

From: Future of Privacy Forum (FPF)
To: FPF's K-12 Education Working Group
Date: January 3, 2017
Re: End of Year Recap of K-12 Education Working Group

Dear K-12 Education Working Group,

Happy New Year! Thank you so much for being part of FPF's working group in 2016. We had an excellent and busy year, and we look forward to continuing to work with you this year!

With your support, FPF:

- Provided written comments to four state legislatures on their student privacy legislation and met with Congressional staff on student privacy bill drafts;
- Hosted our third student privacy bootcamp for ed tech vendors in San Francisco;
- Held 22 K-12 Education Working Group meetings;
- Published four op-eds and was cited in twelve news articles;
- Spoke at or hosted thirteen student privacy events;
- Released [19 Times Data Analysis Empowered Students and Schools](#), the [Educator's Guide to Student Data Privacy](#), the [FPF Guide to Student Data Protections Under SOPIPA For K-12 School Administrators and Ed Tech Vendors](#), [Seven Basic Security Checks for Evaluating Educational Platforms](#), [Supporting Parental Choice for Student Data](#), and the [FPF 2016 Education Privacy Parent Survey](#); and
- Served as an active public voice on the benefits of education data and technology.

Below (and attached) is a detailed overview of our 2016 work in the realm of K-12 Education. We look forward to working with you in the year ahead!

Thanks,

Amelia

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K-12 Ongoing Projects

We are excited to continue collaborating with you. As many will know, we remain adaptable and often respond to timely issues as they arise – nonetheless, the following are some of the major projects and policy priorities for the K-12 Education Working Group as we head into 2017:

- **Tracking and Analyzing State and Federal Student Privacy Bills** – FPF will be keeping track of student privacy legislation at both the federal and state level, and provide analysis on key new legislation. Have you heard about a new bill you have questions about? Email us for our take. We will also provide updates on legislation as part of our working group calls.
- **FERPA|Sherpa** – FPF will be re-vamping the FERPA|Sherpa website in 2017 to make it easier to find content and create a clearinghouse of student privacy resources. We will also be adding a

higher education tab to the site. Do you have content that you think should be on FERPA|Sherpa? Email us so we can share it.

- **Bootcamps** – FPF plans to hold more student privacy bootcamps in 2017, including not only our K-12 vendor bootcamp, but also a higher ed bootcamp and a bootcamp in April for state and district privacy officers. We are currently looking for locations and sponsorship to support these bootcamps, so please contact us if you have ideas or would like to be involved!
- **New Publications** – FPF will be working on several publications this year. We are currently considering white papers on social-emotional learning and privacy; biometrics in education; analyses of state and federal laws and legislation; algorithmic discrimination; and student privacy training.
- **Expanding Our National Voice** – FPF staff will continue to speak at events around the country. Amelia Vance is already scheduled to be a panelist at SXSWedu and IAPP's Global Privacy Summit. Interested in having FPF staff at your event or conference? Email us and we will try to make it work!

We are always looking for new ideas and input from the field on what new resources would be helpful, so please email me at avance@fpf.org with any thoughts!

