

2017 K-12 Privacy Working Group End of Year Recap

Dear K-12 Privacy Working Group,

Happy New Year! Thank you so much for being part of FPF's K-12 Privacy working group in 2017. We had a fantastic, busy year, and we look forward to continuing to work with you this year!

With your support, FPF:

- [Relaunched](#) the [FERPA|Sherpa](#) Education Privacy Resource Center;
- Spoke at or hosted twenty-seven student privacy events, including FTC and USED Workshop on [Student Privacy and Ed Tech](#) on December 1;
- Held two bootcamps for ed tech vendors with SIIA in San Francisco and Washington, DC;
- Released “[Law Enforcement Access to Student Records: A Guide for School Administrators & Ed Tech Service Providers](#)” and submitted comments to the [U.S. Department of Education](#) and the [FTC](#);
- Were quoted or FPF student privacy work was written about in twenty-nine news articles;
- Was invited to participate on the New York State Education Department Data Privacy Advisory Council to help develop regulations to implement New York’s 2014 student privacy law; and
- Served as an active public voice on the benefits of education data and technology.

As a reminder, **all working group call materials (and recordings, when applicable) are now be available at [this link](#)**. Almost all of the meetings from 2017 are already posted online. The password to access the resources is FPFSP2018.

Below (and attached) is a detailed overview of our 2017 work in the realm of K-12 Privacy, and a preview of some of our 2018 work. We look forward to working with you in the year ahead!

Thanks,

Amelia

2018 Projects

We have a lot of wonderful projects and new resources planned for 2018! Below are a few of the forthcoming and continuing student privacy projects for 2018.

- **Tracking and Analyzing State and Federal Student Privacy Bills** – FPF will continue tracking student privacy legislation at both the federal and state level, and provide analysis on key new legislation. We will also be directly working with state legislators to create a new “Policymakers’ Guide to Student Privacy” and weigh in on legislation that may have unintended consequences. FPF members will again receive access to our legislation tracking spreadsheet. 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.

- **New Publications** – FPF has several publications that we will be releasing this year in addition to the above guide for policymakers, including:
 - A Guide to Ad Tech in Ed Tech: Legal Frameworks
 - Student Privacy: Trends in the 2017 State Legislative Session
 - ESSA's Fifth Indicator and Student Privacy
 - GDPR for U.S. Education
 - Predictive Analytics and Student Privacy: A Primer
 - Algorithms and Analytics in Education
 - 19 Times Data Analysis Empowered Students and Schools: Part II
 - The Ed Tech Provider's Guide to Student Privacy
- **Training Resources** – One of FPF's primary priorities this year will be creating free resources to help train educators, administrators, company staff, and others on student privacy. We will be reaching out to many of you in the coming weeks to discuss what resources would best help you or the stakeholders you represent on student privacy training.
- **Bootcamps** – FPF will again be holding Student Privacy Bootcamps for Ed Tech Companies in 2018, with the first one prior to SXSWedu in Austin, Texas. More details will be coming soon!
- **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 speak 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!

News Articles Quoting FPF Staff or Discussing FPF K-12 Privacy Publications

- [Immigrant Students' Data a New Worry for Ed-Tech Companies](#), January 13, 2017 (Ed Week)
- [The Best Way to Protect Students' Personal Data](#), January 18, 2017 (Slate)
- [How can schools protect student data without training teachers in privacy basics?](#), January 18, 2017 (Hechinger Report)
- [Mississippi Attorney General Sues Google Over Student-Data Privacy](#), January 19, 2017 (Ed Week)
- [Phishing Season: Widespread Email Scam Targets Schools, Edtech Companies](#), February 7, 2017 (Ed Surge)
- [As anxiety grows after Trump's executive orders, what protections do immigrant students have in NYC schools?](#), February 7, 2017 (Chalkbeat)
- [CPS privacy breach bared confidential student information](#), February 25, 2017 (Chicago Sun Times)
- [3 Ways to Use Data You Are Already Collecting](#), March 2017 (EdTech Magazine)
- [Tart Retorts and Tools: Overheard at SXSWedu](#), March 8, 2017 (EdSurge)

