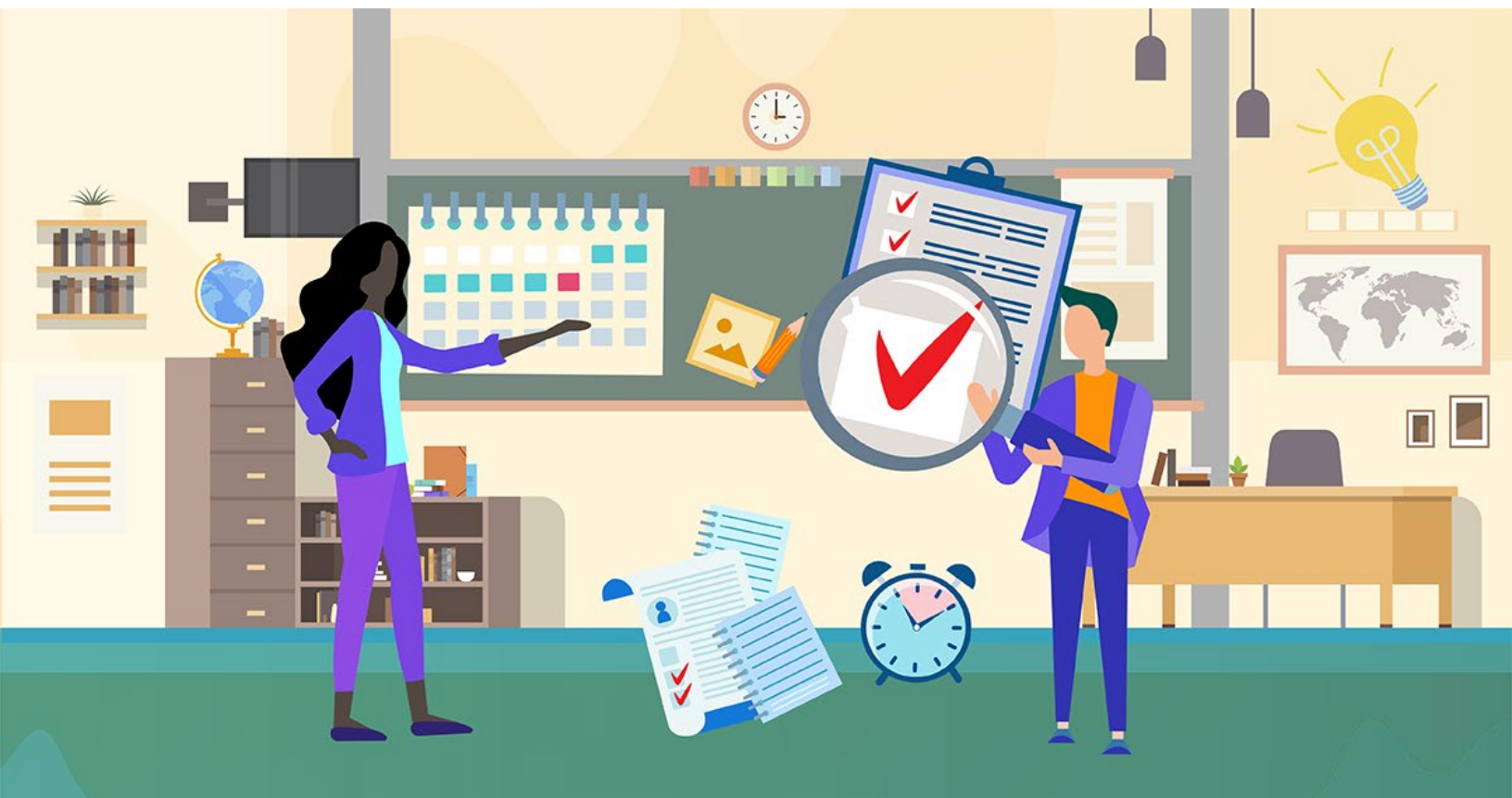


CLASSROOM PRACTICES



These scenarios cover classroom policies and practices teachers implement during instruction.

Celebrating Top Three Scores

A teacher, Ms. Loren likes to motivate her students by recognizing the students who do well. In her class, they celebrate the top three scores on each test. The students come forward, the class applauds, and their scores are shared.

Questions for discussion:

- Is this an appropriate use of student information?
- What if Ms. Loren did not share specific scores but still called the top three performing students up?
- What if Ms. Loren noted the students were in the top 3 or 5 but did not give a rank order?