K-12 Written Publications

- On January 5, FPF and Houston ISD [announced the winners](#) for the **student privacy video competition**.
- On January 7, FPF, ConnectSafely, and the National PTA released the [Parent's Guide to Student Data Privacy in Spanish](#).
- On January 19, Brenda Leong of FPF published [a blog](#), **Who Exactly IS a 'School Official' Anyway?**
- On January 28, FPF published [a blog](#) **evaluating the ACLU model student privacy legislation** that was introduced in 9 states.
- On March 22, FPF released [19 Times Data Analysis Empowered Students and Schools](#), a paper by Elana Zeide. This paper identifies 19 studies – a relatively small sample – where education data was successfully used to evaluate a program, create a new strategy, or delve into equity and bias issues.
- On April 25, FPF signed on to the Data Quality Campaign [letter to Congress](#) asking that they make hiring a data privacy professional an allowable use for states with their federal State Longitudinal Data Systems program funds.
- In May, Kobie Pruitt of FPF published [an article](#) in the quarterly journal of the National Association of State Boards of Education on **why opting out of data collection is not the answer to parent privacy concerns**.
- On May 16, FPF published a [blog](#) about the **privacy implications of the new federal government guidance on transgender students rights**.
- On May 23, FPF and ConnectSafely released the [Educator's Guide to Student Data Privacy](#).
- On May 23, Brenda Leong of FPF published an article for the Brookings Institute on [Student data privacy: Moving from fear to responsible use](#).
- On September 12, the **Student Privacy Pledge** reached the [milestone of 300 Signatories](#).
- On September 21, FPF published a White Paper, [Supporting Parental Choice for Student Data](#).
- On October 21, FPF published a [blog](#), **Student Privacy Pledge Loopholes? Nope. We Did Our Homework**.
- On November 7, FPF released the [FPF Guide to Student Data Protections Under SOPIPA For K-12 School Administrators and Ed Tech Vendors](#).
- On November 7, FPF also released the [Seven Basic Security Checks for Evaluating Educational Platforms](#) for parents and schools to consider the “basics” of security standards on new ed tech products and services they may be considering or using.
- On December 1, FPF released a white paper co-authored with the Family Online Safety Institute (FOSI), [Kids & The Connected Home: Privacy in the Age of Connected Dolls, Talking Dinosaurs, and Battling Robots](#), in which we discussed the benefits of connected

- toys while pushing for more companies to adopt leading industry practices for the responsible protection of data from children.
- On December 8, FPF released the FPF 2016 **Education Privacy Parent Survey**, [Beyond One Classroom: Parental Support for Technology and Data Use in Schools](#).
 - On December 14, in response to additional media events around the issues of connected toys, FPF published a [statement](#) supporting efforts by companies to adopt strong practices around privacy and security of connected toys

News Articles Quoting FPF Staff or Discussing FPF Publications (K-12 Education)

- [Passing the Privacy Test as Student Data Laws Take Effect](#) – EdSurge, Jan. 12, 2016 (op-ed by Brenda Leong and Jules Polonetsky).
- [Sen. Franken Questions Google About Student Privacy](#) – MediaPost, Jan. 13, 2016 (citing Student Privacy Pledge and quoting Jules Polonetsky)
- [Opinion: Schools Fail to Recognize Privacy Consequences of Social Media](#) – Passcode (Christian Science Monitor), Jan. 20, 2016 (Op-ed on student privacy by FPF Fellow Evan Selinger and Brenda Leong)
- [ACLU, Tenth Amendment Center Join Forces on Data Privacy](#) – EdWeek, Feb. 9, 2016 (coverage of the Future of Privacy Forum providing “a measured endorsement of the provisions in the ACLU’s model bill”).
- [The Odd Couple: ACLU, Tenth Amendment Center Take on Student Data Privacy](#) – Government Technology, Feb. 10, 2016 (citing FPF Student Privacy Pledge and commentary on ACLU effort)
- [Google Acknowledges Data Mining Student Users Outside Apps for Education](#) – EdWeek, Feb. 17, 2016 (quoting Brenda Leong).
- [Student Privacy at Risk Absent Better Training for All](#) – Bloomberg BNA, Mar. 28, 2016 (quoting Jules Polonetsky on student privacy)
- [Making a Digital Difference in the Classroom With Data](#) – The Huffington Post, April 14, 2016 (op-ed by Jules Polonetsky).
- [Kobie Pruitt of Future of Privacy Forum talks about protecting student data](#) – EdScoop, April 15, 2016 (interview with Kobie Pruitt).
- In May, the [FPF blog](#) was selected as one of [EdTech's must-read K-12 IT blogs!](#) EdTech chose to spotlight some of the education industry’s most influential thought-leaders in this latest batch of the top K-12 IT bloggers. There were 50 blogs that were selected, including previous honorees, new picks from editorial staff, and nominations from EdTech readers.
- [Smartphone apps used to keep children safe could violate privacy, stalking laws](#) – WFTV9 (ABC), May 10, 2016 (quoting Jules Polonetsky).
- [Educator's Guide Takes the Mystery Out of Student Data Privacy](#) – EdWeek, May 23, 2016 (guest post by Kerry Gallagher about FPF’s new *Educator’s Guide to Student Data Privacy*).
- [Free Guide on Student Data Privacy Now Available to Teachers](#) – THE Journal, May 24, 2016 (coverage of *Educator’s Guide to Student Privacy*)
- [New privacy guidelines provide map for educators](#) – EdScoop, May 24, 2016 (coverage of *Educator’s Guide to Student Privacy*).
- [Classroom Analytics Can Have Big Impact on Educational Outcomes](#) – EdTech Magazine, Sep. 7, 2016 (coverage of student privacy bootcamps for vendors).
- [300: Rise of the Student Privacy Pledge](#) – Bloomberg BNA, Sep. 12, 2016 (coverage of Student Privacy Pledge reaching 300 signatories).
- [We must support parental choice for student data](#) – The Hill, Sep. 21, 2016 (op-ed by Jules Polonetsky and Brenda Leong).
- [Katy ISD warns staff, students after data breach](#) – The Katy Rancher, Oct. 17, 2016 (quoting Brenda Leong).
- [Student data protection advocate moves to Future of Privacy Forum](#) – EdScoop, Nov. 7, 2016 (coverage of Amelia Vance moving to FPF).
- [Encryption Sorely Lacking in Ed-Tech Products, Survey Finds](#) – EdWeek, Dec. 2, 2016 (quoting Amelia Vance).
- [New Report Explains Student Privacy under SOPIPA and Similar Regs](#) – THE Journal, Dec. 5, 2016 (coverage of FPF SOPIPA Guide).