- [Student privacy experts poke holes in Electronic Frontier Foundation report](#), May 1, 2017 (Ed Scoop)
- [Future Privacy Forum, Data Quality Campaign's Education Privacy Resources Website Undergoes Relaunch](#), June 7, 2017 (THE Journal)
- [K–12 Cyber Incidents Have Been Increasing in 2017](#), June 8, 2017 (THE Journal)
- [From High School to Harvard, Students Urge for Clarity on Privacy Rights](#), June 13, 2017 (Ed Surge)
- [Carnegie Mellon Study Shows Edtech Startups Fall Flat on Student Privacy](#), June 27, 2017 (Ed Surge)
- [Study: Edtech startups must prioritize student data privacy](#), June 28, 2017 (Ed Scoop)
- [Maryland Dad Wants June 30 to Be "National Student Data Deletion Day"](#), June 30, 2017 (Ed Week)
- [COPPA and Schools: The \(Other\) Federal Student Privacy Law, Explained](#), July 28, 2017 (Education Week)
- [Is Your School Taking Your Child's Privacy Seriously?](#), July 28, 2017 (Make Use Of)
- [Are Student-Privacy Laws Getting in the Way of Education Research?](#), August 11, 2017 (EdWeek)
- [Bipartisan Report: Feds Should Connect Student Data While Protecting Privacy](#), September 9, 2017 (PogoWasRight.org)
- [Bipartisan Report Advocates Use of Data to Improve Government, Including Education](#), September 15, 2017 (Campus Technology)
- [How Should Schools Respond to Law Enforcement Requests for Student Records?](#), September 26, 2017 (The Journal)
- [Law enforcement and student records: A guide for schools and edtech service providers](#), September 27, 2017 (Ed Scoop)
- [Private sector is sharing more data with academic researchers, study finds](#), November 29, 2017 (Ed Scoop)
- [Upcoming Guidance on Student Privacy Laws?](#), December 4, 2017 (Politico Morning Education)
- [U.S. Agencies Grapple With Student-Data-Privacy Guidance for Schools](#), December 4, 2017 (EdWeek)
- [The Problems with FERPA and COPPA in 21st Century Learning](#), December 5, 2017 (THE Journal)

K-12 Privacy Speaking Engagements and FPF-Hosted Events

- On January 18, Amelia spoke on a webinar for the Pennsylvania Intermediate Units.
- On January 30, Amelia spoke on a panel at Fordham University Law School.
- On February 21, Amelia spoke at the Access4Learning Student Data Privacy Consortium conference.
- On March 8, Amelia spoke on a panel about personalized learning and privacy with Summit Schools, Bill Fitzgerald from Common Sense Media, and Facebook.
- At the IAPP Global Privacy Summit from April 18-20, Amelia led a peer-to-peer roundtable on K-12 Student Privacy and spoke on the panel *Privacy+EdTech = Awesome* with the U.S. Department of Education.

- On April 26, Amelia moderated a conversation on student privacy at the eP3 Consumer Empowerment and Privacy Protection for Health, Education and Consumer Online meeting.
- On May 9, Amelia presented to the new class of AT&T Aspire start-ups on student privacy 101.
- On May 12, FPF sponsored a roundtable on COPPA and FERPA with the FTC, U.S. Department of Education, and key stakeholders.
- On May 19, Amelia spoke on a panel at the Harvard University 2017 Strategic Data Project Convening.
- On May 25, Amelia spoke at the CCSSO's 2017 Spring EIMAC Meeting.
- On June 1, Amelia spoke at the Education Writers Association Annual Convention.
- On June 7, Amelia presented on a webinar for IlliniCloud.
- On July 24, FPF and SIIA hosted a [Student Privacy Boot Camp for Ed Tech Vendors](#) in San Francisco.
- On August 2, Amelia spoke on the panel "Data Privacy in Louisiana" at NCES STATS-DC. FPF also had a table at that event to share our resources with state education agency attendees.
- On September 18, Amelia spoke on the panel "Blind Faith: How Much Does Tech Need to Know About the Learner?" at the EdNET conference.
- On September 28, Amelia spoke on a panel at the AESA legislative conference on the status of federal student privacy actions.
- On October 5, FPF led a panel at the Privacy+Security conference on "Case Studies in Algorithms: Weighing Privacy Risks," which featured two case studies, one of which was an education privacy case study presented by Elana Zeide.
- On October 24, Amelia presented at the CCSSO EIMAC fall meeting.
- On November 13th and 14th, Amelia served as the keynote speaker for the two state Utah Student Data Privacy Conferences in Salt Lake City and Cedar City, and also gave a presentation and participated in a panel as part of each conference.
- On December 1, Amelia presented at the FTC and USED Workshop on [Student Privacy and Ed Tech](#) on state student privacy laws, and also participated on the final panel, "Where Do We Go From Here?"
- On December 8, FPF and SIIA hosted a Student Privacy Boot Camp for Ed Tech Vendors in Washington, DC.

K-12 Working Group Calls

Below is a recap of our working group calls in 2017. Have ideas for 2018 working group topics? Email Amelia Vance at avance@fpf.org. Remember, you can access all working group call materials (and recordings, when applicable) at [this link](#). Almost all of the meetings from 2017 are already posted online. The password to access the resources is FPFSP2018.

