

# School Safety and Privacy

Amelia Vance, Director of Education  
Privacy, Future of Privacy Forum



# About FPF

- ▶ FPF is a non-profit organization that serves as a catalyst for privacy leadership and scholarship, advancing principled data practices in support of emerging technologies
- ▶ We are “data optimists.”
- ▶ FPF brings together industry, academics, consumers advocacy, and other thought leaders to explore the challenges posed by technological innovation and develop privacy protections, ethical norms, and actionable solutions and best practices.

# The Educator's Guide To STUDENT DATA PRIVACY

by  
Kerry Gallagher, Larry Magid, and Kobie Pruitt

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FUTURE OF  
PRIVACY  
FORUM

## FPF Guide to Protecting Student Data Under SOPIPA:

For K-12 School Administrators  
and Ed Tech Vendors

### Law Enforcement Access to Student Records A Guide for School Administrators & Ed Tech Service Providers

FUTURE OF  
PRIVACY  
FORUM  
fpf.org | September 2018

#### Parents: Raise Your Hand and Ask Schools How They Protect Student Data

By Sera Collins, Tyler Park, and Amelle Vance

As you send your child off to start a new school year, you may have questions about how your child's teachers are using new technologies, such as tablets, computers, apps, or online learning platforms. What kind of information will they collect, and how will it affect child's privacy? With all of the new educational technology in classrooms, it can be hard to know what questions to ask. Here are the 7 most important questions that parents should ask about student privacy during this school year.

#### 1. Which websites, services, and apps will my child's classroom use this year?

Parents frequently report that education technology in the classroom has improved how their child learns.<sup>1</sup> When properly implemented, technology and data can be powerful tools for delivering high quality education. But your child's school should tell you about what technologies (apps, websites, or online services) your child will be using, and how they have vetted those services to ensure they are safeguarding your child's privacy. Many schools send a letter at the beginning of the school year with a list of the apps that will be used; others post the apps used on the school's website, along with the kinds of data each of those apps collect.<sup>2</sup> If your child's school hasn't done so, request this information—and ask questions about any descriptions that don't make sense.

addresses, phone numbers, email addresses, participation in activities and sports, and dates of attendance.<sup>3</sup>

Most of the time, under federal law, student information—such as grades, discipline records, or medical visits—cannot be shared with anyone without your consent. However, "directory information" is an exception. Schools can choose to post this information online, or share it with anyone (parents must be given the right to opt out). For this reason, directory information can sometimes be misused. In one recent case, schools in Virginia shared directory information with a political candidate, who then used it to send students text messages about registering to vote.<sup>4</sup>

Parents should know that schools are required to notify them every year about what information they consider to be directory information, and schools can choose to limit who can receive directory information—for example, by promising in their annual notice that they will never provide information for a profit-making activity, or giving parents the right to only allow the disclosure of certain types of information.<sup>5</sup> In order to make an informed decision about whether to opt out, ask your school how they define directory information, and with whom it is shared.

#### 2. How does my school handle directory information?

"Directory information" is a legal term for the kind of information you might find in a PTA directory or yearbook, including students' and parents' names,



#### 3. What is my school's approach to school safety, and what does it mean for my child's privacy?

## STUDENT DATA: TRUST, TRANSPARENCY, AND THE ROLE OF CONSENT

### 19 Times Data Analysis Empowered Students and Schools Which Students Succeed and Why?

## 3 Easy Ways for Educators to Keep Online Accounts Secure



SEPTEMBER 20, 2018 | SUSAN BEARDEN

We've all been there when it comes to creating passwords for a website, user account or other service. Create a strong password that is a minimum of 8 characters and includes at least one capital letter, one number, and one special character. Don't write it down. Make it different from every other password that you use. And by the way, you'll



### A Parents' Guide to Student Data Privacy

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PTA  
everychild.org/pta

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# FERPA|Sherpa

<https://ferpasherpa.org>



The Education Privacy Resource Center

for  
STUDENTS

for  
PARENTS

for  
EDUCATORS

for  
LEAS

for  
SEAS

for  
HIGHER ED

for  
ED TECH

for  
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BLOG

RESOURCES

## ABOUT

FERPA|Sherpa – named after the core federal law that governs education privacy – is the education privacy resource center. Check out FERPA|Sherpa's [resource search center](#), our [blog](#), and pages with specific information and guidance for [parents](#), [students](#), [educators](#), [LEAs](#), [SEAs](#), [higher ed](#), [ed tech](#), and [policymakers](#)!