- [Data privacy report shows parents need education in school technology use](#) – EdScoop, Dec. 8, 2016 (coverage of FPF 2016 Parent Survey).
- [Study Shows Parents Still in the Dark Around Privacy Policies](#) – EdSurge, Dec. 13, 2016 (coverage of FPF 2016 Parent Survey).
- [Protecting Student Data and Privacy, From Inside Cambridge Public Schools](#) – EdSurge, Dec. 13, 2016 (mention of the Student Privacy Pledge).
- [Report: Parents Mostly Clueless About Student Data Privacy Laws](#) – THE Journal, Dec. 19, 2016 (coverage of FPF 2016 Parent Survey).

Speaking Engagements and FPF-Hosted Events (Selected Education-Related)

- In February, Brenda Leong spoke on a panel at the New Jersey School Law Conference.
- On March 3, FPF hosted our [Student Privacy Boot Camp for Ed Tech Vendors](#) in San Francisco.
- On March 7, Brenda Leong spoke at SXSWedu Summit “[Moving From Privacy To Trust](#).” The event was sponsored by the Data Quality Campaign and the Consortium for School Networking. Leong and fellow panelists discussed how to build trust through better educator training, improved review of education apps, clearer vendor agreements and building a “seal” validating trusted learning environments. Prior to the summit, we also published [a blog](#) on this topic.
- On March 10, Kobie Pruitt spoke at SXSWedu on the panel “Boot Camp for Building a Student Privacy Program.”
- On March 21, Kobie Pruitt testified before the Council of the District of Columbia Committee on Education in a hearing on “Protecting Students Digital Privacy Act of 2016.” Kobie discussed the proposed regulations that would impose certain privacy and security requirements on educational institutions and vendors. You can watch the hearing and Kobie’s testimony [here](#).
- On April 5, Kobie Pruitt spoke at the CoSN 2016 Annual Conference on the panel “Can Privacy Concerns Derail Digital Learning?”
- On April 6, Kobie Pruitt spoke at IAPP Global Privacy Summit on the panel “[On the Horizon: Student Data Privacy in Education](#).”
- On June 23, Kobie Pruitt presented at the Texas CTO Clinic on preventing data leakage and the Student Privacy Pledge.
- On June 27, FPF Advisory Board Member Elana Zeide gave the keynote at the American Libraries Association conference on “[Student Privacy: The Big Picture on Big Data](#).”
- In October, Brenda Leong led the panel “Beyond FERPA: What California and New York Require of EdTech Providers” at the Privacy + Security conference in Washington, DC.
- On October 27, Brenda Leong participated in a panel at iNACOL, “Will Privacy Fears Expand Digital Inequity?”
- On December 1, FPF CEO Jules Polonetsky was the Keynote Speaker at the Family Online Safety Institute (FOSI) 2016 Annual Conference discussing the privacy impact of Internet-connected toys.
- On December 16, Amelia Vance spoke with DQC’s Rachel Anderson at the IES Principal Investigator’s meeting on “Making Data Work for Students: Strategies for Education Research and Data Privacy.”