USER'S MANUAL: Celebrating Top Three Scores

Here's how we see it:

- › The teacher should not share the specific scores of the students as this could violate FERPA and other state level privacy laws. The teacher could consider sharing the name of the top 3 students in no particular order and without sharing their specific scores.
- › There is also the possibility that this has the opposite intended impact, and reduces motivation of students who never get a top three score, or outcasts the students who are praised.
- › In general, a good rule to follow is to avoid sharing information about student performance when possible.

For further discussion:

- › What are helpful and ethical ways to celebrate student learning without divulging student performance and data?
- › What if Ms. Loren gave incentives that were not public?
- › What happens to students who do not enjoy such recognition?

Unintended consequences:

- › A system that ranks students will inevitably lead to students who are never recognized, hurting self-esteem, confidence, and motivation.
- › This practice can lead to social harm of both students who are recognized and who are not recognized.
- › This is a potential violation of FERPA and state privacy laws.

Confirmation Bias

Mr. Chester teaches an advanced math class. Mr. Chester prefers to give open response questions in his exams so that students have to explain their work. He often does not create a rubric for how he will score these questions until only after starting to review students' responses and then scores with an informal, flexible rubric. As Mr. Chester predicts, his Asian and male students have the strongest responses in the open-ended questions, while his Black and female students have the least proficient responses.

Questions for discussion:

- What is the impact of using a flexible, informal rubric to grade student responses?
- How valid or invalid is Mr. Chester's scoring?

USER'S GUIDE: Confirmation Bias

Here's how we see it:

- There is value in assessing students through open-ended questions, though there is risk in the subjectivity of how they are scored. In this case, there is a significant risk since Mr. Chester does not create a rubric until after viewing student work. And this rubric is “flexible”, meaning there is significant discretion employed when scoring students.
- Significant confirmation bias is at play in this practice, meaning Mr. Chester is interpreting results in a way that confirms one's own biases, biases that have been socialized through racist stereotypes.
- Mr. Chester should create a well-defined rubric before even administering the exam to students to ensure there is consistency with how students are graded.

For further discussion:

- What do you think of Mr. Chester's predictions?
- Do you think the predictions are fair and accurate?
- Is this a case of confirmation bias? How would you describe this phenomenon?

Unintended consequences:

- The inconsistency of how students are scored will result in unfair grades, with either students undeservingly receiving a higher grade or poorer grade. Such practice perpetuates inequities that exist for the most marginalized students.

Diagnostic

Mrs. Ginny is an experienced teacher at Cody Elementary School. She has been working with one student, Randy, and is concerned about his reading skills. Based on her experience and her observations of Randy as he is reading, Mrs. Ginny strongly suspects that Randy has dyslexia. Mrs. Ginny lacks definitive evidence of a diagnosis and wants to get a formal diagnosis. However, she doesn't know with whom she can share Randy's information and she is concerned that, in asking for help, that she may improperly disclose information about Randy.

Questions for discussion:

- What should Mrs. Ginny do?
- What data or evidence does Mrs. Ginny need?
- Is her experience sufficient evidence? Why or why not?

USER'S GUIDE: Diagnostic

Here's how we see it:

- › Mrs. Ginny's observations combined with her experience are enough to warrant further testing. However, Mrs. Ginny is not formally trained in diagnosing dyslexia and needs to contact the professional on her school's staff that is responsible for these diagnoses.
- › The school nurse or counselor should be consulted first. They will be aware of procedures that Mrs. Ginny should follow such that she can recommend an evaluation but not violate Randy's privacy. There is a legitimate educational interest here, but Mrs. Ginny must confirm the staff member she should speak with regarding this situation.
- › There are procedures for gathering evidence from testing practices that need to be undertaken to make the determination and diagnosis.

For further discussion:

- › Is professional intuition a valid source or evidence?
- › Are Mrs. Ginny's observations valid evidence?
- › With whom should Mrs. Ginny share her observations and suspicions? With Randy's parents/ caretakers? Other educators?
- › Should Mrs. Ginny discuss with Randy what she has observed to provide him some student agency?

Unintended consequences:

- › Discussing this matter informally and without following proper protocol can significantly harm Mrs. Ginny's relationship with Randy and his family, especially if her suspicions turn out to be incorrect, potentially breaking trust, hurting Randy's confidence, and leaving the family and Randy feeling inappropriately misjudged.

