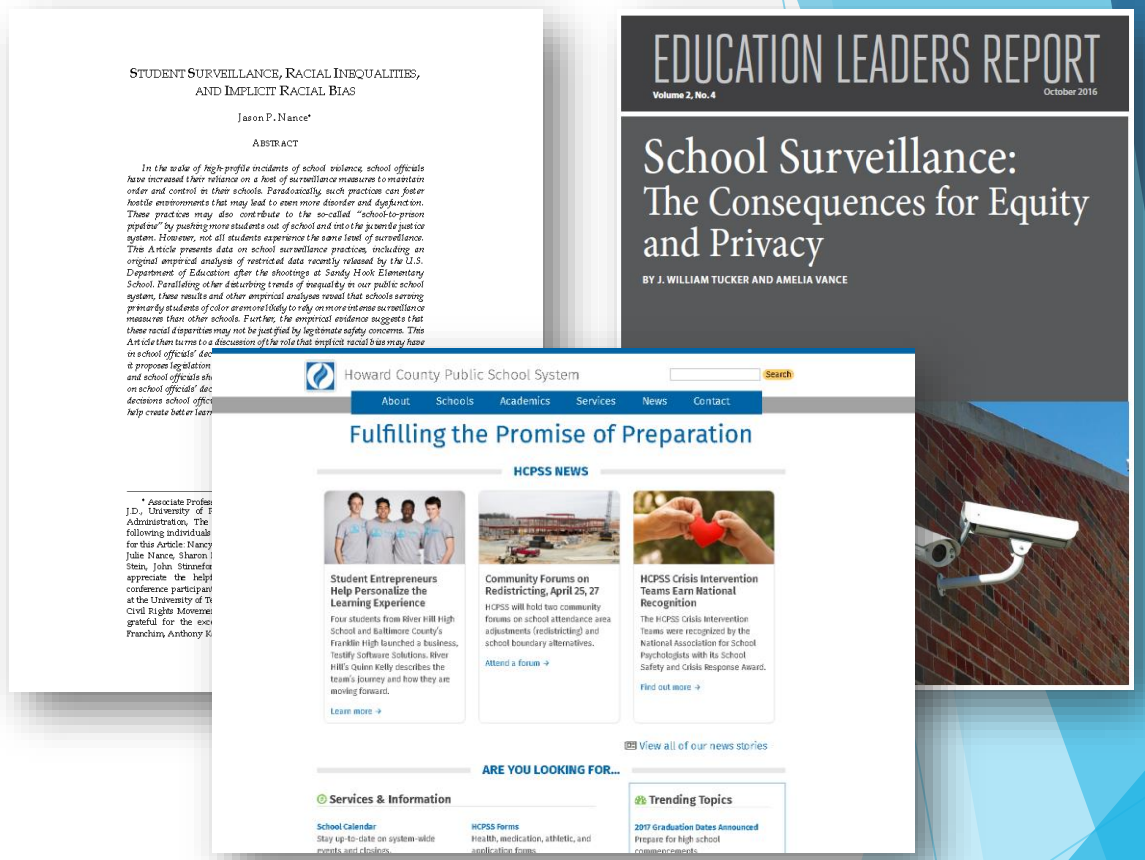
School Surveillance, Equity, and Privacy

4/5/2017

Speakers Today

- **Amelia Vance**, Policy Counsel, FPF
- **Jason Nance**, Associate Professor of Law, University of Florida Levin College of Law
- **Teddy Hartman**, Coordinator of Data Privacy, Howard County Public Schools, MD



FUTURE OF PRIVACY FORUM

Why is there surveillance?

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

Internet Access Here Sign by steverhode (Flikr)

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Keeping Students on Task

Children at school by lupuca (Flikr)

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Keeping Students Safe

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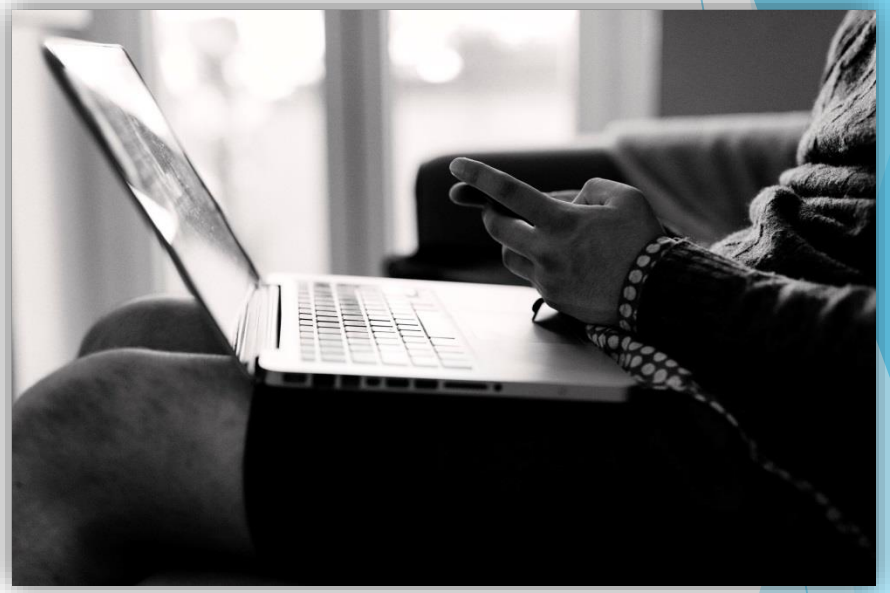
The Children's Internet Protection Act

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



Typing on a Laptop by danielfoster (Flikr)