K-12 Working Group Calls

Below is a recap of our working group calls in 2016. Have ideas for 2017 working group topics? Email Amelia Vance at avance@fpf.org.

January 15

- Linnette Attai, Founder of Playwell, LLC shared a presentation on SOPIPA and the implications for the ed tech industry when the law came into effect on January 1, 2016.

January 29

- Brendan Desetti of SIIA discussed the federal outlook for 2016. Amelia Vance provided her insight on the recent announcement that a coalition of states will introduce student privacy legislation sponsored by the ACLU.

February 12

- FPF presented on new policy white papers and resources, including our new parental consent white paper, a paper being put together by Elana Zeide highlighting real world examples of data being used in a positive way, and the questions for our next parent survey.

March 11

- Chad Marlow from the American Civil Liberties Union answered questions on their recent model legislation for privacy and discussed the impetus for their campaign.
- Amelia Vance provided an overview of the California Department of Education lawsuit, which led to the court ordered disclosure of 10 million student records. In addition, Amelia also provided a legislative update on the active state student privacy laws.

March 25

- Amelia Vance provided an overview of the D.C. Council Committee on Education hearing to discuss the "Protecting Students Digital Privacy Act of 2016." The language from the District of Columbia bill was crafted to be similar to the ACLU's model privacy legislation introduced earlier this year.
- Brendan Desetti from SIIA and Rachel Anderson from DQC provided a detailed summary of a hearing on student privacy protections by the U.S. House Committee on Education and the Workforce.
- Professor Joel Reidenberg of Fordham University discussed Fordham's collaboration with Carnegie Mellon University to create the Usable Privacy Project. The two universities worked together to create an easy to use program that annotates website privacy policies for those who lack experience reading these difficult to read privacy statements.

April 8

- Amelia Vance discussed Colorado's new student privacy bill, which they called "the toughest in the United States."
- Linnette Attai from PlayWell, LLC introduced a new project she was working on in conjunction with FPF to create a SOPIPA Guide.

April 22

- Shelby Edwards from the Colorado Children's Campaign provided the group with the latest information on the new Colorado Student Privacy Legislation and similar state bills moving through the Colorado legislature.
- Linnette Attai discussed FPF's plan to work through vexing COPPA compliance questions and have speakers lead discussions around different topics.

May 6

- Amelia Vance of NASBE presented on her new paper "Policymaking on Education Data Privacy: Lessons Learned" to highlight what we should takeaway since the launch of inBloom and provide insight on how we should address student data privacy in the future.
- Linnette Attai of PlayWell, LLC continued our COPPA discussion from the previous meeting and helped the group answer some of the lingering questions about COPPA compliance for education service providers.

May 20

- Elana Zeide, Research Fellow at NYU, lead an in depth discussion about her newest paper, "19 times Data Analysis Empowered Students and Schools," written in conjunction with FPF.
- Linnette Attai of PlayWell, LLC discussed the CoSN Trusted Learning Environment tool.