## LATEST NEWS



## THE LATEST BLOGS

BLOG

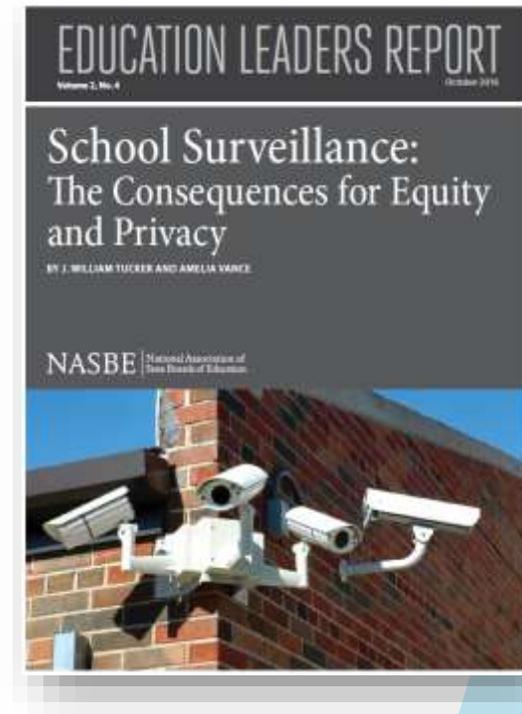
### FERPA Higher Ed Fact Sheets

OCTOBER 9, 2018

Future of Privacy Forum has published a set of fact sheets giving a quick but comprehensive overview of institutions' responsibilities over the student data they collect and use. The first resource is a Family Education Rights and Privacy Act (FERPA) 101 for Higher Education. It explains what FERPA covers, students' rights under FERPA, as well [...] [More](#)

# Why do schools surveil students?

- Keeping students on task
- Auditing and efficiency
- Ensuring student safety



# Keeping Students on Task



Tap Screens to view each student's screen.  
This feature can be disabled if needed.



To view a specific student's screen, select the student and tap View Screen.

Student View



Students will know that you are monitoring their screen when they see the status bar turn blue.

# Keeping Students on Task

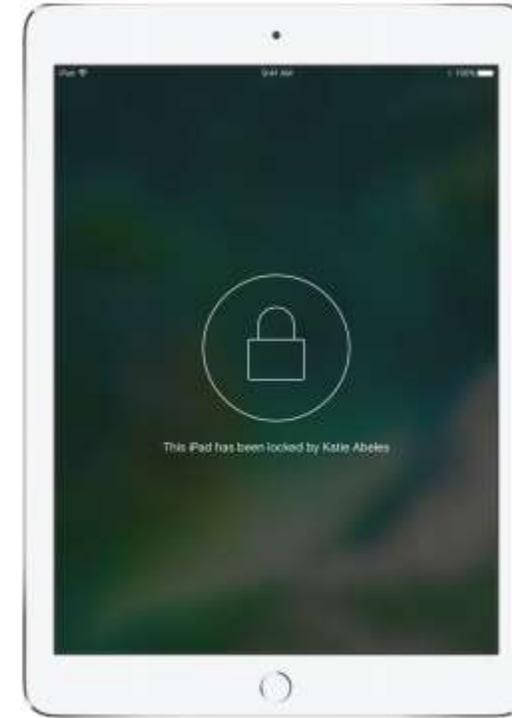


Select a student, a group of students, or your entire class, then tap Mute to mute the sound. The sound will be muted on student devices.



To lock devices, select a student, a group of students, or your entire class, then tap Lock. Tap Unlock to unlock devices.

Student View



The screen will be locked on all student devices, and students will not be able to access them until the devices are unlocked again.

# Auditing and Efficiency



Search Technology Redux by brewbooks (Flickr)

# School and Student Safety



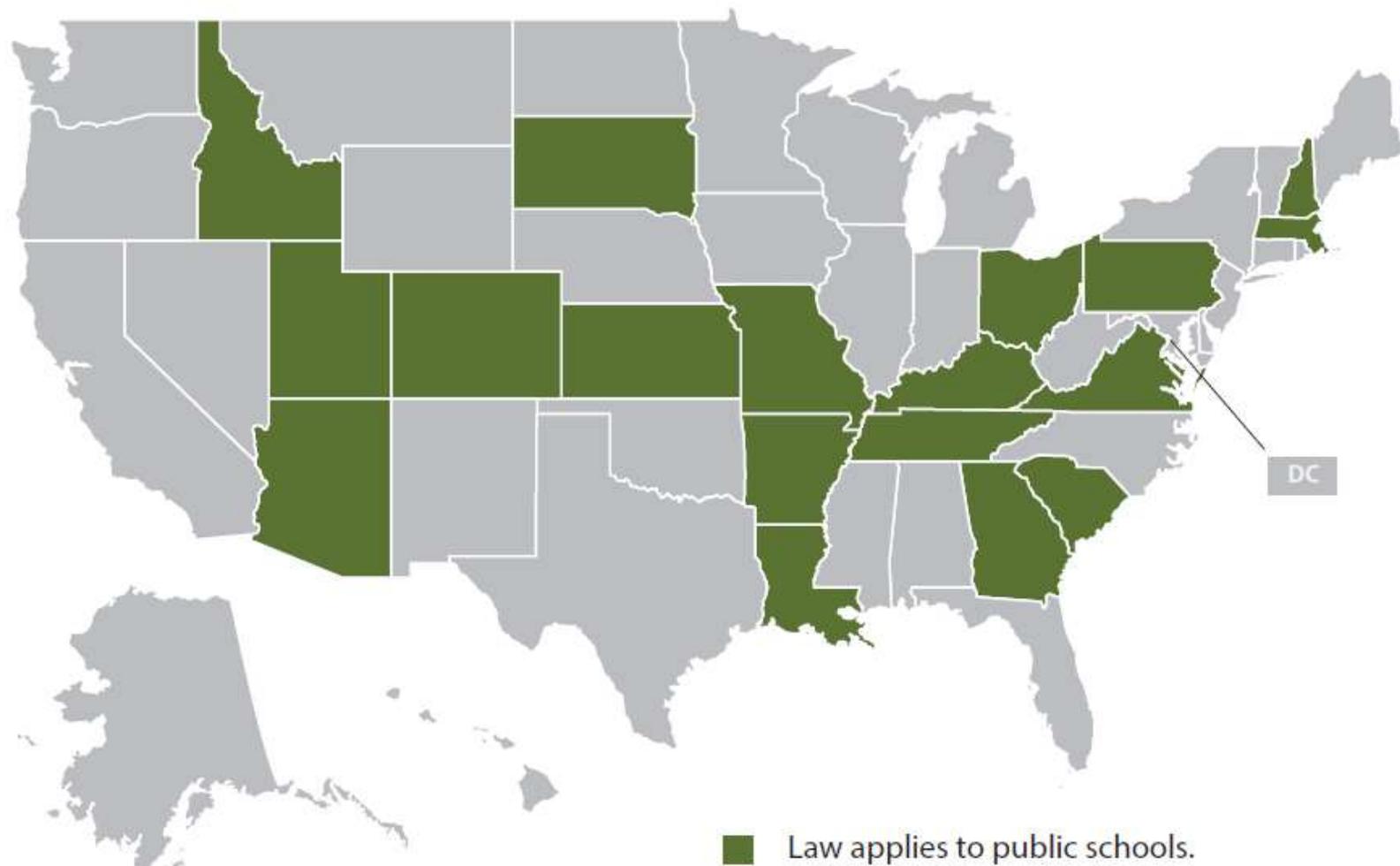
# The Children's Internet Protection Act