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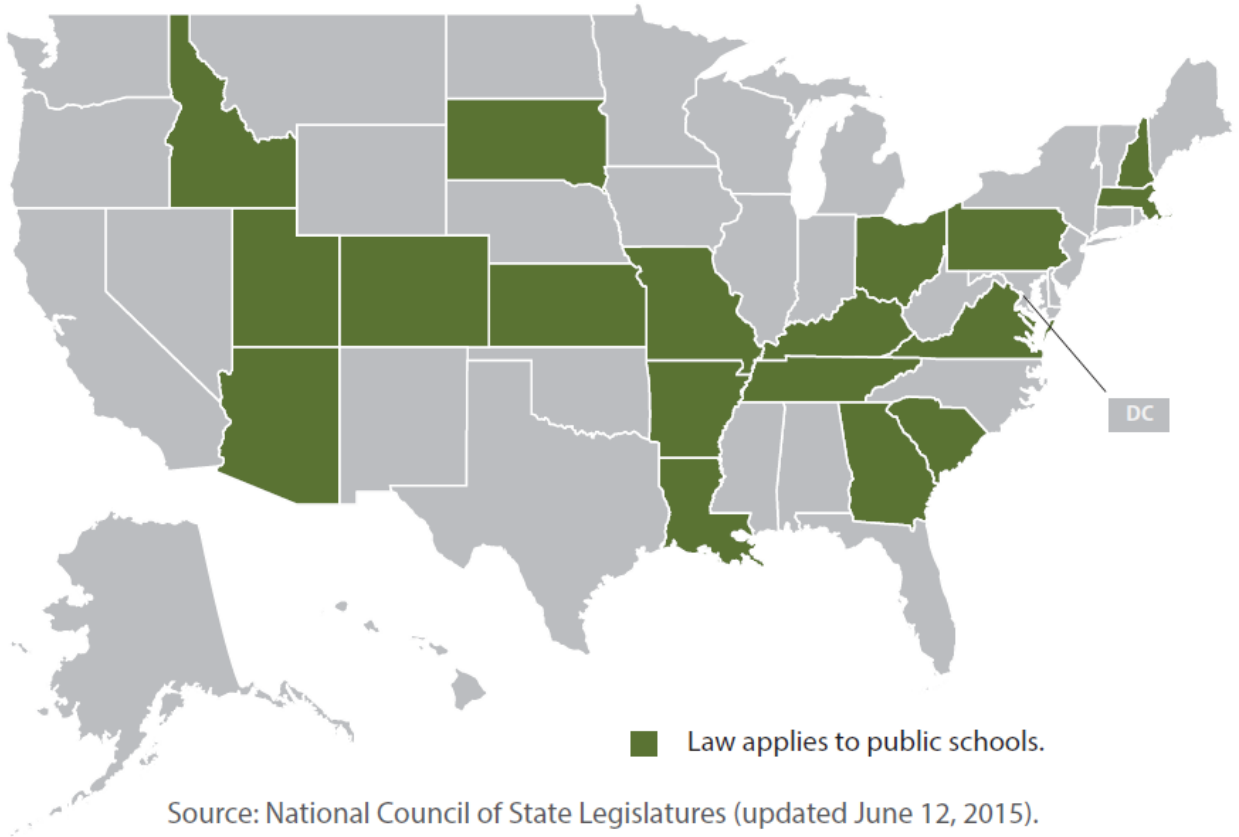
Keeping Students Safe

18 States Have Internet Filtering Laws That Apply to Public Schools



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

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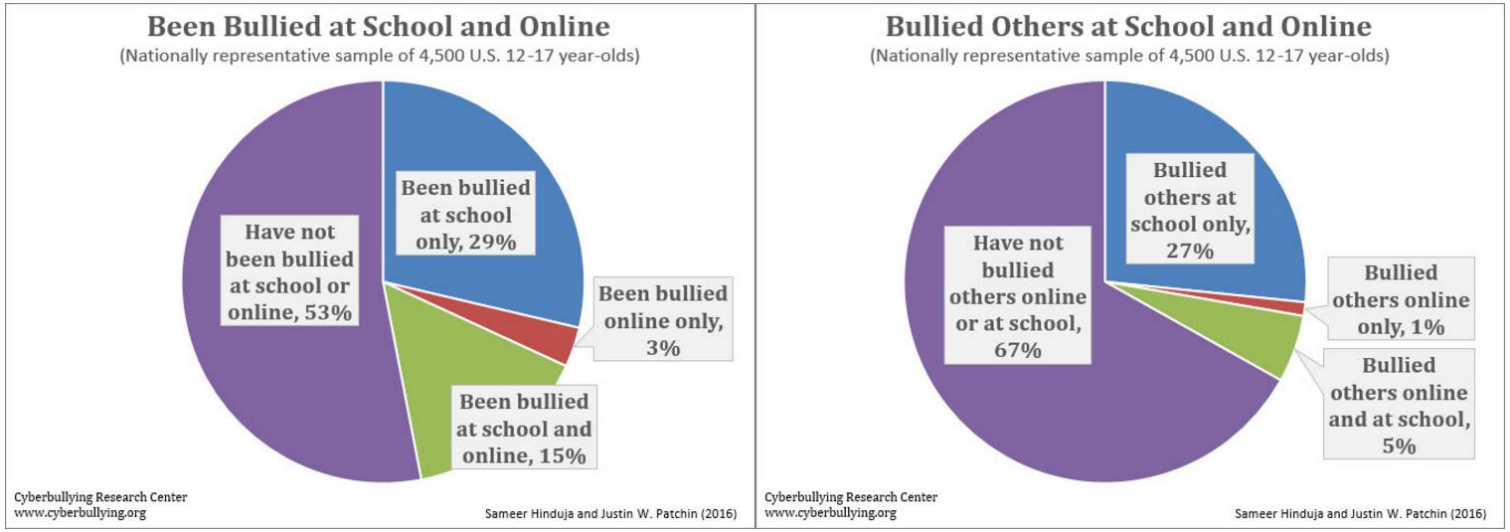