Documentary Project

Ms. Long assigns a documentary project to her students, which requires them to film what a typical day for them is like. Ms. Long asks students when they are done, to upload the recordings so they can be shared during class and so she can grade the projects. Ms. Long finds that a few of her students have expressed they do not want to complete this project and have asked for an alternative project.

Questions for discussion:

- › What are some reasons students may have concerns with completing this documentary project?
- › Should students be forced to share their documentary project with the class?
- › What if students from other classes, such as siblings or friends, are included in these documentary projects?

USER'S GUIDE: Documentary Project

Here's how we see it:

- Students may not feel comfortable filming their day, including their housing situation, the neighborhood they live in, or their family structure. Additionally, not all students may have access to a device where they can record and complete this project.
- Ms. Long should not require that students share their documentary project. As this project is supposed to film a typical day in the life for students, it may reveal extremely personal and sensitive information that is not appropriate for peers to see and can prove extremely embarrassing to students. Students may also not be aware of the personal information they are revealing in their project prior to submission.
- Students may end up recording family members, friends, or other people as they film their day. Ms. Long needs to caution students not to include anyone in the recording without proper communication or consent. Ms. Long should also ensure students are uploading these recordings on district-approved and owned platforms to minimize potential for breaches.
- Additionally, some students may not have the means to do such filming and may feel embarrassed to admit this to Ms. Long as a reason for their reluctance.

For further discussion:

- Do the benefits of this project outweigh the risks and concerns?
- What if some students do not have the technology to support the assignment?

Unintended consequences:

- This project can result in students revealing incredibly intimate details about their lives and result in stigmatization, bullying, or just pure discomfort at having to share.
- Students who lack recording devices could receive a failing or poor grade, simply due to lack of access.
- Other people, without proper consent or communication, could be included in these recordings including personal details about their lives.

Emoji Student Check-ins

Mr. Kelly wants a quick way to check in with students and see how they are feeling at the beginning of virtual class. Therefore, at the beginning of virtual class, Mr. Kelly asks students to submit an emoji that reflects how they're feeling - happy face, neutral face, or sad face - in the chat. Students are also encouraged to write a sentence or two on how they feel.

Questions for discussion:

- Should student check-in responses be sent privately to only Mr. Kelly or shared in the general chat to everyone in the class?
- Is there a difference between asking students to submit an emoji versus asking students to type out how they feel?

USER'S GUIDE: Emoji Student Check-ins

Here's how we see it:

- Asking students to share their emojis in the general chat to everyone can foster a deeper sense of community among students. But the main purpose of these check-ins appears to be for Mr. Kelly to get a quick pulse on his students. Mr. Kelly should consider giving students the option to submit their emoji check-in either in the general chat or just to him privately. This option may result in more honest answers from students who may not want to send a sad face in the group chat for other students to see.
- There is a significant difference between asking students to submit an emoji versus typing out how they feel. When asking students to submit an emoji, there are a limited number of options available—happy face, neutral face, or sad face. When asking students to type out a sentence or two, it is unknown what type of responses students may send. If students reveal certain sensitive information about themselves, such as considering self-harm, the teacher will be required to report this to the relevant department of family and child services and will most likely need to bring in their administrator and counselor. Additionally, when surveys are administered in a school, there are certain requirements under PPRA that must be followed: school staff must receive parental consent if student responses include sensitive information, including mental problems or self-incriminating behaviors. If this type of check-in garners responses that include sensitive information, this poses legal issues regarding parental consent.

For further discussion:

- What are other ways to have quick check-ins with students that would not lead to students revealing sensitive information?

Unintended consequences:

- If students reveal sensitive information about themselves and depending on the type of information, the teacher may have to report to the department of family and child services and/or could pose legal issues in terms of parental consent.

Erratic Behavior

Ms. Randolph teaches at Calypso Middle School. She has been teaching for many years. There is one student, Cujo, who has been diligent and motivated, but lately, Cujo seems off. He has been having difficulty concentrating, has an increase in absences, and is turning in incomplete assignments. Another teacher mentions that she thinks Cujo has some sort of medical issue that requires medication, so Ms. Randolph decides to ask the school nurse.

Questions for discussion:

- What if the teacher's statements about Cujo are inaccurate?
- Is the nurse the correct person for Ms. Randolph to seek further information from?
- What information can Ms. Randolph expect from the nurse?