- Applies to 95% of schools (all schools that receive E-rate funds)
- Requires some filtering and monitoring
- Often criticized as incentivizing over-filtering

NASBE

National Association of  
State Boards of Education

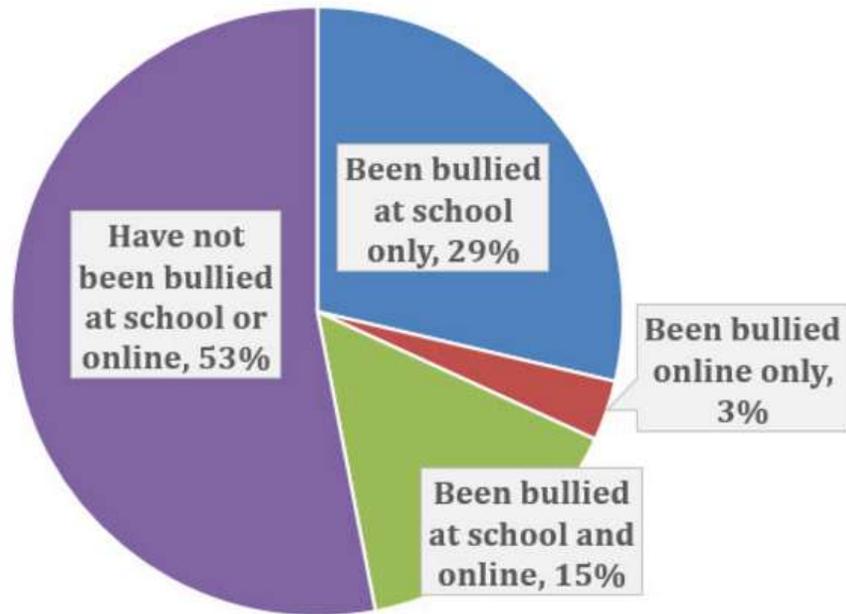
## 18 States Have Internet Filtering Laws That Apply to Public Schools



Source: National Council of State Legislatures (updated June 12, 2015).

## Been Bullied at School and Online

(Nationally representative sample of 4,500 U.S. 12-17 year-olds)

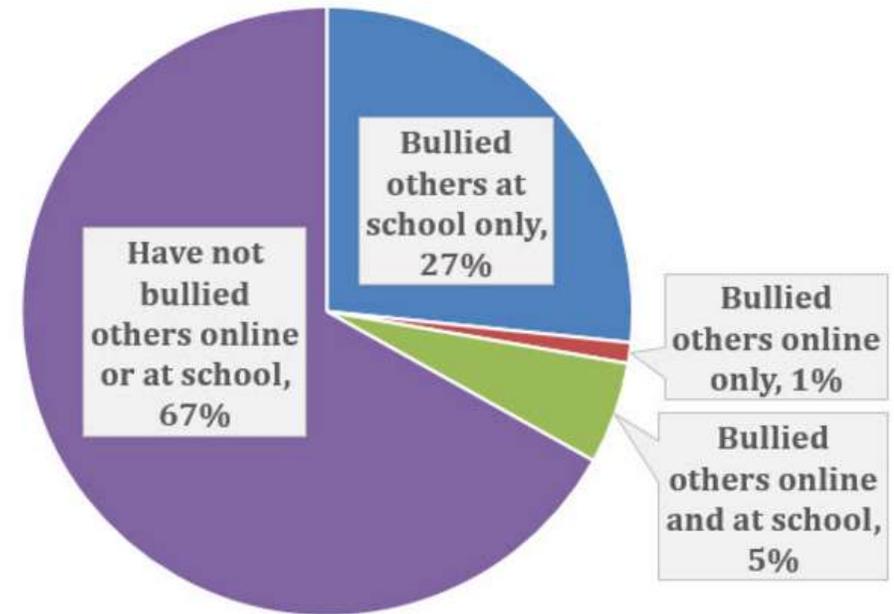


Cyberbullying Research Center  
www.cyberbullying.org

Sameer Hinduja and Justin W. Patchin (2016)

