



## **Panel Summary: Student Data Privacy: What's the Right Balance?**

*Moderator: John Bailey, Digital Learning Now!*

*Panelists: Richard Culatta, Department of Education; Mark MacCarthy, Software & Information Industry Association; Lynette Owens, Trend Micro; Bob Wise, Alliance for Excellent Education; Kristin Yochum, Data Quality Campaign*

Moderator John Bailey, of Digital Learning Now!, led a critical discussion with a highly informed panel on the risks and benefits of Student Data collection. The panel, consisting of professionals from government, nonprofit and tech fields, generally agreed that student data, when harnessed and applied correctly, can have an exponentially positive effect on classroom learning. But they also collectively believed that without more clear communication with parents, stronger focus on security and collection policies and revised legislation, the value of technology and data use in schools could be lost.

The conversation began with the moderator asking what role does big data play in our education system, what are the benefits, what are the big questions, how do we build trust beyond just being compliant with state and federal regulations, and how do we make sure sensitive student data is properly protected? Former Governor Bob Wise, now of the Alliance of Excellent Education, laid out that historically, student data would simply describe 'where' a child was at any given point in time, but from now on, data will determine where a student is going; it will shape his or her future. "It's not the rear view mirror effect anymore", he stated. He submitted that the 3 biggest issues around student data are: Use & dissemination, i.e. informing parents what data could mean for student learning opportunities, Privacy, i.e. the relevancy of data being collected, and Security, i.e. how security measures are being communicated and maintained. The most important thing, he said, is 'to get out in front of the discussion' and 'not just react to it'.

Mark MacCarthy of Software & Information Industry Association, underscored that education, a fundamental human right in the US, is directly linked to economic competitiveness and that competition today relies on data as a determinant. He outlined 3 areas of 'recognizable public benefits' to using student data: 1) personalized education, 2) improving educational material faster, therefore eliminating the onerous, time consuming feedback loop, and 3) improving identification of students at risk.

Kristin Yochum of the Data Quality Campaign, was asked "What do we mean by privacy in terms of education?" She responded with 4 points. The first was about trust, i.e. opening a clear and constant line of communication about how data is being collected, used, accessed and stored. The second was going beyond "checking the FERPA & COPPA compliance boxes." The third was actively responding to concerns of the public and invested parties. And the fourth was making greater efforts to talk through the complexities of issues surrounding student data in a way that everyone can understand and feel comfortable with.

Lynette Owens of Trend Micro spoke on behalf of industry as well as parents. She mentioned a Kaplan survey that revealed many universities today are using educational data, as well as social media data, to



determine admissions. She questioned what is it about students that we're seeking to protect, particularly because data is not limited not to grades and test scores anymore.

Richard Culatta, who sought to put an equality lens on the conversation, outlined some of the measures that the US Department of Education are taking to do more to protect student data. This includes appointing a chief privacy officer for the first time, creating a hotline for FERPA compliance questions, and devising a guide for Ed Tech developers about FERPA compliance and safety regulations.

The conversation returned to Mark MacCarthy who reminded us that traditionally, when parents and students transmit information, there's an expectation that it only be used for good. The huge amount of extra information being collected and made available is being overexposed, he said. Kristin Yochum added that there have been some negative, unintended consequences to attempts to protect student data collection, like school districts banning all collection of mental health info, or cancelling school picture day.

Bob Wise continued on that thread, mentioning how detrimental this 'Opt-Out' policy can be to a teacher who is trying to leverage data in the moment to make personalized decisions for a classroom. He emphasized how important it is to for *teachers* to be the ones communicating to parents just how valuable this data is for children's educational success. Owens echoed the importance of involving parents every step of the way when it comes to introducing technology and supports a 1:1 program where every child should have a device at their disposal. Yochum revisited the issue of parental 'fear of the unknown' and believes that a commitment to changing the conversation about tech and student data is key to moving the agenda forward. She laid out four points on how to do this: 1) direct discussion with parents, 2) use of plain and clear language, 3) communicating the value of data use and 4) taking the time to talk through these fears and suspicions, which are often credible, to make it a balanced, mutually understood conversation.

The panel's final thoughts ranged from better protection of data, especially when moving to cloud storage, to student/parent accessibility to their data, to re-legislating student data standards and renewing the public conversation surrounding it. Wise restated that common core standards are on the rise and they require data, and that "unfounded opposition to data" can jeopardize something that has such great promise. Culatta emphasized the need for 'data portability' and a parent/student's right to have that data available electronically. Owens called for greater funds being put toward security and more encryption of data to reduce the risks of hacking. Yochum talked about new legislation and needed updates to FERPA in the coming congressional session, and MacCarthy's final thought encouraged a conversation about the enormous benefits, as well as the reasonable risks, and for that conversation to be as transparent as possible.