USER'S GUIDE: Erratic Behavior

Here's how we see it:

- › Generally, medical information kept by schools about a student is subject to the same rules as any other student personal information, so the nurse could (but does not have to) disclose to the teacher what medical conditions the student has, so long as the teacher has a legitimate educational interest in the information.
- › However, some states may have stricter laws that limit who can have access to medical information, and nurses, in particular, may be subject to licensing requirements or laws that restrict what they can share (as opposed to a school administrator who has access to student medical information).
- › Ethically, information should be disclosed when it needs to be and it is in the best interest of the student. Ms. Randolph likely doesn't need to know exactly what is happening with Cujo to help, but it is valuable for her to raise an alert with school administrators, perhaps the nurse, and perhaps Cujo's parents/caretakers so they are aware of the change in Cujo's behavior and academic performance.

For further discussion:

- › Would it have been a good idea for Ms. Randolph to discuss this issue with Cujo and his family?

Unintended consequences:

- › Erratic behavior may be a sign of a deeper issue the student is going through. Left unaddressed can lead to various harms, academically, socially, and more.
- › If the teacher's judgments were inaccurate—that Cujo's behavior is a result of a medical issue—this could lead to false interpretations, bias, further inaccurate conversations about Cujo, and a huge breach of trust with Cujo's family if they hear about it.

Hanging Up Graded Work

Ms. Henry arrives at Mr. Tigger's room. Condi is Ms. Henry's third-grade daughter and Mr. Tigger is Condi's teacher. As part of the conference, Ms. Henry and Mr. Tigger walk around the room to see student work hanging on the wall. Mr. Tigger says that he chooses artwork from students to hang up for everyone to see and that he is careful to choose work that shows success — either through a high grade or through notable improvement. Mr. Tigger says it is part of the class culture to recognize students for work they should be proud of. Further, Mr. Tigger says he believes it motivates students to do well.

Questions for discussion:

- How do you view Mr. Tigger's practice of hanging up exemplary student work?
- What if Mr. Tigger puts all student work up, regardless of quality?

USER'S GUIDE: Hanging up Graded Work

Here's how we see it:

- › We are wary about hanging up graded work (although we recognize school policies still exist that allow teachers to hang up student work). When hanging up student work, teachers must consider what information is displayed and who will see it. Student graded assignments are FERPA-protected and therefore should not be shared without parental consent. On the other hand, teachers can post “successful work” of students, if their school classifies successful work as directory information. Successful work can include exemplary student work, and the names of honor roll students and students who earn exemplary GPAs. Teachers should also consider when parents, families, and other non-staff are in the school buildings or classrooms and may see the FERPA-protected information on display, such as during parent teacher conferences.
- › In terms of both student privacy and ethics, the teacher needs to take a reasonable approach, carefully considering the nature of the work, and the information that will be disclosed by hanging it up - for example, a landscape painting done in art class is unlikely to violate the privacy (and the trust between that student and the teacher) of students, while essays or poems that touch on personal issues easily could. In general, we believe teachers should not hang up student work like this unless they are sure no students will be harmed by doing so. Ask students and families for permission to hang up their assignments in the classroom. Be transparent with students and parents/caretakers about your practice of sharing students' successful work as a way to potentially preempt issues or concerns and be responsive if they have complaints regarding the display of work.
- › Some schools may require teachers to hang student work in their classrooms and the hallway. If that is required in your school and the work has grades or comments, be sure to ask for parent permission before doing so.

For further discussion:

- › What if student names are removed from the work?
- › What if the papers had student grades and comments on them?

Unintended consequences:

- › There is a concern for students whose work is not represented here as being excellent or having made progress. This could disincentive student motivation and lead to unhealthy comparison and stigmatization.
- › Although there are school policies that allow teachers to hang up graded school work, there remains a concern about the ramifications of having named and grade work on display and the potential impact it has on students' confidence and self-esteem.

Observing Students During Virtual Class

As a result of the pandemic, Mr. Bucky's school is conducting classes via videoconferencing platforms. Mr. Bucky is leading his virtual class through some activities. The students seem pretty engaged. Mr. Bucky scans the views of his students and notices that one student, Edith, is literally asleep at the computer. Mr. Bucky also notices that another student seems disheveled. Sandy's clothes are dirty and her hair apparently has not been washed in a while.

Questions for discussion:

- What should Mr. Bucky do about both Edith's and Sandy's situations?
- Is making these observations any different virtually as opposed to if Mr. Bucky observed the same things in his classroom?