## Bullied Others at School and Online

(Nationally representative sample of 4,500 U.S. 12-17 year-olds)



Cyberbullying Research Center  
www.cyberbullying.org

Sameer Hinduja and Justin W. Patchin (2016)

# Preventing Student Self-Harm

*Among adolescents and young adults, the prevalence of major depressive episodes has increased in recent years. Similarly, the prevalence of suicidal thoughts and suicide attempts has increased among young adults. – Bazelon Center testimony before Federal School Safety Commission*

nprEd HOW LEARNING HAPPENS

K-12

## Here's How To Prevent The Next School Shooting, Experts Say

March 7, 2018 · 4:05 AM ET

ANYA KAHNHEITZ



Psychology Today

Find a Therapist | Get Help | Magazine | Today

Find a Therapist (City or Zip)

 Kathryn Seifert Ph.D.  
Stop The Cycle

## How to Prevent the Next School Shooting

Ensure that children are safe in their homes, schools, and community.

Posted Apr 07, 2018

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I am a psychologist, mother, grandmother and great grandmother. I, like everyone

Shouldn't  
Safety  
Outweigh  
Privacy  
Concerns?

CNN U.S. | Crime + Justice | Energy + Environment | Extreme Weather | Space + Science

10 ways to put brakes on mass shootings in schools

By Nicole Saidi, CNN

Updated 9:40 PM ET, Fri December 14, 2012



GEORGE LUCAS EDUCATIONAL FOUNDATION

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TOPICS | VIDEOS

SOCIAL AND EMOTIONAL LEARNING

## Suicide Prevention Can Start in School

Educators should use vigilance and screening programs to make sure at-risk students get the help they need.

By Grace Rubenstein

November 10, 2009

Read more tips.

When a 16-year-old boy stepped in front of a commuter train last month, he became the fourth teen to commit suicide on those tracks in Palo Alto, California, within six months. The teens, ages 13-17, were all students, or were soon to be students, at the same high school.

# Two Stories

# CaIECPA

- ▶ Prohibits police and public agencies from accessing electronic equipment without establishing probable cause and obtaining a search warrant
- ▶ Was not intended to apply to schools, which previously could search student devices under the administrative search doctrine

# CaIECPA Unintended Consequences

- ▶ Schools are using their SRO more often and contacting law enforcement more often to intervene;
- ▶ Delayed ability of administrators to respond to threats and ensure safety of students and staff;
- ▶ Students continue to be victimized through exploited images, threats to individuals or groups causing terror, bullying, intent to sell/distribute drugs, or evidence linking a student to vandalism, assault, etc

# CaIECPA Unintended Consequences

*A female student was targeted by an unknown person who created a fake profile of her on Instagram. The pictures posted and behaviors she was supposedly participating in were sexual in nature. There were two potential student suspects but there was no way to link them to the fake account without access to their phones. This was not something law enforcement was able to investigate. School officials were also unable to move forward with the **students' failure** to cooperate with the search of their phones. As a result, the targeted female student faced a difficult time in school and eventually transferred to a school in another city.*

OREGONLIVE.COM

# Targeted: A Family and the Quest to Stop the Next School Shooter

By Bethany Barnes | The Oregonian/OregonLive | Posted June 24, 2018 at 07:45 AM | Updated June 26, 2018 at 11:00 AM



[194 Comments](#)



Beth Nakamura | The Oregonian/OregonLive

*Sanders walks to Parkrose High one spring morning.*



<https://www.flickr.com/photos/figgenhoffer/4955864129/>

This Wall of Healing is dedicated to those who were injured at Columbine High School and to all who were touched by the tragic events of April 20, 1999.



“One of the most useful tools a school can develop... is a multidisciplinary school threat assessment team.”