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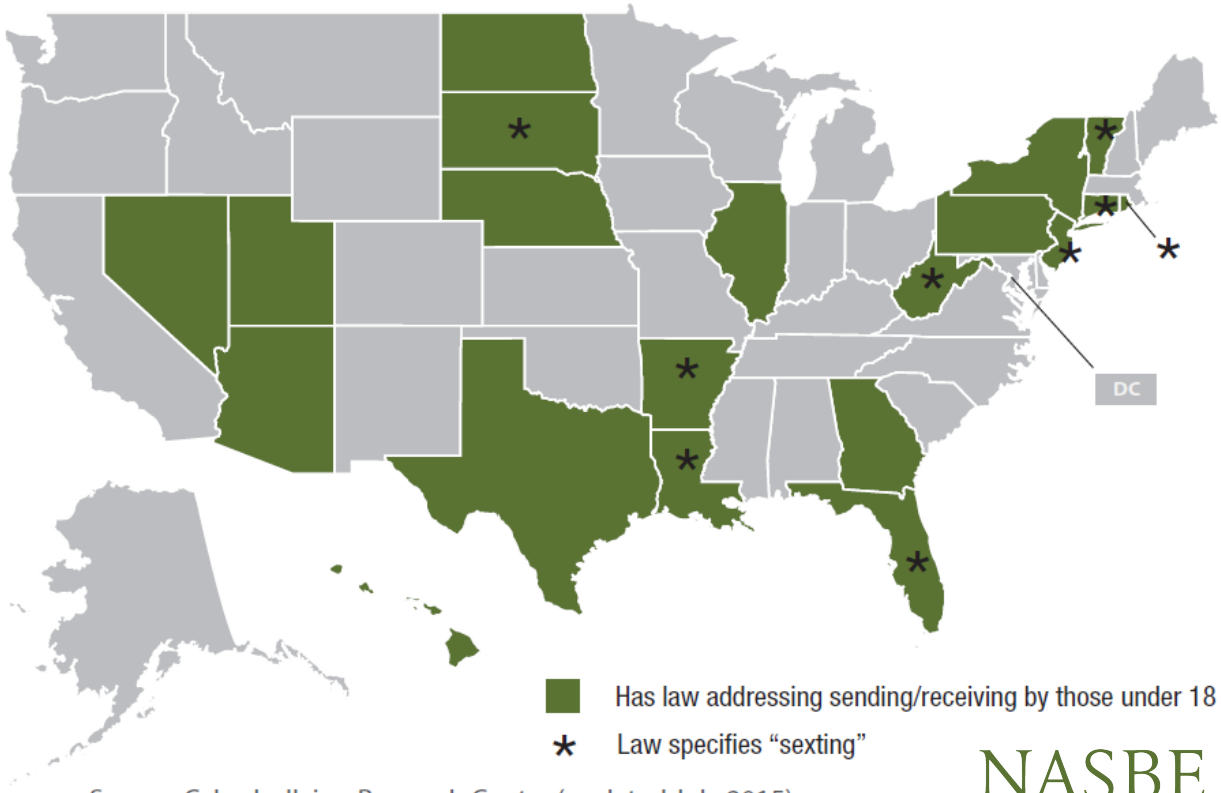
Keeping Students Safe

20 States Have Laws Addressing Sexting by Minors



Source: Cyberbullying Research Center (updated July 2015).

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Keeping Students Safe

Three Surveillance cameras by Hustvedt (Wikipedia)

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Auditing and Efficiency

Search Technology Redux by brewbooks (Flikr)

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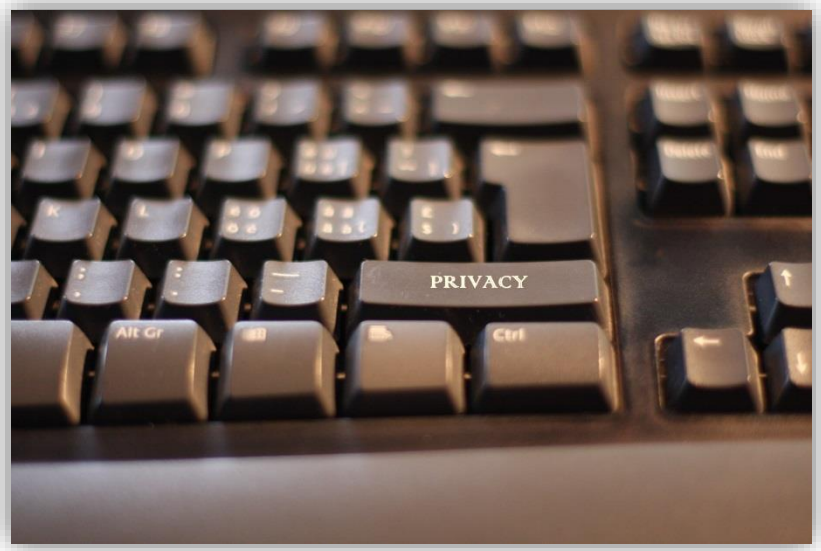
Privacy and Equity Consequences

- The Surveillance Effect
- Equity and the Digital Divide
- The Effect on Discipline Disparities
- The “Permanent” Record



Wiertz Sebastien - Privacy by wiertz (Flikr)