USER'S GUIDE: Observing Students During Virtual Class

Here's how we see it:

- The virtual platform gives teachers some views that they likely would not have in the classroom, while other observations would be the same. For example, Mr. Bucky would have noticed if a student came to school with dirty clothes or fell asleep in class.
- Mr. Bucky should consider addressing these situations (falling asleep and appearing disheveled) privately with the students themselves to check in on how they are doing. If concerns continue, Mr. Bucky should discuss with appropriate administrators and counselors and share his concerns. It is appropriate for him to share this information with administrators out of concern for the well-being of his students.
- There is a gray area between negligence and financial and economic circumstances. It is better to do more investigation before taking next and formal steps, such as speaking with the school counselors or the student's parents/caretaker.

For further discussion:

- What differences are there between classroom observations and those made in virtual classrooms? Are there any boundary differences?
- Are there any privacy concerns about having a view into a student's home situation?
- What if Mr. Bucky is overreacting to what he has seen, by interpreting some sort of negligence on the part of the parent or guardian?

Unintended consequences:

- A student who is dirty, unkempt, or falling asleep may be an indication of some sort of neglect in the home environment. To miss or ignore potential neglect could do harm to Edith and Sandy. On the other hand, these signs could also be an indication of tough financial times for these students and their families. Reporting for such circumstances could lead to negative consequences, especially because it often involves social workers or even police officers getting involved.
- Other students could have observed Edith and Sandy which could lead to teasing or taunting.

Passing Out Papers

Ms. Kepo teaches at Gryffin Middle School. When she hands back student work, she hands them out in order of performance, with students scoring the highest receiving their papers back first. All the students are aware of this practice. Niko, Ace, Dixie, and Chance are beaming. They got their papers early. However, Charlie and Delores receive their papers much later.

Questions for discussion:

- What do you think about Ms. Kepo's practice?
- How is this practice appropriate or inappropriate?

USER'S GUIDE: Passing Out Papers

Here's how we see it:

- Passing out graded papers in this manner is a de facto admission of the rank ordering of grades and performance. It is inappropriate.
- Although specific scores are not being released, the explicit awareness of the rank ordering is a factor here.

For further discussion:

- What if Ms. Kepo passes the papers out in groups rather than individually?
- Would it be better to randomly hand out the papers?

Unintended consequences:

- Students know who did well and who did not. There is great potential for adverse impact for the students who receive their papers last, indicating poor performance.
- This is not a motivational strategy. Students can be mocked for poor performance. They can suffer from motivational or self-esteem issues.

Physical Education Performance Posting

Mr. Moses is a physical education teacher at Rembrandt High School. He likes to motivate his students through a competitive process by publicly posting performance metrics like batting averages, free-throw percentages, number of laps swam, number of sit-ups, and soccer goals scored.

One student, Max, is a multi-sport athlete. He regularly comes out on top, regardless of the sport. He loves seeing his name on the lists. Another student, Lou, is always at the bottom of the list. He does not like the public listing practice. Mr. Moses believes that if students can see the trajectory of their performance, they will be motivated to improve, especially because other students can see the results as well. Thus, he believes both Max and Lou benefit from this practice.

Questions for discussion:

- Is this an appropriate practice?
- Does it make a difference if Mr. Moses were a coach instead of a PE teacher?

USER'S GUIDE: Physical Education Performance Posting

Here's how we see it:

- › We are wary about posting individual student performance metrics as these are most likely defined as education records and are therefore FERPA-protected. Parental consent may be needed before posting these metrics. Teachers should also consider when parents, families, and other non-staff are in the school buildings or classrooms and may see the FERPA-protected information on display, such as during parent-teacher conferences.
- › In terms of both student privacy and ethics, the teacher needs to take a reasonable approach, carefully considering the nature of the work and the information that will be disclosed by hanging it up. In general, we believe teachers should not hang up student work like this unless they are sure no students will be harmed by doing so. Mr. Moses can also consider posting class averages of the performance metrics to motivate and show growth, without publicly displaying individual student performance.
- › It doesn't matter if Mr. Moses were a coach instead of a P.E. teacher. Both are classified the same way under federal student privacy law.

For further discussion:

- › What are the potential consequences of posting these data for students who do not want their results shared (e.g., bullying)?
- › What are other ways Mr. Moses could use competition to promote student performance and learning without compromising privacy or sharing student data?