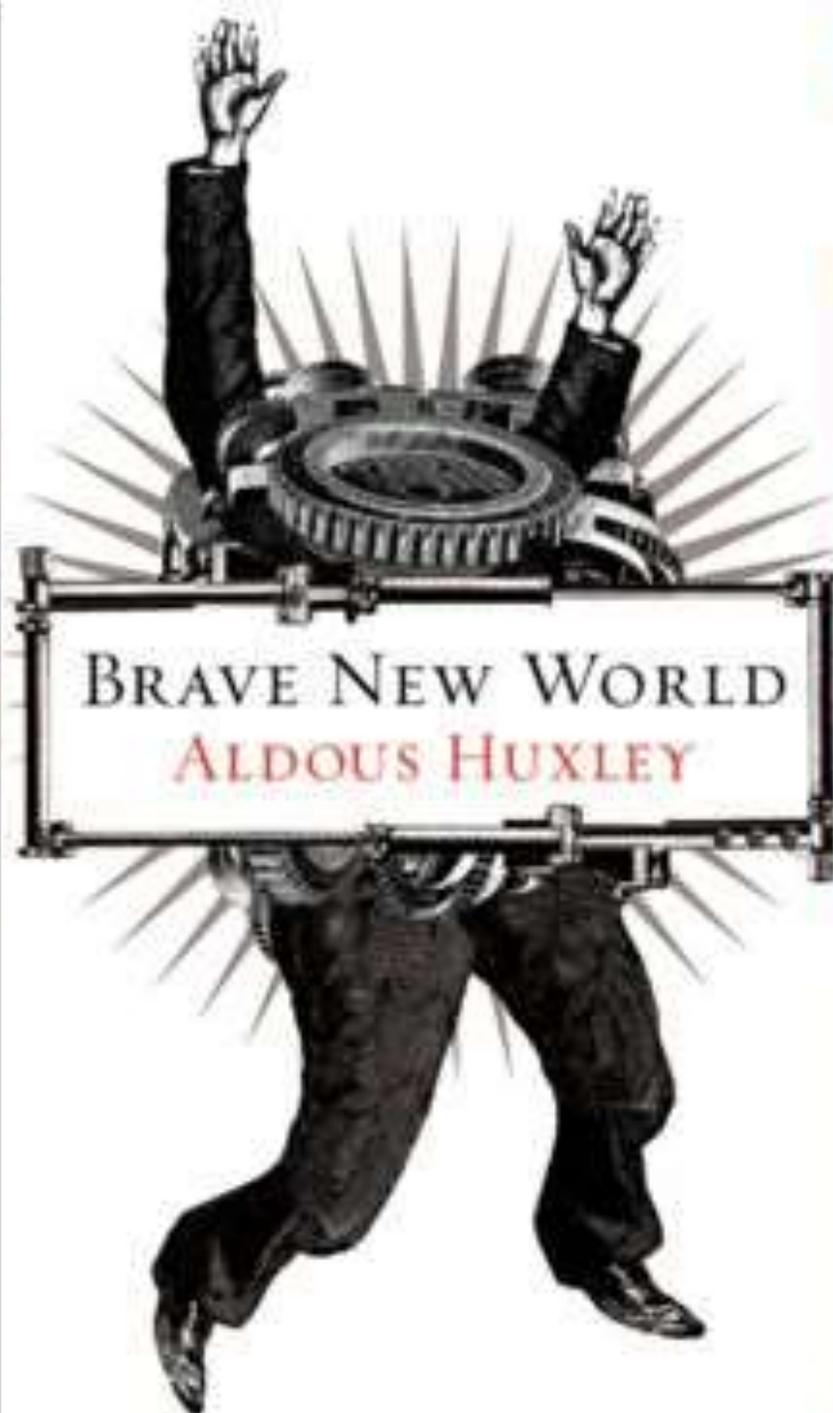
<https://www.flickr.com/photos/figgenhoffer/4955864129/>



<https://www.flickr.com/photos/striatic/443918201>

**Again, shouldn't safety  
outweigh privacy?**

GEORGE ORWELL 1984



'Early prescient' Guardian

Sinclair Lewis

It Can't Happen Here

IT CAN HAPPEN HERE



I am addressing my own  
boys, everywhere in America!  
To you and you only I look for  
help to make America a proud, rich land again.  
Stand fast! I need you! Help me to help you!

I KNOW THE PRESS DOESN'T TALK WELL.  
Almost all editors have away to spite-it-comes,  
now without thought of Family or Public In-  
terest as the humble delights of justice would  
know, plotting how they can get you out their line,  
and advance their own position and all that

groovy pocketbooks by celebrating the  
men who have given their all for the world  
good and who are indispensable because  
they are in the front line that leads on  
the Third. \* BEEZELIUM WIND

THE LEAGUE OF THE FORGOTTEN MEN  
DON'T LIKE TO BE FORGOTTEN.  
THEY WENT TO WASHINGTON AND THEN  
THEY SANG, "THERE'S SOMETHING ROTTEN!"



No. 1  
Liar  
3  
5  
7

What are the potential privacy harms of school safety initiatives?