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The Surveillance Effect

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

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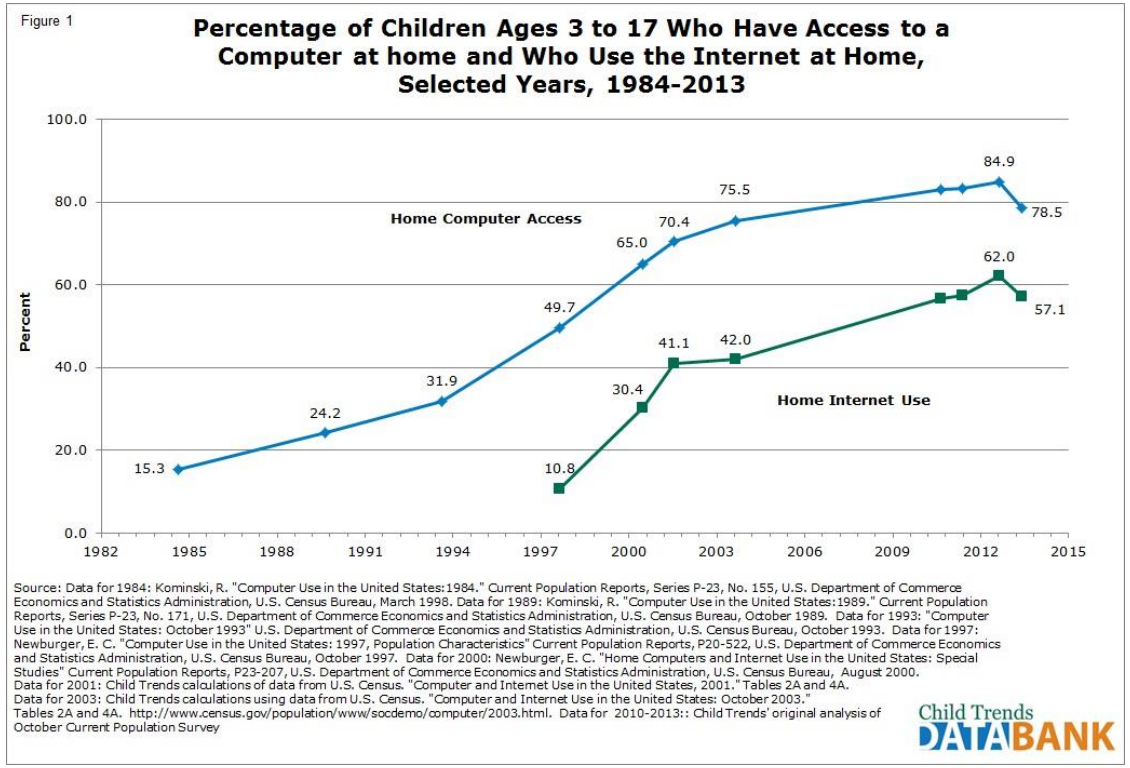
Equity and the Digital Divide



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

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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

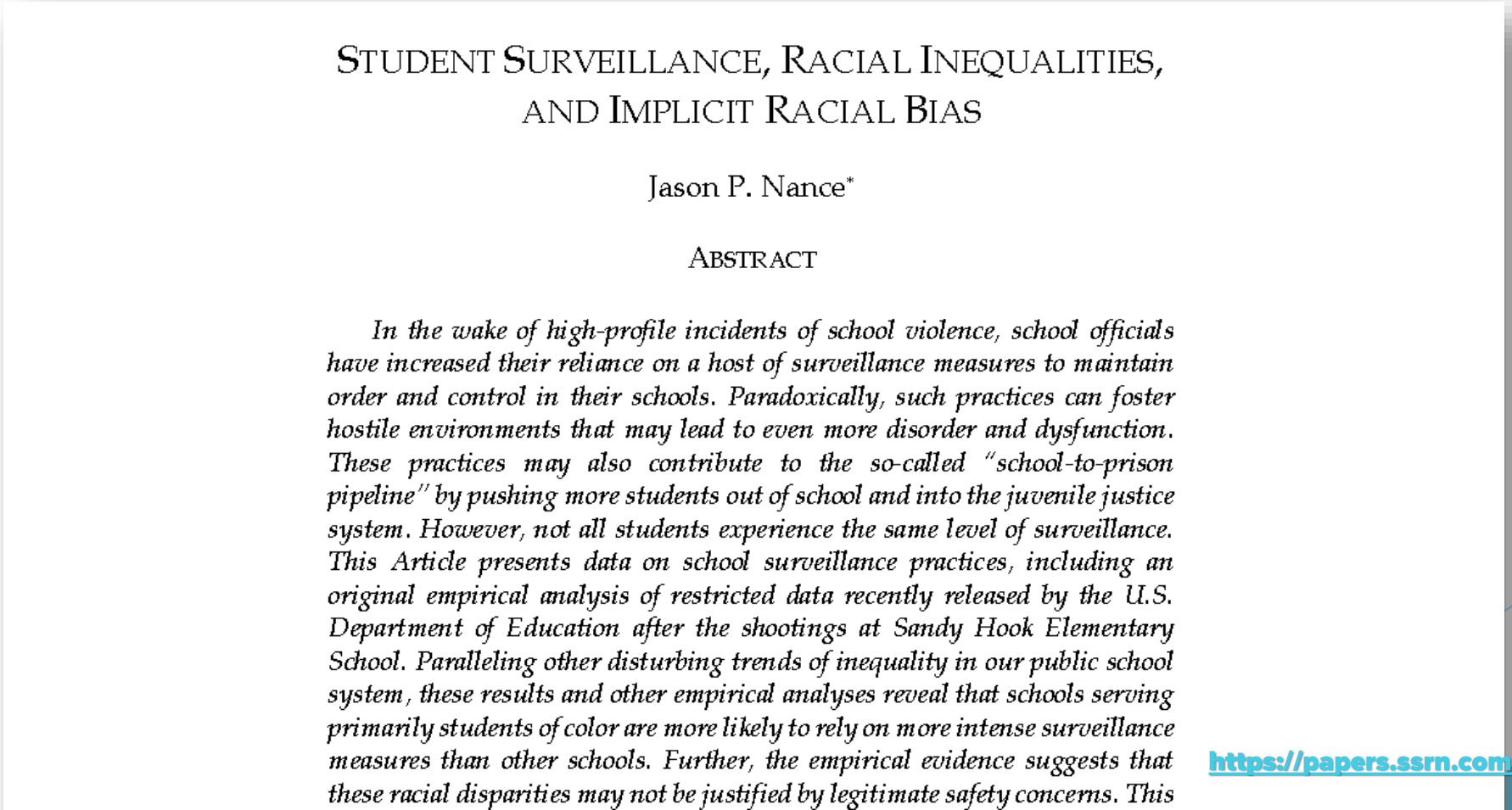
https://www.pexels.com/photo/back-boy-bag-guy-26168/

