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**STUDENT
DATA
PRIVACY
AND DATA
ETHICS**



**PURPOSE OF
SEMINAR**

Scenarios Demonstrating the Law and Ethics of Student Data Privacy

1. Using a Personal Device for School Business

2. Data Sharing with Law Enforcement

3. Student Health Information

4. Balancing Student Privacy and Academic Integrity

THE CHALLENGE OF ASSESSING STUDENT PRIVACY

- Four reasons why assessing student data issues is so difficult.
- The world of data in most of our lives is very different from the world of data in our schools.

DATA IN THE LARGER WORLD

- Student Data Law and use is drastically different from the data world we encounter in our every-day lives.
- Immense amounts of data are being created every year, increasing 75% per year, comparing 2020-2022 to World History.
- Our system of data control has been characterized as radical libertarianism.
- Personal data flows around the internet, running on consent and some carved out exceptions.

STUDENT DATA AND PARADIGM SHIFT

- In contrast to the larger world, the data world is radically different.
- Larger world assumes data mobility and “click” consent.
- In the world of student data, mobility is not assumed. It is not subject to transfer and divulgement unless certain conditions are met.
- There are partial flows of data within an organization, there are no flows outside an organizations unless certain conditions are met.

UNDERLYING QUESTION

- The underlying question is not why data should remain private, but why it should be public?

THE ISSUE OF BALANCING

- The law of student data does not exist in a vacuum, it exists within a web of other laws which also must be taken into account, which we will see demonstrated in the first and third scenarios.
- There is also a host of policies and ethical considerations. If there is a helpful, important or necessary policy consideration that runs contrary to student privacy what should we do?
- How do we make our way through issues like AI, that didn't exist a year ago?

SCENARIO ONE

- CAUGHT IN THE NET OF LITIGATION: DYLAN LITTLE AND THE SUBPOENA
- Two types of information sought
- Data on District systems
- Personal phones and devices

CELL PHONE AND PERSONAL DEVICES USE BY TEACHERS

Let's do a poll:

- How many school districts here issue cell phones to teachers?
- How many school districts allow teachers to use personal cell phones for personal business?
- What are the pros of allowing students to use personal phones?
- What are the cons of allowing students to use personal phones?

THE SUNSHINE LAW

- Are teacher cell phones and their contents subject to subpoena?
- Missouri “Sunshine Law”
- Record retention, requirements and considerations.
- What should a model cell phone use policy look like?

SCENARIO TWO:

LAW ENFORCEMENT DATA SHARING

DATA SHARING AND THE POLITICS OF NORMALCY

- Police Officer requests the attendance records of a student.
- Why would a school district feel either comfortable with or “pressured” to share student data?
- Is there implicit “balancing of policies” going on here?
- The siren call of “de minimis,” and the underlying subtext of student data.
- What impact does an emergency have under our analysis?

SCENARIO THREE: STUDENT HEALTH INFORMATION

- FOUR SEPARATE SCENARIOS

1. Measuring heart rates.
2. Student allergies.
3. A fight between two students.
4. “Briefing” a substitute teacher.

THE ADDITIONAL CONSIDERATIONS

- The Overlap: When is a record covered by HIPPA and not by FERPA?
- What are the basic rules of HIPPA?
- Is there a “hierarchy of sensitivity” for student records? If there is one, how would it affect our treatment of student health records?
- How does the practicalities of treatment or knowledge of a condition affect implementation in the field?

SCENARIO FOUR:

ACADEMIC INTEGRITY IN THE WORLD OF AI

AI AND COMPLEXITIES OF PLAGIARISM AND AI

- Explosive use of AI
- How are policies regarding AI and plagiarism to be formulated?
- Should policy-formation even be attempted at the District level? Should efforts be procedural v. substantive?
- Should they vary by course or school level?
- How are course or assignment methodologies/rules be communicated to students and parents?

AI PRODUCTS

- Data use by the AI?
- Addressing hallucinations. Is the answer product specifications, teacher/student training or both?
- Algorithmic bias- Solutions can be audit or ongoing monitoring.

CONCLUSION

THANK YOU!