# The Surveillance Effect



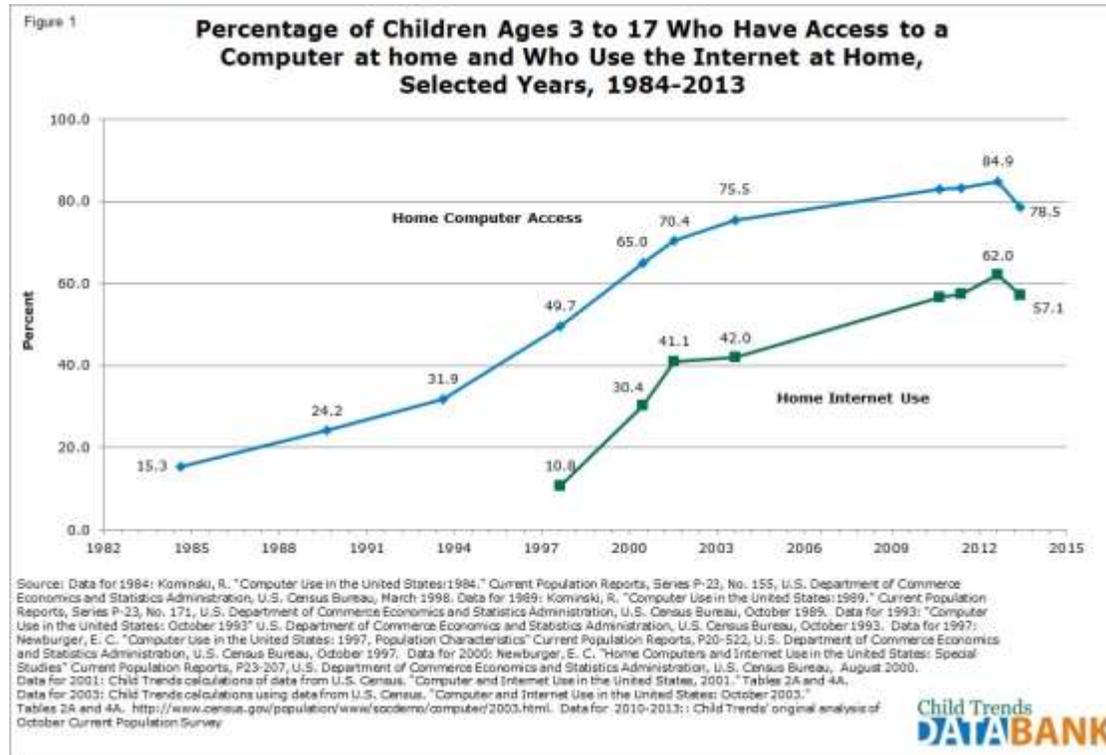
<https://pixabay.com/en/eyes-manga-anime-female-cartoon-596106/>

# The Surveillance Effect

*“schoolchildren and their families [rely] on personal cell phones and online accounts to complete school assignments, to connect and communicate with family and close friends and seek out and share information about immigration, religion, health, and social and political movements.”*

Letter to Hon. Jim Cooper Re: AB 165 – as introduced Oppose,  
March 3, 2017

# Equity and the Digital Divide



<http://www.childtrends.org/indicators/home-computer-access/>

# Student may be less likely to seek help

*Without the assurance of privacy protections, students are both less likely to seek out help when they need it and less likely to engage openly with mental health counselors or other service providers – Bazelon Center testimony before the Federal School Safety Commission*

*Students with mental illness already face many disincentives: they fear being stigmatized; they fear their peers will retaliate against them; they fear that by receiving help they will no longer be able to obtain licensure in certain professions.*

*Often colleges and universities are at a loss on how to best help the student and resort to punitive actions, such as requiring them to leave university housing or charging them with disciplinary violations for suicidal gestures or thoughts. –*

*Supporting Students: A Model Policy for Colleges and Universities,*

*Bazelon Center*



# Equity and the Digital Divide

*“Young people from vulnerable communities are often particularly reliant on electronic devices and online information. For example, mobile phones are the only means of Internet access for many poor youth. African American youth use smartphones to seek help with homework more often than white students. And over 80% of LGBTQ youth search the Internet for health-related information and support services.”*

Letter to Hon. Jim Cooper Re: AB 165 – as introduced Oppose,  
March 3, 2017



# The Effect on Discipline Disparities

**“The message that we are giving to our students now is that white children have greater privacy rights than [nonwhite] children.”**

- Jason Nance



<https://www.pexels.com/photo/back-boy-bag-guy-26168/>

# Inappropriate Use

*At the start of the 2009-2010 school year, this Pennsylvania school district gave students MacBooks loaded with spyware without telling the students or their parents. The school used this spyware to capture thousands webcam images, screenshots, and personal communications from at least two students...*

# The “Permanent” Record



<https://commons.wikimedia.org/wiki/File:Shelves-of-file-folders.jpg>

“68 percent

of parents are concerned that an electronic record would be used in the future against their child by a college or an **employer.**”



DAILY  
**Intelligencer**

# Florida Governor Signs Major Gun-Reform Law

By Benjamin Hart

March 9, 2018  
6:24 pm

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## Florida law requiring schools inquire about student mental health raises privacy concerns

[Ashley White](#), Tallahassee Democrat Published 4:17 p.m. ET Aug. 19, 2018 | Updated 9:17 p.m. ET Aug. 19, 2018

Florida lawmakers were compelled to pass school safety legislation after the Feb. 14 shooting in Parkland.

TCPalm.



### FROM THE USA TODAY NETWORK

*These sites are part of the USA TODAY NETWORK content is produced independently from our newsroom.*

### MORE STORIES



**Yoga studio gunman fired for touching girl**

Nov. 5, 2018, 6:23 p.m.

# When should a record be created? Deleted?

*The system will classify the behavior as one of five categories -- General suicide research, general suicide ideation, help and support, self harm and active planning. A search for "how to tie a noose," for example, will be flagged as "active planning" while someone looking up the statistics of people who commit suicide each year will fall under "general suicide research."*

# Creating Privacy Guardrails

- Minimization
- Proportionality
- Openness, in adoption and rule-making
- Transparency
- Empowerment
- Equity
- Training

What are the first steps?

