 2020) between 160 secondary school teachers of all school courses across the Netherlands confirmed the fact that distance education complicated interaction and required bigger time investment by teachers leaving them at times feeling a loss of control over their students learning process (Notenboom, 2021). The Dutch teachers responded to this challenge with the following practices:

- Lessons were condensed to the core content
- Teachers left more responsibility with the student
- Teachers applied more formative assessments
- They let students hand in homework through digital tools

Despite of all challenges, this forced distance education led to a more positive opinion of teachers towards technology-enhanced learning, at the point that the teachers expressed their intention to keep these changes even after schools open again.

From their side, school organisations provided support on the elements of time and interaction. What all agreed on was:

- To facilitate collaboration between teachers
- The need for training on technological pedagogical knowledge
- To consolidate the psychological transition
- To provide technical support and materials
- To encourage innovation.

3.3 Technical characteristics and data protection

Please briefly describe technical characteristics of tools, platforms and applications that were used in secondary education in regard to data protection. How did this tools ensure that students' and educators' personal data are protected? Were there any issues with any of the tools and if yes, how was the situation handled?

The 'digital tools' that were used in the Dutch schools included software like:

- Electronic learning environments
- Digital teaching materials
- Interactive presentation software
- School ICT infrastructure, such as Wi-Fi.

Dutch students used hardware like laptops, smartphones and tablets, with the support of school organisations and the collaboration with the schools' IT department.

The Dutch secondary educational system does not focus on the medium when in asynchronous distant education; the focus is on a well-grounded pedagogy that allows the student to plan own learning and the teacher to be a mentor rather than a deliverer of the information.

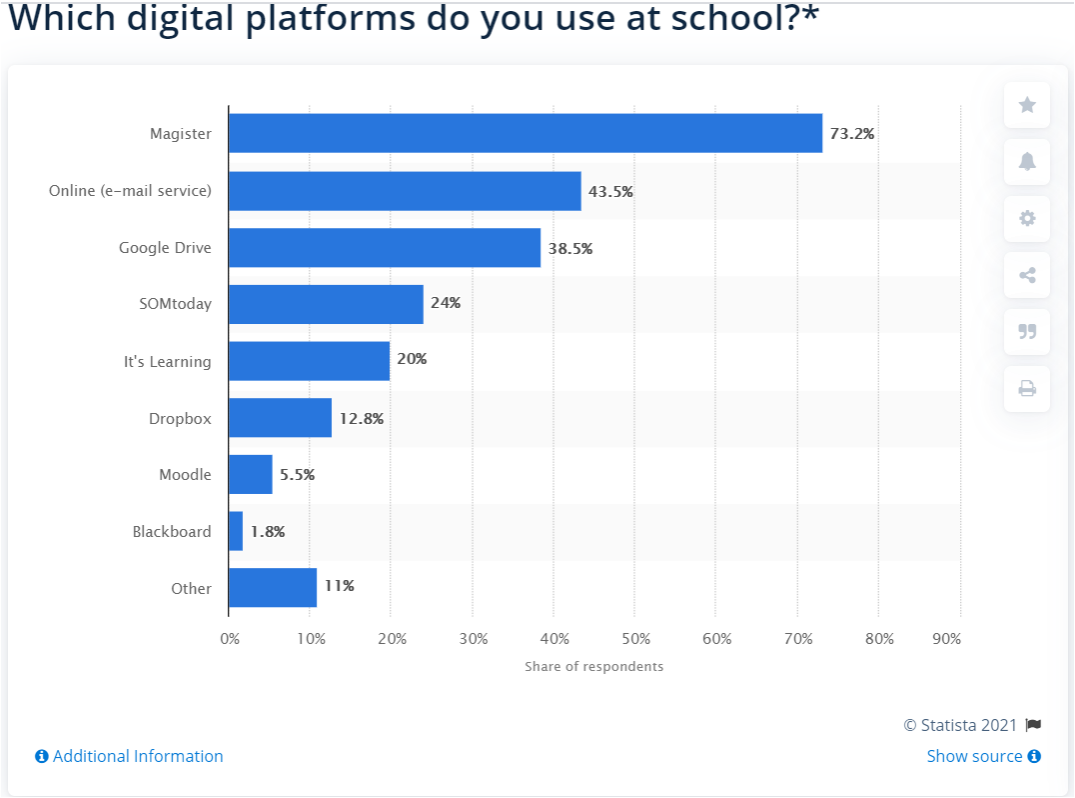
Teachers with a higher digital self-efficacy had a positive correlation with the implementation of digital tools in the classroom, and as a result these teachers experienced more positive emotions when using digital tools in the classroom.

Respondents to the survey results published by Notenboom (2021) indicated the following as the added value of digital tools:

- Flexibility in location and time - in situations that attending learning in class is not possible
- Clear overview – of students work, attendance, progress and results
- Ease of providing feedback
- Continuous accessibility of materials
- Efficiency

- More attentive students – though surprising it may sound; students are more easily engaged by a video compared to a teacher lecturing.

According to STATISTA data, the digital platforms used at schools in the Netherlands are portrayed below:



Magister was the most frequently used digital platform in schools or in relation to their classes. Over 70 percent of students indicated that they used Magister, while the share of students who used Moodle was just over five percent. Magister is a SaaS solution in the Netherlands, used in secondary education. Students, parents and teachers are able to access this at all times and it is used to keep up with the management, administration and health issues of students. Users can also enter the system to look at their grades, timetable, homework assignments and absences.