- On **January 13th**, The Berkman Klein Center at Harvard and the Data & Society Research Institute presented on their Student Privacy, Equity, and Digital Literacy Newsletter. Leah Plunkett from Berkman and Monica Bulger from Data & Society presented on why they do the newsletter, trends they have found in equity and privacy

while doing it, some highlights, and student privacy trends to keep an eye on in 2017. Amelia Vance also presented on recent updates to state legislation.

- On **January 27th**, Chad Marlow from the ACLU presented on the ACLU's 2.0 model student privacy bills. James Mikolowsky from DQC also presented on recent state legislative trends.
- On **February 10th**, the topic of the call was federal government requests for education data from companies. Jake Sommer, Melissa Maalouf, and Kandi Parsons from ZwillGen PLLC spoke about what companies should know if the federal government approaches them for access to student data (such as immigration status).
- On **February 17th**, the topic of the call was federal government requests for education data from educational agencies and institutions. Stephanie Gold and Aleksandar Dukic, partners from Hogan Lovells LLP, were the webinar speakers. Stephanie focused on FERPA provisions pertinent to a request for student records where the student is undocumented or on a student visa. Aleksandar addressed requirements pertinent to SEVIS participation and other immigration law matters that may arise.
- On **February 24th**, Monica Bulger and Patrick McCormick presented on [*The Legacy of inBloom*](#), the recently released report from the Data & Society Research Institute. This report was the result of a year-long series of interviews and research to map the story of inBloom and its closure, which ignited a public discussion of student data privacy and has become the legacy any future edtech project will have to contend with. Amelia Vance also presented on recent updates to state legislation.
- On **March 10th**, the topic of the call was integrated data systems (linking data not only between educational institutions but also with community and government organizations) and privacy. Michael Hawes from the USED Privacy Technical Assistance Center presented on [PTAC's recent guidance](#), and TC Burnett from Actionable Intelligence for Social Policy presented on [AISP's report](#). Amelia Vance also presented on recent updates to state legislation.
- On **May 5th**, students from Carnegie Mellon University presented on their report, "Building Effective Communications Around Student Data Privacy Issues: An Analysis of Select K-12 EdTech Companies." Jim Siegl also presented on [his research](#) about the edtech companies named in the EFF student privacy report, "[Spying on Students](#)." Amelia Vance also presented on recent updates to state legislation.
- On **June 2nd**, we had several great presentations: Rachel Anderson from the Data Quality Campaign presented on several big publications coming out from DQC; Linnette Attai from PlayWell, LLC presented on the [new CoSN toolkit](#); Brendan Desetti from SIIA briefly discussed a problematic bill out of Pennsylvania, HB 1345; and Amelia Vance presented on the brand new FERPA|Sherpa website and showed off some of its new features.
- On **June 30th**, FPF held a special webinar on Ad Tech 101, going through the basics of how online advertising works (e.g. cookies vs other identifiers, what is re-targeting, and cross-device tracking). Our speakers were Susan Israel and Brian Nixon (Loeb&Loeb) and Adam Towvim (Chameleon Collective).
- On **July 27th**, FPF held a special webinar on Ad Tech and Ed Tech: Legal Frameworks. This call examined how advertising interacts with federal and state laws in the education space, and also featured practical tips on ways to see if your site or an ed tech company's site may have problematic advertising trackers. The speakers were [Linnette](#)

[Attai](#) (PlayWell, LLC), [Bill Fitzgerald](#) (Common Sense Media), [Sara Kloeck](#) (U.S. Department of Education), and [Lydia Parnes](#) (Wilson Sonsini Goodrich & Rosati).

- On **September 8th**, Doug Casey, Executive Director at Commission for Educational Technology, presented on Connecticut's new Education Software Hub and CT Student Data Privacy Pledge and how they are supporting districts in complying with Connecticut's 2016 student privacy law. Amelia Vance also discussed draft federal student privacy legislation and forthcoming FPF publications on law enforcement access to student data and the 2017 state legislative session trends.
- On **October 11th**, FPF held a special webinar on “[De-Identification 101](#),” with speakers [Daniel Barth-Jones](#) (Columbia University), [Mike Hintze](#) (Hintze Law PLLC), and [Kelsey Finch](#) (FPF).
- On **October 13th**, FPF held a special webinar on [De-Identification for Education](#). This webinar focused on specific legal requirements and best practices for de-identification in education. The speakers were [Michael Hawes](#) (U.S. Department of Education) and [Adrian Peoples](#) (Delaware Department of Education).
- On **October 20th**, Eric Gray from the USED Privacy Technical Assistance Center presented on their forthcoming student privacy training modules, and Rachel Anderson from the Data Quality Campaign presented on DQC's recently released [parent survey](#) and [state legislative update](#).
- On **November 10th**, FPF held a special webinar on [COPPA 101](#), with experts Linnette Attai ([PlayWell LLC](#)), Sara Kloeck ([SIIA](#)), and Emily Tabatabai ([Orrick](#)).