# Step 1: Set your Safety Goal

- ▶ Specificity is your friend.
  - ▶ “Improving school safety” is not a goal. It’s too general. You have to be able to articulate what about your school, district, or state you want to improve.
- ▶ **Don’t be afraid to be different.**
  - ▶ Each school, district, and state will have different ideas, norms, and wants about how to improve the safety of their students. This is to be expected, and your goals should reflect your unique situation.

Step 2: Does it work? And  
does it work for your district?

## EDUCATION

# School-Security Companies Are Thriving in the Era of Mass Shootings

A multibillion-dollar industry is pushing an array of expensive technologies with the message that any campus could be next.

MARK KEIERLEBER AUG 9, 2018



## MORE STORIES

**The Push for Harsher School Discipline After Parkland**

ALIA WONG



**When School Feels Like Prison**

MELINDA D. ANDERSON



**Arming Educators Violates the Spirit of the Second Amendment**

VANN R. NEWKIRK II



## ***Could Monitoring Students on Social Media Stop the Next School Shooting?***

*There is little evidence the companies have helped ferret out brewing threats of violence, bullying or self-harm, according to a review of contracts, marketing materials and emails obtained through public records requests. But in hiring them, schools expand the traditional boundaries of their responsibility, and perhaps, experts say, their liability.*



Employees at Social Sentinel in Burlington, Vt. “If a student is posting about shooting their teacher, we would hope we’d be able to find something like that,” said Gary Margolis, the company’s chief executive. Hilary Swift for The New York Times

Below is your most recent [REDACTED] Alerts summary ordered by post time.



**Alert Name:** Bomb Threat

**Trigger:** bomb

**Source:** instagram

**Time:** Feb 15, 2016 04:24 PM EST

**Item Text:** [People be like what do vegan eat carboard like no we eat bomb \[REDACTED\] food like this vegan pizza 😞😞](#)  
[#vegansofinstagram #pizza #vegan](#)

**Recording Name:** Zone 6

**Location Name:** Zone 6

**Trigger Keyword:** bomb

**Trigger Username:**

*Safe2Tell received 16,000 reports through its website, mobile phone app, and telephone number... 2,786 tips about suicide, 1,831 tips about possible drug use, and 1,641 tips about bullying—compared to 692 tips about possible school attacks.*

## More Schools Are Using Anonymous Tip Lines to Thwart Violence. Do They Work?



Anonymous school violence reporting systems include mobile apps, which allow students to share concerns about issues like bullying, drug use, suicide, and planned school attacks.

By Evie Blad

August 10, 2018

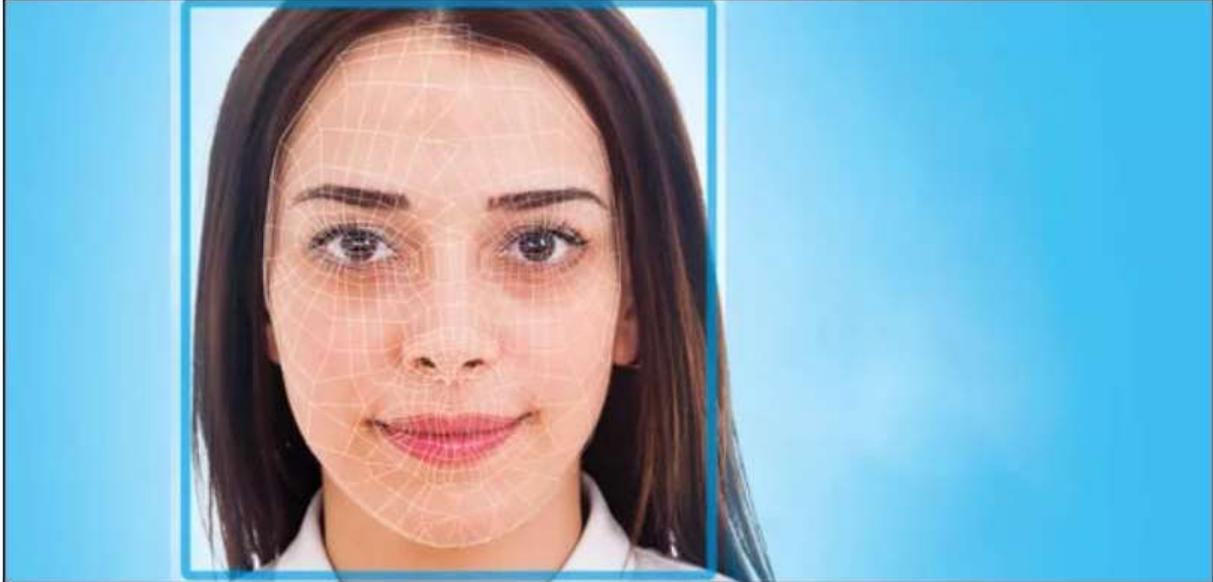
*The reality is that most school shootings involve someone who is already inside the school on a legitimate basis. It's unclear how facial-recognition might help in those scenarios... Districts shouldn't deploy facial recognition without first figuring out what problem they're trying to address, whether the technology is a fit, and how they're going to manage the well-known risks."*



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## Facial-Recognition Systems Pitched as School-Safety Solutions, Raising Alarms