Unintended consequences:

- › There is a concern for students whose performance is not represented here as being excellent or having made progress. This could disincentive student motivation and lead to unhealthy comparison and stigmatization.
- › There is also the legal violation of sharing FERPA-protected information without parental consent.

Plagiarism

Ms. Martha is a teacher in an honors English course. She begins reading Caesar's paper and notices that some wording seems really familiar. She also notes that some sentences have much different structures, such as a lack of punctuation or the use of certain wording. Ms. Martha starts to check the document for appropriate attributions and discovers that some parts of the paper are lifted directly from original sources or are closely paraphrased. It seems like basic plagiarism.

Ms. Martha goes to discuss the paper similarities with a colleague, Mrs. Rachel, to seek advice. Ms. Martha says she wants to make the situation a learning opportunity for the students. Ms. Martha shares the papers with Mrs. Rachel. Mrs. Rachel realizes that Ms. Martha is not going to report the cheating to the administration.

Questions for discussion:

- Should Ms. Martha be collecting more information about the situation?
- With whom can she discuss her suspicions?
- What obligation does Ms. Rachel have to report the incident?

USER'S GUIDE: Plagiarism

Here's how we see it:

- Plagiarism is serious and should definitely be addressed.
- A concern first is to determine if Caesar understands what he did is wrong. The situation may be one of not understanding the concept. In that case, it is a teachable moment.
- If the situation happens again, then Ms. Martha must take action. It is clearly not an innocent mistake.
- Ms. Martha is allowed to share this information with any staff who have a legitimate educational interest in the situation. A teacher consulting with another teacher for advice in order to better serve a student, such as discussing that student in their professional learning network group, could count as that other teacher having a legitimate educational interest. Teachers should talk with their school administrators to find out whether that is covered as a "legitimate educational interest" in the opinion of the district's attorney. However, as a best practice, student personal information should be kept confidential when it doesn't need to be disclosed - and, in this situation, Ms. Martha could get the same advice from Mrs. Rachel without disclosing which student has plagiarized.
- As another teacher, Mrs. Rachel will be subject to the same confidentiality requirements as Ms. Martha, and can similarly share personal information when there is a legitimate educational interest in sharing it. In this case, informing the school administration about plagiarism would count. However, it is important to ask not only whether Mrs. Rachel is legally allowed to disclose the information, but whether she ethically should. Many students may not know what does and does not count as plagiarism, and Ms. Martha is in a better position to make the final decision on whether or not the incident needs to be reported. However, the school may have a zero-tolerance policy that requires staff to report plagiarism; in that case, Mrs. Rachel may feel obliged to report it.

For further discussion:

- What might be the root cause of Caesar's actions? Could it be laziness? Lack of understanding of proper attribution and citation? Lack of understanding of what it means to plagiarize?
- What are the ramifications of Mrs. Rachel being too tough or too lenient about the possible plagiarism?
- What if Mrs. Rachel is concerned that if she reports this, it will ruin Caesar's college opportunities?

Unintended consequences:

- A student could be wrongly accused of plagiarism. Incidents of plagiarism on a student's permanent record can result in loss of opportunity, including college rejections or loss of scholarship.

Plagiarism Detected by Software

The Harley School District has put in place software that can detect plagiarism in students' work products. Mr. Levi gives an essay assignment to his ninth grade English class and runs his students' essays through the software. Two students' papers are flagged as questionable. Mr. Levi approaches Lucas and Dante.

Questions for discussion:

- How should Mr. Levi approach suspected students?
- Does Mr. Levi have to inform the students that he is using the detection software?
- What actions should Mr. Levi take?

USER'S GUIDE: Plagiarism Detected by Software

Here's how we see it:

- Plagiarism is serious and should definitely be addressed.
- A concern first is to determine if Lucas and Dante understand what they did is wrong. The situation may be one of not understanding the concept. In that case, it is a teachable moment.
- The software output should be combined with Mr. Levi's knowledge of the students. It may not be 100 percent accurate, but it can point to irregularities.

For further discussion:

- What happens if the software output differs from what Mr. Levi suspects?
- What if the software flags language that Mr. Levi thought was cited and used appropriately?

Unintended consequences:

- A student could be wrongly accused of plagiarism. Incidents of plagiarism on a student's permanent record can result in loss of opportunity, including college rejections or loss of scholarship.