FUTURE OF PRIVACY FORUM

Jason Nance

Associate Professor of Law

University of Florida Levin College of Law



STUDENT SURVEILLANCE, RACIAL INEQUALITIES, AND IMPLICIT RACIAL BIAS

Jason P. Nance*

ABSTRACT

In the wake of high-profile incidents of school violence, school officials have increased their reliance on a host of surveillance measures to maintain order and control in their schools. Paradoxically, such practices can foster hostile environments that may lead to even more disorder and dysfunction. These practices may also contribute to the so-called "school-to-prison pipeline" by pushing more students out of school and into the juvenile justice system. However, not all students experience the same level of surveillance. This Article presents data on school surveillance practices, including an original empirical analysis of restricted data recently released by the U.S. Department of Education after the shootings at Sandy Hook Elementary School. Paralleling other disturbing trends of inequality in our public school system, these results and other empirical analyses reveal that schools serving primarily students of color are more likely to rely on more intense surveillance measures than other schools. Further, the empirical evidence suggests that these racial disparities may not be justified by legitimate safety concerns. This

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2830885

Empirical Evidence Demonstrating Racial Disparities

- The 2009-2010 School Survey on Crime and Safety
- Published by the U.S. Dept. of Education
- The restricted version became available in 2011. (The public version still is not available).
- 2,650 public schools participated in the study
- Data was collected from Feb. 24, 2010 to June 11, 2010

Dependent variables

Principals were asked if during the 2009–2010 school year, it was a practice in the principal's school to:

- Control access to school grounds during school hours
- Require students to pass through metal detectors each day
- Perform one or more random metal detector checks on students
- Perform one or more random sweeps for contraband (e.g., drugs or weapons), but not including dog sniffs
- Use one or more security cameras to monitor the school

Combinations (Dependent Variables)

- Combination 1: metal detectors and guards
- Combination 2: metal detectors, guards, and random sweeps
- Combination 3: metal detectors, guards, random sweeps, and security cameras
- Combination 4: metal detectors, guards, random sweeps, security cameras, and locked gates

Independent variables

- Student race
- Student socio-economic status
- % of ESL students
- % of special education students
- % low test-takers
- Parent involvement in academic and social events at school
- Involvement of community groups in efforts to promote safe, disciplined, and drug-free schools
- Geographic Region

Independent variables

- Crime:
  - Violent incidents
  - Weapons
  - Alcohol and drugs
  - Theft/larceny
  - Vandalism
- School disorder:
  - Racial tensions
  - Bullying
  - Sexual harassment of other students
  - Disorder in the classroom
  - Verbal abuse of teachers
  - Acts of disrespect for teachers other than verbal abuse
  - Gang activity
  - Cult or extremist group activities
- Principals' perception of neighborhood crime
- School size
- Non-traditional school
- Urbanicity
- School level

	Metal/Guards	Metal/Guards/Sweeps	Metal/Guards/ Sweeps/Cameras	Metal/Guards/ Sweeps/Cameras/Locked Gates
School Crime				
Violence (ln)	.837	.925	.944	.908
Weapons (ln)	.995	.821	.938	1.048
Thefts (ln)	.818*	.850	.805	.835
Drugs (ln)	1.141	1.137	1.153	.988
Vandalism (ln)	1.034	1.071	1.112	1.152
Threats (ln)	.978	.916	.883	.825
School Disorder	1.141	1.236	1.337	1.366
Neighborhood Crime	1.036	.842	.764	.572**
Cmty. Involvement				
Parents	1.168	1.708*	1.574	1.594
Social Services	1.115	1.221	1.169	1.548
Juvenile Justice	1.878	1.074	1.292	1.220
Law Enforcement	1.118	1.092	.907	.980
Mental Health	1.340	1.588	1.322	1.310
Civic Orgs.	.819	.734	.831	.539*
Business Orgs.	1.108	1.293	1.274	1.325
Rel. Orgs.	1.158	1.124	1.148	1.484
Geographic Region				
Northeast	1.382	.730	.789	.516
Midwest	.872	.540	.538	.417*
West	.171***	.203***	.119	.135***
Urbanicity				
Suburban	.394***	.376**	.375	.358**
Town	.511*	.519	.516	.305*
Rural	.411**	.589	.624	.312**
Building Level				
Middle	.865	1.200	.963	1.176
Combined	.705	1.236	.668	.939
Nontraditional	1.356	1.544	1.263	1.174
Stud. Attendance (ln)	.667	1.022	.881	.623
Special Ed. (%) (ln)	1.106	1.014	.999	1.076
ESL (%) (ln)	.660***	.699***	.711***	.637***
Low Test Score (%) (ln)	1.231	1.436**	1.313*	1.222
Student Pop. (ln)	2.771***	3.133***	2.423***	2.618***
Minority (%) (ln)	1.877***	2.853***	2.603***	3.359***
Poverty (%) (ln)	7.734***	2.236***	2.311**	3.412**

Table 1: Logistic Regression Model Predicting Odds of School Using Security Practices

	Metal Detectors	Locked Gates	Random Sweeps	SROs/Guards	Surveillance Cameras
School Crime					
Weapons/Sex Crimes	1.259	1.162	1.098	1.292	.838
Non-weapon/non-sex crimes	1.157	.962	1.079	1.035	1.185
School Disorder	.930	.916	1.206	1.460*	1.717*
Geographic Region					
Northeast	.397**	.666*	.319****	.602*	.617
Midwest	.692	.532***	.519***	.409****	.432**
West	.101****	1.105	.314****	.350****	.086****
Urbanicity					
Suburban	.286****	.736	.860	1.337	.960
Town	.286**	.658	1.336	1.054	.657
Rural	.156****	.592**	1.019	.713	.889
Building Level					
Middle	.639*	.876	.624***	.668**	.422****
School Size					
Less than 300 students	.842	.556***	1.329	.158****	.613
300-499 students	1.511	1.226	1.010	.297****	.891
% of minority students					
0-19% minority	.168****	.268****	.503***	.470***	2.218**
20-49% minority	.258****	.460****	.559**	.642*	2.809***