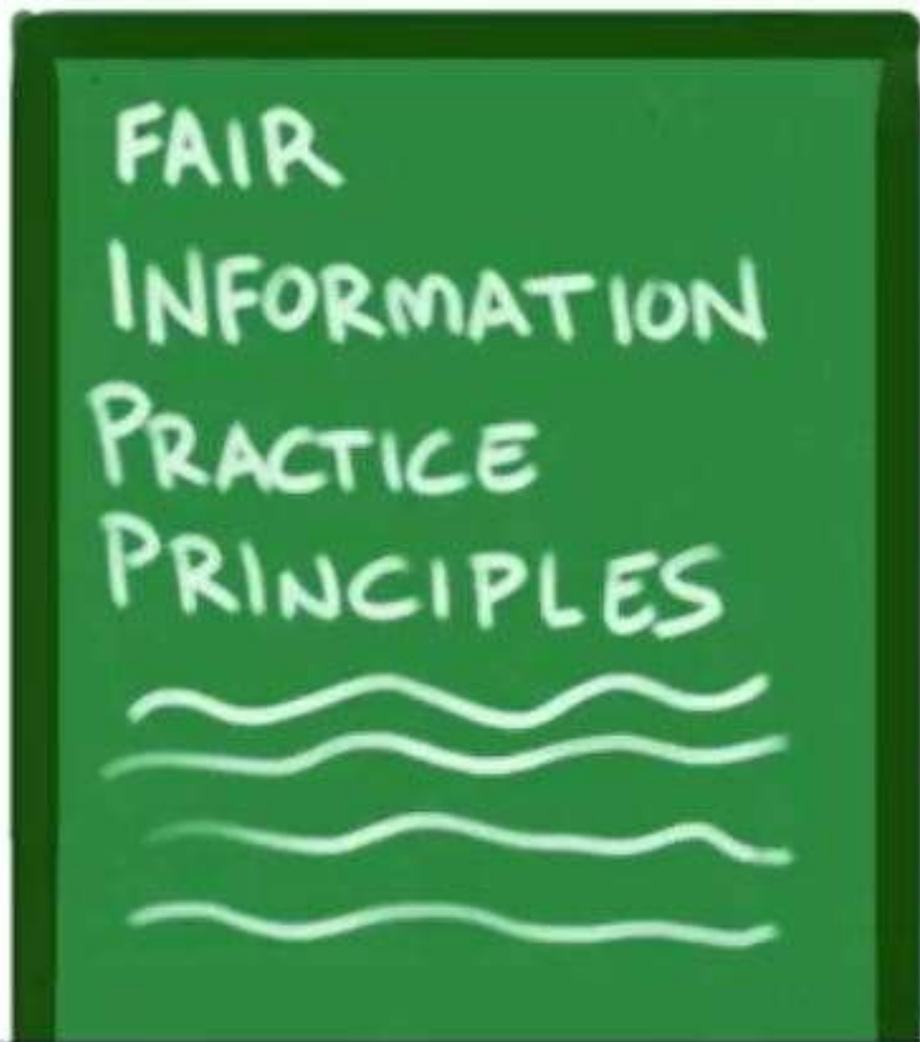


Schools are evaluating the benefits and drawbacks of using facial-recognition technologies for safety purposes.  
—Getty

**By Benjamin Herold**

July 18, 2018

# FAIR INFORMATION PRACTICE PRINCIPLES



## **PURPOSE SPECIFICATION**

- Has the LEA defined its goals for collecting information as part of a school safety initiative?

## **INDIVIDUAL PARTICIPATION**

- When defining goals, has the LEA asked parents, students, and the broader school community to weigh in on what they think would improve school safety in our community?
- Is there a process to allow parents and students to access and challenge the accuracy of information about them?
- Should any data collected as part of school safety measures be optional and allow students or parents to opt-out?

## **DATA MINIMIZATION**

- Is the LEA collecting only the information needed to fulfill its school safety goals?
- When is information that is collected as part of school safety initiatives deleted?

## USE LIMITATION

- Has the LEA publicly articulated the purpose(s) for which the information will be used? Are there any limitations for using the information - for example, could information that is collected specifically to identify school safety threats also be used to discipline students for minor infractions of school policy?
- Who is able to access the information? What is the policy for sharing information outside of the LEA, for example with law enforcement?

## TRANSPARENCY

- How has the LEA notified parents, students, and the broader school community about the additional safety measures adopted?
- Has the LEA communicated about the measures being taken to protect the information collected as part of school safety measures, including how it is collected, how it will be used, and how it will be shared, maintained, and eventually disposed of?

## **DATA QUALITY AND INTEGRITY**

- How is the LEA or SEA ensuring that the information collected is correct?
- What are the safeguards in place to ensure perpetual accuracy of information?

## **SECURITY**

- What security safeguards-physical, administrative, and technical-that are protecting the information?

## **ACCOUNTABILITY AND AUDITING**

- How is the LEA training employees and contractors that have or may have access to this information as part of their job?
- How is the LEA ensuring that this information is collected, used, and protected in accordance with the principles above?

# Questions?



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- ❖ [facebook.com/futureofprivacy](https://facebook.com/futureofprivacy)
- ❖ [@futureofprivacy](https://twitter.com/futureofprivacy)