

K-12 Privacy Leaders Working Group Meeting Notes

Wednesday, April 5, 2017 11:00-12:00

Topic: Student privacy, equity, and surveillance

30 participants

Amelia Vance (Future of Privacy Forum) – Consequences for Equity and Privacy Paper

- Why is surveillance important?
 - Uncertainty when and who adopts surveillance strategies
 - Exists on almost every campus
 - There is legislation- ACLU bill that restricts how student devices can be monitored, searched, and interacted with without student/parent consent
- Why is there surveillance in schools?
 - Keep students on task
 - Programs notify teachers when students go on off-topic sites
 - Teachers can see what students are looking at – 1-1 devices, cart-model, or BYOD device.
 - Keep students safe online and in physical school environment
 - In 2012 - 749,200 students were victims of non-fatal school violence
 - Children's Internet Protection Act– requires schools to implement internet safety policy, including filters
 - Protect students from cyber-bullying
 - 46 states and D.C. prohibit cyber-bullying and make schools responsible to identify instances
 - Federal consequences –may be legal responsibilities for schools under civil rights law
 - Sexting on school's network
 - 2015 – 20 states have addresses minors sending and receiving sexts
 - Predict and avoid school violence
 - Intercept plots via social media
 - Monitor keywords regarding threats, social media accounts
 - Many states restrict when schools can get login info
 - Audit and efficiency
 - Track school buses and who rides them for safety and efficiency reasons
 - Catch cheating
 - RF-ID chips or card-based measures to know when students access school buildings
- Privacy and equity consequences of surveillance
 - Surveillance effect
 - Creates sense of less nurturing environment
 - Measures interfere with the trust learning requires, casts school in a negative light in the students' eyes
 - Purpose of surveillance is to incentivize students to behave better
 - Threat to space of intellectual privacy
 - Reduces risk-taking which may reduce creativity and asking questions
 - Freeze child's self-image
 - Equity and the digital divide; effect on discipline disparities
 - Many students who don't have access to laptops or desktops at home are minorities
 - ACLU bills were introduced because of the disparity of access
 - Privacy protections should be afforded to all students regardless of financial status

- Permanent record – parents concerned that electronic record to be used against student by college or employer
- Side-effect of ability to collect unlimited data is an inclination to collect as much data as possible and filter later
- What can we do?
 - Guardrails to ensure surveillance helps students instead of hindering learning
 - Ask: which type of surveillance state/district employs, its purpose, and if there are policies in place that programs are used equitably
 - 7 principles to regulate surveillance
 - Minimize
 - Only use when there is evidence of clear and immediate danger to student safety, stop surveillance once danger is over
 - Data governance plans - ask what data should be collected, why, create restrictions, assess who holds and accesses data
 - Proportionality
 - Practice should be proportional to action and consequences
 - Adopt rules to monitor 1-1 devices
 - Transparency
 - Gain trust of parents & stakeholders
 - Openness
 - Encourage community and stakeholder discussions
 - Empower
 - Allow students and parents access to surveillance materials
 - Ensure equity
 - Institute restorative justice techniques
 - Staff training

Jason Nance (University of Florida Levin School of Law) – Research on student surveillance and implicit racial bias

- Former teacher in inner-city in Texas
- Two studies:
 - 2013 study hypothesis - schools with higher concentration of students with color relied on more intense surveillance methods than schools with lower concentration of minority students
 - 2009-2010 School Survey on Crime Safety (Dept. of Ed.)
 - 2,650 schools in the study
 - Principals were asked about the following practices:
 - Control access to school grounds through gates
 - Students passed through metal detectors
 - 1+ random metal detector checks
 - Random sweeps for contraband
 - Use of 1+ security cameras
 - Looked at 4 combinations of the above
 - Independent variables
 - Race, socio-eco. status, ESL students, special ed. students, low test-takers, parent involvement in school, community group involvement, geographic region, principal perception of neighborhood safety
 - Numbers – binary logistic regression

- Even after controlling for all the factors, as % of minority population increases by 1, schools are more likely to employ combo of security measures
 - As concentration of poor students increased, schools are more like to employ the measures as well
- Recent study
 - Based on 2013-2014 data (after Newton shooting- schools trying to show parents they were keeping students safe) but sample size was lower because Dept. of Ed. didn't have enough money to conduct study
 - Schools were characterized in 3 groups: 0-19% minority composition, 20-49%, above 50%
 - Schools above 50% were 5.9x more likely to rely on metal detectors than 0-19; 3.88x as likely as schools with 20-49% to use metal detectors
 - Conclusion – race plays role in school's decision on security measures
 - Possible implicit racial bias
 - Intense surveillance methods aren't always effective - only 32% of officials believe strict measures work
 - Might contribute to poor learning environments, create feelings of distrust, increase school to prison pipeline, doesn't address underlying problems of student crime and misbehavior
 - What creates a safe school?
 - Respect between adults and students, positive role models, places for discussion, open communication, constructive management of conflict, quality of relationship between staff and students and staff and parents
 - Harmful
 - May deprive minority students of quality educational experience
 - Fuel school to prison pipeline
 - Weaken minorities' trust in government authority
 - Skew minority's perception of their standing in society
 - Causes minority students to think they have less privacy rights and causes white students to think they have more privacy rights

Teddy Hartman (Howard County Public Schools, Maryland) – Surveillance technologies at the District level

- “Old school” policy - body cam pilot initiative
 - Police perspective
 - Turn on camera upon arrival- means there is interaction with students who were not involved
 - Police keep recording for a year, facial recognition technology can be used
 - Issue- can the video implicate other students?
- “New school” policy – Learning Management System
 - System produces report on each user and parents – principals can access reports on teacher activity as well
 - What record does this create? Could this be used to draw conclusions about parent's involvement in schools

Questions and Comments

- How to best address discipline issues?
 - Increase communication and trust whenever possible, target students with most issues
- How to ensure algorithms aren't bias?

- Keep information about minorities in, adjust algorithms for those findings
- How does surveillance impact immigrant communities?
 - Examples of surveillance being tied into law enforcement – surveillance video fed into local police station as opposed to footage being held by the school
 - Be mindful of who can access footage
- CalECPA/SB 178
 - Extends illegal searches into digital world; wording says “authorized user of device” and students are authorized users of devices but bill never intended to apply to students
 - Incidental effect - restricts schools to search devices without warrant/permission
 - Currently there is a bill that would exempt schools

Attending Organizations

1. Association of California School Administrators
2. California Department of Education
3. Ceres Unified School District, California
4. Colorado Department of Education
5. Dallas Independent School District, Texas
6. Deerfield Public Schools District 109, Illinois
7. Howard County Public Schools, Maryland
8. Irvine Unified School District, California
9. Kentucky Department of Education
10. Los Angeles Unified School District, California
11. Louisiana Department of Education
12. Minot Public Schools, North Dakota
13. Niskayuna Central School District, New York
14. North Carolina Department of Public Instruction
15. Salem City Schools, Virginia
16. Wayne RESA, Michigan
17. Wisconsin Department of Public Instruction
18. Wyoming Department of Education

Please email Amelia Vance at avance@fpf.org if you were on the call and your organization name is not listed below.