*p < .10, **p < .05, ***p < .01, ****p < .001

Graph 1: Odds of Using Security Practices for Majority-Minority Schools Compared to Schools that Serve Primarily White Students

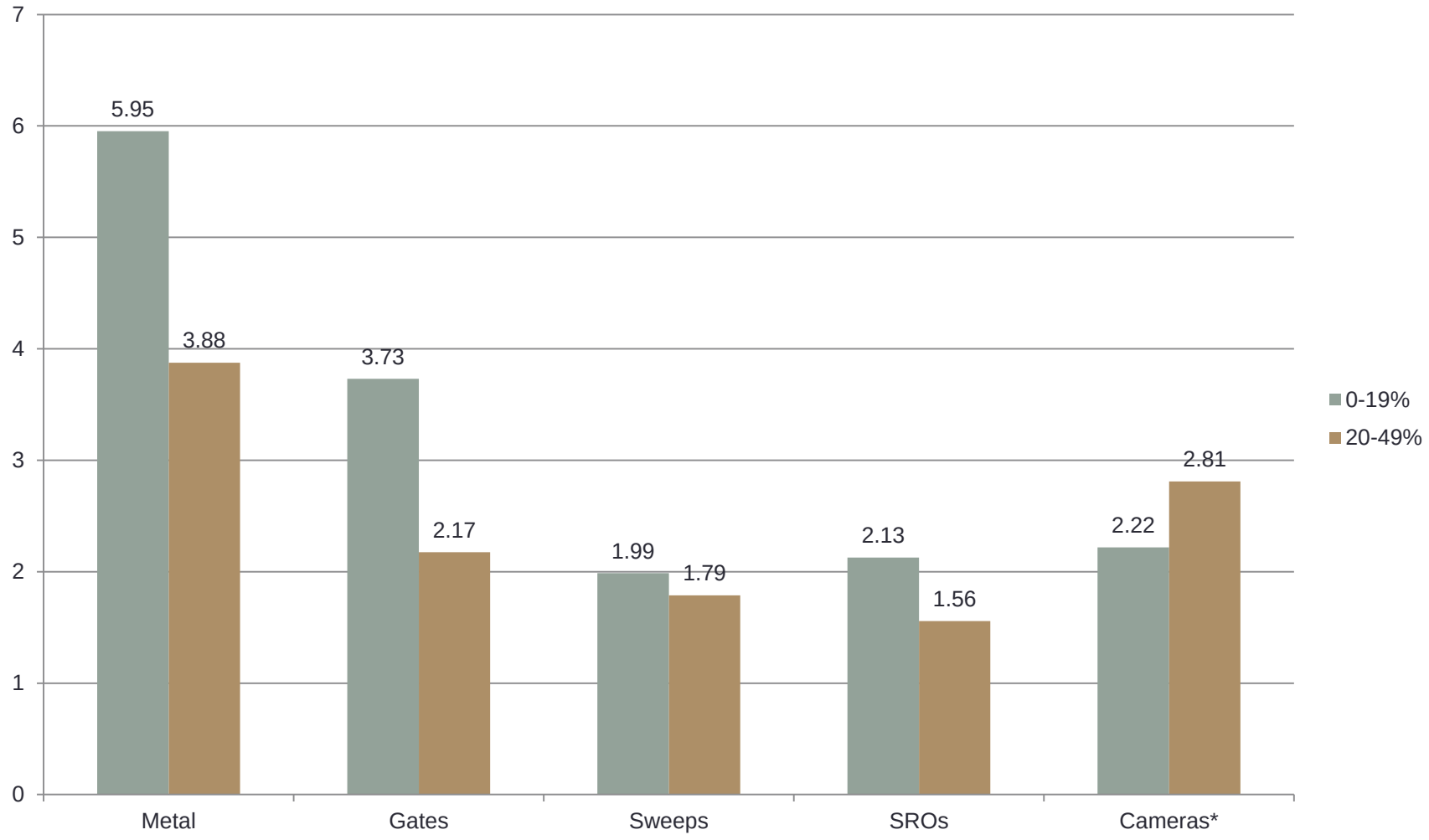


Table 2: Logistic Regression Model Predicting Odds of School Using a Combination of Security Practices

	Metal & Guards/SROs	Metal & Sweeps	Sweeps & Locked Gates	Metal & Locked Gates	Locked Gates & Guards/SROs	Sweeps & Guards/SROs
School Crime						
Weapons/Sex Crimes	1.202	1.523	1.224	1.282	1.156	1.147
Non-weapon/non-sex crimes	1.264*	1.217	1.055	1.136	1.039	1.093
School Disorder	.962	1.000	1.128	1.047	1.044	1.179
Geographic Region						
Northeast	.425**	.211**	.313***	.213**	.612*	.271****
Midwest	.528*	.259***	.348***	.933	.503***	.472***
West	.106****	.098****	.387***	.154***	.794	.186****
Urbanicity						
Suburban	.300***	.341**	.503**	.143****	.874	.709
Town	.233***	.287**	.508	.160**	.682	.741
Rural	.123****	.232***	.601	.106****	.588**	.687
Building Level						
Middle	.624*	.560*	.719	.482*	.775	.704*
School Size						
Less than 300 students	.612	.322	.470*	.840	.263****	.552**
300-499 students	1.607	1.271	.987	2.619**	.812	.766
% of minority students						
0-19% minority	.173***	.361*	.342***	.055***	.294****	.508**
20-49% minority	.313***	.366**	.439***	.300**	.491***	.629*

Graph 2: Odds of Using Security Practices for Majority-Minority Schools Compared to Schools that Serve Primarily White Students