Posting Fitness Performance

Physical Education teacher Ms. Moore is seeking ways to motivate her students for their annual fitness test. The fitness test goal is for students to be in the Healthy Fitness Zone. She decides to post all students' scores on the pushup section on the gym wall. During class, while celebrating the top three students, she notices that Joseph is visibly upset. The next day the principal asks to talk to her. The principal lets her know that Joseph's parents had called saying that their son was deeply upset by seeing that he was not in the Health Fitness Zone and did not want to participate in Physical Education.

Questions for discussion:

- What are the privacy implications with sharing data publicly?
- What are other options Ms. Moore could have used to motivate her students without sharing the fitness data publicly?

USER'S GUIDE: Posting Fitness Performance

Here's how we see it:

- Public display of student test results with names and scores attached, whether it's academic or physical fitness, is not best practice. Publicly sharing student Personally Identifiable Information can be a violation of FERPA - and showing students' scores on the wall during class would likely qualify. Ms. Moore could just highlight the top three students without sharing their specific scores; sharing information about academic or extracurricular honors or activities is generally okay. However, those top students could prefer not to be highlighted, so the teacher should carefully consider whether to highlight any individual students (or just ask the permission of those top students to share their performance). Ms. Moore could also just show overall class trends instead of individual scores, which could still motivate student performance without identifying the performance of any one student.

For further discussion:

- How can we publicly celebrate individual achievement without sharing data?
- What are the issues beyond shame and embarrassment for low performers when data is shared publicly?

Unintended consequences:

- Publicly showing any student test results, academic or physical, high or low performing, has the potential to shame and embarrass students. Public displays of individual scores can cause loss of motivation, embarrassment, and decreased performance.

Potential Hidden Message in Student Artwork

Ms. Jones shows her 3rd grade art students how to use an embedded simple paint software on their school issued laptops. She assigns them the drawing prompt: how I spent the weekend. Students turn in their images through the school's learning management system. When she reviews Juan's assignment, she sees that he has drawn a disturbing image of a big person punching a smaller person.

Questions for discussion:

- What should Ms. Jones do?
- Whom should she contact?
- Should she do more investigating or should she report the issue to child protective services?

USER'S GUIDE: Potential Hidden Message in Student Artwork

Here's how we see it:

- Ms. Jones could follow up with Juan to discuss what this photo is reflecting. It could be something harmless, such as a drawing of a movie he watched, or it could be much more serious and reflect himself getting harmed. In this case, Ms. Jones should discuss with the school counselor or principal.
- Ms. Jones could consider raising the issue with Juan's parents/caretakers after consulting with school authorities.
- If through her discussions Ms. Jones suspects child abuse, as a mandatory reporter she should contact the relevant department of family and child services.

For further discussion:

- What issues are raised if the students could see each other's uploaded images, and therefore saw Juan's image?

Unintended consequences:

- By asking about students' weekend, Juan may have drawn a very sensitive and dangerous incident that he experienced, if the drawing does indeed reflect child abuse. Ms. Jones must be prepared to seek out more information and respond appropriately.
- Reporting this incident to family and child services can result in a social worker or even police officer visiting the home. This would be incredibly harmful if the image Juan drew was harmless and misinterpreted by Ms. Jones.



Recording Virtual Class with Student Misbehavior

At Bellamy Elementary School, teachers have been recording their classes so that they can review the videos to better understand how to improve their virtual instruction and virtual classroom management techniques. Ms. Sunny is recording her class and notices that one of her students, Simon, is behaving erratically. He is throwing things and cursing. She also notices another student, Bijou, who has moved away from the computer. She is refusing to pay attention to the lesson.

Questions for discussion:

- Are there any privacy issues involved here because Ms. Sunny has observed the students' misbehavior not only virtually, but on a recording?
- What actions should Ms. Sunny take to address the kinds of misbehavior Simon and Bijou are exhibiting?

USER'S GUIDE: Recording Virtual Class with Student Misbehavior

Here's how we see it:

- Ms. Sunny should check with school or district policy and administrators to make sure it is okay for her to record virtual classes.
- Ms. Sunny should consult her administrator to see how best to handle misbehavior caught virtually or through recording as this may constitute a disciplinary incident and therefore be FERPA-protected.
- Differences in the disciplinary incident occurring in person versus a virtual classroom, is that the incident is recorded, and this recording is stored and retained. It is best practice to store these recordings on district-approved platforms. Ms. Sunny should also consult school policy on how long these recordings should be retained and at what point they should be deleted.

For further discussion:

- How might the move from in-person to virtual differ in terms of handling misbehavior?
- Is filming versus real-time discernment of misbehavior any different?