June 3

- In our June call, we discussed Senator Schumer's inquiries into "spying billboards," including the technicalities of ClearChannel's outdoor location tracking (in case you missed it, [here](#) is an

example of the media coverage). This discussion focused on how best to explain outdoor location-based advertising attribution, in comparison to smart signage that may display differing content in response to the individual person standing in front of it;

June 17

- Amelia Vance discussed the troublesome language offered in the recently introduced New York student privacy bill (SB 7626).
- Beatriz Arnillas, the Director of Education Technology at Houston ISD, talked to the group about the new IMS OneRoster Standard. Beatriz discussed how adopting the OneRoster standard allowed her district to manage the demand of authentication and access requests without increasing costs. Beatriz will also discuss how the OneRoster standard helped Houston ISD manage their relationships with vendors more effectively.
- Linnette Attai discussed the soon to be released policy paper by the West Corporation, "School and Student Data Privacy: Nine Considerations for Community Engagement."

July 1

- Rachel Anderson of the Data Quality Campaign discussed DQC's new recommendations to create strong federal student privacy policies. The recommendations take DQC's Four Priorities To Make Data Work for Students and explains to federal policymakers how they can be utilized.
- Brendan Desetti of SIIA discussed the new recommendations released by the California Attorney General on how educational service providers can best adhere to SOPIPA.

July 15

- Arati Nagaraj from the Silicon Valley Education Foundation (SVEF) discussed SVEF's iHub program and their project to create a unified contract that will streamline the process, procurement and implementation of safe, secure educational technologies for personalize learning. The unified contract is compliant with federal and California law, which will help schools and service providers enter into agreements that are transparent and mindful of student privacy.
- Brennan Parton from the Data Quality Campaign discussed the new data tracking requirements under the Every Student Succeeds Act (ESSA).

July 29

- Steve Smith of Cambridge Public Schools continued our conversation about model contracts for schools and educational service providers. Steve discussed his work with the Student Data Privacy Consortium and their project to develop model language for various school districts.

September 9

- Bill Fitzgerald of Common Sense Media updated the group on the results of the initial roll out of the Common Sense Media vendor privacy policy evaluation program. He discussed the website, reactions they've received from schools, what type of feedback they are receiving from the industry, and possibly future plans and expectations for the site.
- Taryn Hochleitner from Data Quality Campaign provided a update on student data-related legislative efforts at the state level from 2016, previewing the new DQC publication.

September 23

- Reg Leighty of Foresight Law+Policy and Amelia Vance of NASBE discussed the markup-that-almost-was of the Blumenthal-Daines bill to regulate vendors regarding student data privacy.
- FPF staff went over the draft Seven Basic Security Steps checklist which FPF published for use by schools and parents in evaluating ed tech products and services for security practices. The checklist was developed at the request of some of the Pledge signing companies, and with help from Bill Fitzgerald of Common Sense Media.

October 7

- Amelia Vance discussed the new DC Student Privacy Bill.
- Linnette Attai and Brenda Leong presented a preview of their upcoming presentation on the SOPIPA and NY Student Privacy Laws at iNACOL

October 21

- Monica Bulger of the Data & Society Research Institute presented her new paper, “Personalized Learning: The Conversations We're Not Having.”
- Brenda Leong discussed the Electronic Frontier Foundation’s recent post on alleged loopholes in the Student Privacy Pledge and FPF’s response.

November 4

- Bill Fitzgerald presented on the Seven Security Steps; Brenda Leong presented on the FPF Parent Survey, FPF SOPIPA Guide, and new CA AG SOPIPA Guide

November 18

- William Tucker and Amelia Vance presented on the NASBE report “School Surveillance: The Consequences for Equity and Privacy.”
- Reg Leichty of Foresight Law + Policy presented on the impact of the 2016 election.

November 30

- Carolina Alonso from FPF presented on the new FPF publication, "Kids & The Connected Home: Privacy In The Age of Connected Dolls, Talking Dinosaurs, and Battling Robots."

December 16

- Rachel Anderson, Associate Director for Federal Policy and Advocacy at the Data Quality Campaign, presented on the recently released DQC report on state report cards.