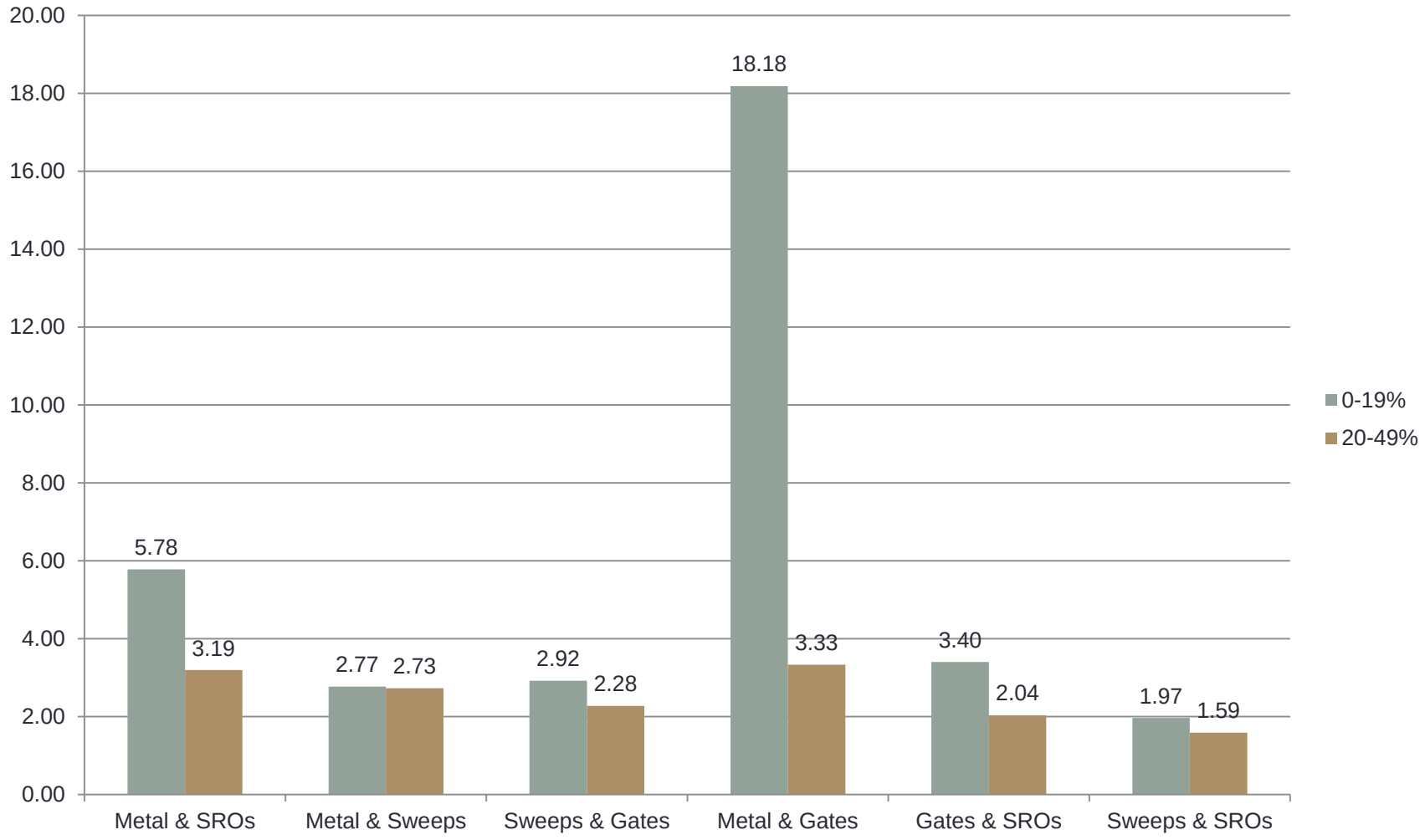
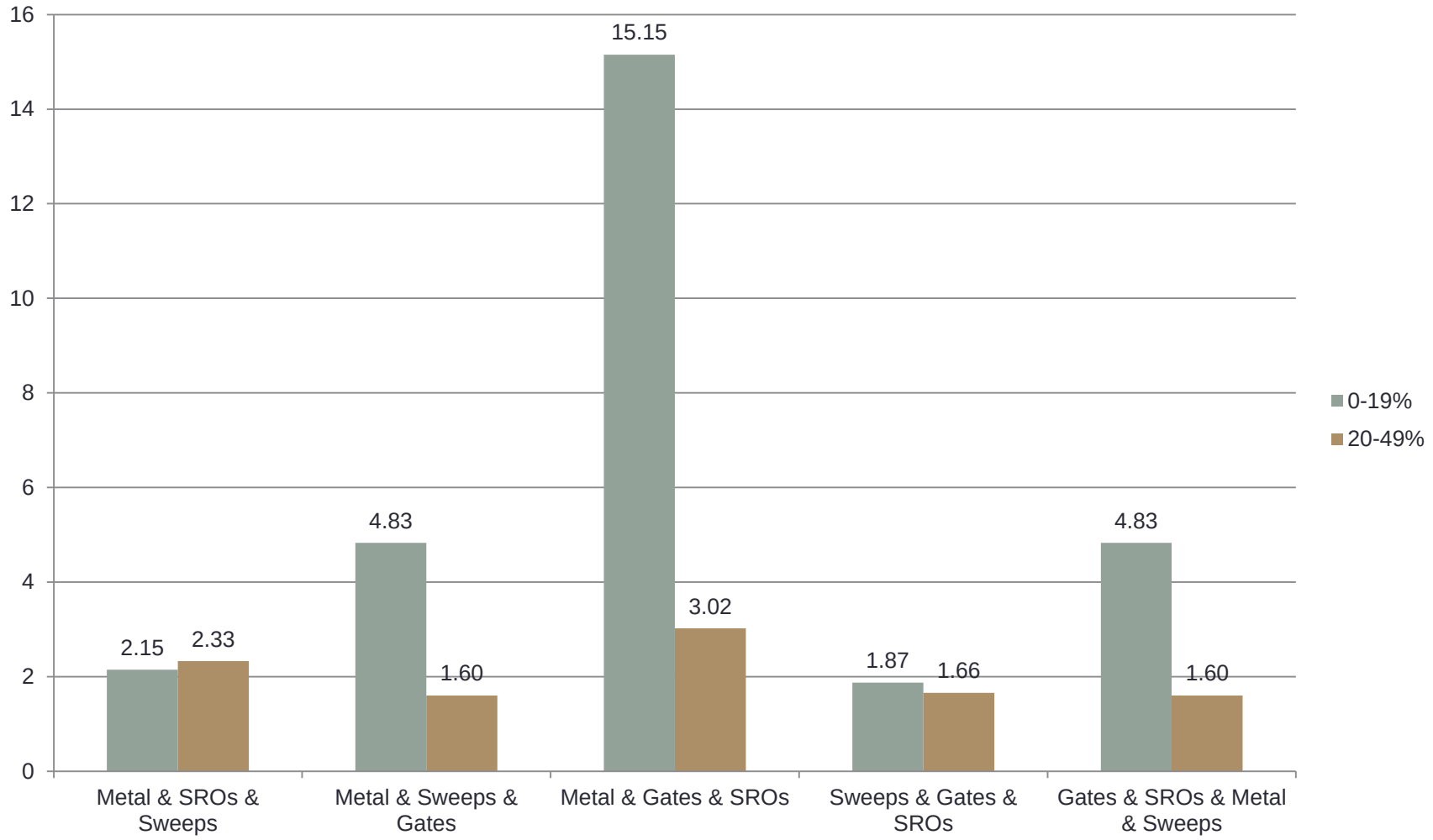


