



A Union of Professionals

COVID-19 School Closures

Student Privacy Resources for Distance Learning

As we shift to more virtual and distance-learning structures due to the COVID-19 pandemic, it is important that educators understand how privacy laws impact educators in this new environment. As schools and teachers work to quickly transition to digital tools, it is crucial to keep in mind the potential impact of sharing student data and private information online. The FBI warned in 2018 ([bit.ly/2wKZT63](https://www.fbi.gov/newsroom/speeches/fbi-warns-ed-tech-companies-could-target-children)) that the overuse or misuse of student data by ed-tech companies “could result in social engineering, bullying, tracking, identity theft, or other means for targeting children.[i]”

The major federal education law protecting student privacy is the Family Educational Rights and Privacy Act of 1974. The foundational federal law on the privacy of students’ educational records, FERPA safeguards student privacy by limiting who may access student records, specifying for what purpose they may access those records, and detailing what rules they have to follow when accessing the data. Additional federal laws protecting student privacy include NSLA (National School Lunch Act), IDEA (Individuals with Disabilities Education Act), PPRA (Protection of Pupil Rights Amendment) and COPPA (Children’s Online Privacy Protection Act).

Considerations

Should parents consider covering students’ webcams unless they’re actively using the Zoom platform? Should teachers consider getting parent permission before inviting students under age 13 to participate in Facebook Live chats? These are just a few of the questions that plague this brave new world, and communities and districts are scrambling to find the answers.

In many cases, educators can look to what their schools and districts already do as guidance during this change in teaching and learning. In your school, you should already have been following federal and state requirements, but this can be a confusing time for many people who do not typically use technology to the extent they are using it now.

As educators, you should make sure you have the latest information about student privacy from your school district. And here some additional resources to help you during this time:

- The Parent Coalition for Student Privacy (PCSP) and the Badass Teachers Association, with support from the AFT, developed the Educator Toolkit for Teacher and Student Privacy ([bit.ly/2Uz1epk](https://www.aft.org/2020/03/20/educator-toolkit-for-teacher-and-student-privacy)). This toolkit helps educators understand the existing federal

privacy laws and how to ensure they are keeping student information private.

- The PCSP has offered new guidance ([bit.ly/2yiSefp](https://www.pcsp.org/2020/03/20/new-guidance-to-help-parents-maximize-their-childrens-privacy-while-distance-learning)) to help parents maximize their children’s privacy while distance learning.

Many teachers and schools are using social media to stay in touch with students. FERPA protects students’ names, photos, schools and other personal information. Schools and educators who post student information on social media without parental consent may be in violation of the federal law. Everyone should exercise care at this time and ensure parents approve of the sharing of their children’s personal information. Parents are also encouraged to view privacy reviews ([bit.ly/342NXsf](https://www.fticonsulting.com/2020/03/20/privacy-reviews-of-apps-and-programs-their-children-are-using)) of apps and programs their children are using, and a limited use of student faces on video is suggested. Common Sense Education ([bit.ly/2xKm7ow](https://www.commonsense.org/2020/03/20/protecting-student-privacy-on-social-media)) offers further guidance on protecting student privacy on social media use.

The Department of Education’s Student Privacy Policy Office ([studentprivacy.ed.gov/](https://www.studentprivacy.ed.gov/)) (SPPO) manages federal laws relating to student privacy and provides

[i] Recently there have been disruptions by outsiders during teleconferences on popular software. The FBI has recommended ([bit.ly/344LzBe](https://www.fbi.gov/newsroom/speeches/fbi-recommends-extra-caution-during-classroom-meetings)) extra caution during any classroom meetings to ensure privacy and safety.

assistance to educators around those issues. In March, the SPPO released two guidance documents to help support educators and school officials in dealing with new issues surrounding virtual learning.

- FERPA & Coronavirus Disease 2019 (COVID-19) Frequently Asked Questions (bit.ly/2URqAxW): This document assists school officials in protecting student privacy while working with public health officials.
- FERPA and Virtual Learning Related Resources (bit.ly/39xyfXd): This document helps to answer questions about how FERPA relates to virtual learning.

The American Association of School Administrators and the Future of Privacy Forum created a document called Student Privacy During the COVID-19 Pandemic (bit.ly/2JvyB6r). It serves as a supplement to the federal guidance documents with more specific guidance toward health-related issues.

Educators may feel they need to rush to get things up and running, but experts caution you to take the time to figure out the best approaches for protecting your students' data privacy.

Note: *This information is provided as a service to our members. They are by no means exhaustive, nor does inclusion imply any legal guidance.*

Find more information at AFT at www.aft.org/coronavirus and at Share My Lesson at sharemylesson.com/coronavirus/remote.