4 National Data Protection Laws in Netherlands

This section will describe the most important aspects of National Data Protection (NDP) Laws in each partner country in regard to the education of underage students via distance learning. This section will try to answer the following sub-sections:

4.1 Specific data protection laws

Are there specific data protection laws in your country? If yes, please elaborate in simple words what these law are about.

AP (Autoriteit Persoonsgegevens) is the Dutch Data Protection Authority, appointed by law as the supervisory authority for the processing of personal data in the Netherlands. The duties of the AP derive from the *Data Protection Directive* that is applicable to all EU countries, and has now been replaced by the *General Data Protection Regulation*.

AP has the duty to assess whether persons and organisations comply with the Dutch Personal Data Protection Act. The Dutch statutory body also supervises compliance with the Police Data Act, and other statutory regulations concerning the handling and processing of personal data.

The GDPR came into force in the Netherlands on 25 May 2018 and applies to all companies that do business in, or with, the EU.

If a company process data with a high privacy risk, they need to perform a *Data Protection Impact Assessment* – an extensive survey to chart the risks of data processing. According to this assessment, a company may take measures to reduce the privacy risks.

The ePrivacy Directive, enacted in 2002 and amended in 2009, requires that each Member State pass own national laws on data protection and privacy. It regulates important issues, like:

- Consent
- Confidentiality
- Spam messages
- Cookies approval and use
- Treatment of traffic data.

4.2 Legal implications for online tools for education

What are the legal implications of using online tools for the education of underage students in your country?

As early as 2012, Dutch education organisations grew conscious of how the increasing presence of online platforms and data exchange services required a coordinated effort to help schools actively manage the digitisation of the classroom, rather than simply import digital data into existing systems. From 2013 to 2017, a coalition of two ministries in the Netherlands made several efforts to offer an open and diverse online learning environment to serve as the basis for personalised education for underage students attending public schools. One of the main challenges met was the protection of student privacy.

For this reason, a privacy covenant (Covenant 2018) was drawn, where the first agreement on how to handle students private data was generated, in alignment with the GDPR. Two of the examples of relevant agreements that were made:

- the use of pseudonyms to guarantee student privacy in aggregated data, and
- data minimisation – the reduction of the number of attributes in data flows between platforms.

The covenant has subsequently been translated into a technical manual for students using digital learning materials, called ECK-iD This manual facilitates the exchange of learning data and results between various networked digital learning platforms and online management systems, while protecting a student's identity for data mining. A coordinated collaboration between private and public Dutch actors has created an open, modular and decentralised network that promotes the control of schools over data flows and the organisation of digital learning.

Detailed information on how companies like Google and Microsoft push intraoperability standards in specific sectors can be found at the following link:

https://www.tandfonline.com/doi/full/10.1080/17439884.2021.1876725

4.3 Components of GDPR

The General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR) is a European Union law which entered into force in 2016 and, following a two year transition period, became directly applicable law in all Member States of the European Union on May 25, 2018, without requiring implementation by the EU Member States through national law.

The Dutch GDPR Implementation Act (Uitvoeringswet Algemene Verordening gegevensbescherming) (“UAVG”) has been applied in the Netherlands since 25 May 2018.

4.4 Common ground between GDPR and NDP Laws

The General Data Protection Regulation (EU) (2016/679) (“GDPR”) applies in the Netherlands, as supplemented by the General Data Protection Regulation Implementation Act (The Dutch Implementation Act) and various sector-specific legislation relating to the processing of personal data, since 25 May 2018.

The relevant supervisory authority – the Dutch Data Protection Authority – works closely with Data Protection Officers (DPOs), who are independent data protection experts, responsible for monitoring an organisation’s compliance but also advising it on its data protection obligations, as well as acting as a contact point for data subjects and the national authority.

On 16 June 2020, the Dutch House of Representatives adopted a motion requesting the Dutch government to urge international technology companies active in the Dutch education sector to sign a code of conduct called the 'Privacy Covenant'. Municipalities, youth services and partnerships must be able to correctly share personal data of students they support with each other. With the Privacy Covenant, clear agreements can now be made about cooperation and the exchange of personal data. The covenant was developed by the Support Center for Appropriate Education, in collaboration with the Netherlands Youth Institute, the Education Councils, Kennisnet, NVO / NIP, Ingrado, VNG, OCW, VWS and Parents and Education.

5 Conclusion

All schools in the Netherlands were forced the Dutch government to close, Monday March 16th 2020, due to the worldwide pandemic of the virus COVID-19.

Despite the fact that the Netherlands is one of the highly digitised countries in the EU (in terms of broadband connection and access to digital tools) and the fact that the lockdown was short (8 weeks), the Dutch teachers and students faced several challenges in in regards to the shift of the traditional learning methods (class-based or blended) into a digitally-aided type of learning; teachers received training on e-learning tools and platforms so as to carry out the teaching to students that little had they use of digital tools in their learning experience. Both the government and the school organisations supported the digitalisation of the learning process by providing infrastructure and tools.

One of the main concerns raised was the privacy and protection of personal data. A Privacy Covenant has been signed towards this aim, so as to ensure the safe and discreet exchange of students' personal data among different partnerships and organisations.

The Netherlands applies the GDPR and the ePrivacy directive, as well as national protection laws to ensure the personal data protection and safety, and in particular those of underage students using online tools and platforms in their learning. It is not though confirmed if those measures are evidently respected and put efficiently in action.

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