Table 3: Logistic Regression Model Predicting Odds of School Using a Combination of Security Practices

	Metal & Guards/SROs & Sweeps	Metal & Sweeps & Locked Gates	Metal & Locked Gates & Guards/SROs	Sweeps & Locked Gates & Guards/SROs	Locked Gates & Guards/SROs & Metal & Sweeps
School Crime					
Weapons/Sex Crimes	1.419	1.532	1.291	1.231	1.532
Non-weapon/non-sex crimes	1.235	1.070	1.245	1.158	1.070
School Disorder	.996	.979	.991	1.165	.979
Geographic Region					
Northeast	.222**	.056**	.231**	.218***	.056**
Midwest	.272**	.322*	.765	.329***	.322*
West	.110***	.168***	.161***	.350***	.168***
Urbanicity					
Suburban	.323**	.099***	.153***	.451**	.099***
Town	.171**	.082**	.165**	.360**	.082**
Rural	.190***	.153***	.117****	.459**	.153***
Building Level					
Middle	.638	.663	.495*	.649*	.663
School Size					
Less than 300 students	.349	.000	.571	.330**	.000
300-499 students	1.161	1.333	2.753**	.821	1.333
% of minority students					
0-19% minority	.466	.207	.066***	.534	.207
20-49% minority	.430*	.624	.331**	.603	.624

*p < .10, **p < .05, ***p < .01, ****p < .001

Graph 3: Odds of Using Security Practices for Majority-Minority Schools Compared to Schools that Serve Primarily White Students



Race of students plays a significant role in decision of school officials to rely on strict security measures

- Race of students is significant even after controlling for:
  - school crime
  - school disorder
  - geographic region
  - urbanicity
  - building level
  - school size
  - poverty
  - neighborhood crime
  - low test takers

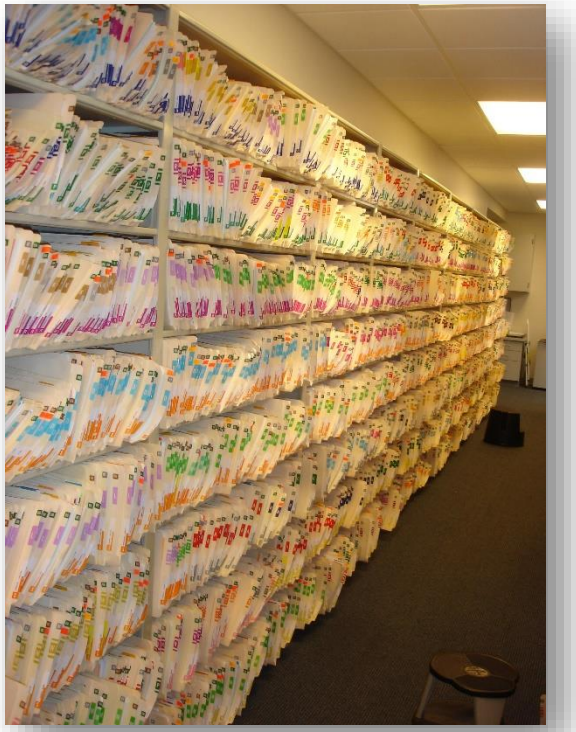
Concerns of intense surveillance environments

- Effectiveness of strict security measures is far from clear
- May contribute to poor learning climates
- May contribute to the school-to-prison pipeline
- These measures do not address underlying problems associated with student crime, violence, and misbehavior

Disproportionate surveillance on minority students is particularly harmful

- Perpetuates existing racial inequalities in public schools
  - Deprives minority students of quality educational experiences
  - Fuels the school-to-prison pipeline, which has a disproportionate effect on students of color
- Weakens minorities' trust in governmental authority
- Skews minorities' perceptions of their standing in society
- Teaches harmful messages to students of color and white 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.”

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Creating Guardrails of Governance

- Minimization
- Proportionality
- Transparency
- Openness
- Empowerment
- Equity
- Training

Guardrail_(6325221332) Wikimedia Commons Anthony DeLorenzo

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Teddy Hartman

Coordinator of Data Privacy

Howard County Public Schools, MD

ABOUT HCPSS

QUICK STATISTICS ABOUT HCPSS SCHOOLS & STUDENTS

76 schools

54,870 students

8,136 staff

93% of all HCPSS Students graduate.

85% of all HCPSS Students attend college after graduating.

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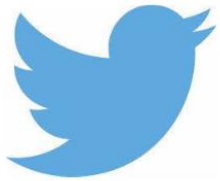
Questions?



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