Unintended consequences:

- The potential harm here is that all student behavior is being recorded and therefore educators must be aware when a recording will be FERPA-protected, relevant to this specific scenario this means when there is a disciplinary incident.
- Depending on how long this recording is retained, it could also become a part of a student's permanent record and result in loss of opportunity, for example negatively impact which classes students are placed in the future.

Recording Virtual Classes

Mrs. Garcia will use a district-approved video conferencing tool to conduct her social studies class during distance learning. From student and family communication, Mrs. Garcia knows that it will be difficult for all of her students to join the class every day and so decides to record her classes to offer asynchronous learning and more equitable access for her students.

Questions for discussion:

- › Is it okay for Mrs. Garcia to record the virtual classes?
- › Is there anything Mrs. Garcia should be cautious of?

USER'S GUIDE: Recording Virtual Classes

Here's how we see it:

- › It is laudable that Mrs. Garcia took the time to understand the needs of her students during distance learning and used their needs to inform her decision to record her classes. With regard to whether Mrs. Garcia is allowed to record her classes, she should look to school or district guidance in this legally gray area.
- › If her school and district say it is permissible to record classes, Mrs. Garcia should only use district-approved video conferencing platforms when conducting and recording classes. Mrs. Garcia should also seek school or district guidance on where to store these recordings, to ensure these recordings are privacy protected from breaches or otherwise unwanted access.
- › Mrs. Garcia should also carefully consider how long she will retain these recordings. They should not be retained indefinitely and not retained longer than needed.
- › Mrs. Garcia should also communicate her recording practices to students and families so they are aware and so they have the opportunity to raise any questions or concerns.
- › Mrs. Garcia should consider which parts of classes should be recorded. For example, students may feel much differently about lectures being recorded versus student-led classroom discussions.

For further discussion:

- › What communication should Mrs. Garcia provide to her students regarding recording of the classes?
- › What are some concerns students and families may have in learning the classes will be recorded?

Unintended consequences:

- › If not properly stored, these recordings can be hacked into and leaked.
- › Students may feel a breach of trust with Mrs. Garcia and a breach of privacy, especially if they are not made aware in advance of being recorded during live instruction.
- › Recording student discussion can have chilling effects - meaning students are less willing to participate and voice their opinions because they know they are being recorded.

Requiring Student Cameras On

Mr. Lopez has just started his online learning math class that begins at 9 am. After the first week, Mr. Lopez decides he will require students to have their cameras turned on during the entire class. This way, he can better track attendance and monitor student participation and engagement. After Mr. Lopez announces that everyone's cameras must be turned on, a few of his students continue to attend class with their cameras turned off. Mr. Lopez considers whether he should make this requirement a part of student grades to increase compliance.

Questions for discussion:

- What are some reasons why students might not have or want their cameras on during class?
- What should Mr. Lopez do about the students who are not turning on their cameras?
- Should Mr. Lopez require students to have their cameras on during class?

USER'S GUIDE: Requiring Student Cameras On

Here's how we see it:

- Mr. Lopez should seek guidance from administration and district policy on implementing this video mandate policy in his classroom.
- There are many reasons why students may not want their cameras on, not necessarily for mischievous reasons. Students' devices and internet connectivity may work much better with their cameras turned off. Students may not feel comfortable allowing their teacher and peers to see into their living space through the background. Requiring cameras on may also place increased pressure on students to worry about their appearance when showing up to class.
- There are privacy risks to requiring students to keep their cameras on. This requirement can force students to show details about their lives which they are not comfortable sharing, such as their living situation (living in a motel, experiencing homelessness, being evicted), which can lead to social harm and bullying. It can also be unclear what the expectations are for what students can show in their background. For example, can a student get in trouble for a school-inappropriate poster that is hung up on their wall or for a toy gun placed on a shelf?

For further discussion:

- What are other ways Mr. Lopez can track attendance and monitor engagement and participation, aside from requiring student cameras to be turned on?

Unintended consequences:

- Students may feel uncomfortable having their video on and showing their living situation. A video requirement could lead to stigmatization, bullying, increased stress for students, and force students to reveal intimate details about their lives.
- Video mandates can also imply lack of trust and cause students to feel surveilled.
- Video requirements may lead to worsened internet connectivity for some students.

Sending Kids into Breakout Rooms

While teaching science online, Mr. Riley has students working in small groups to develop an experiment. In class he sends each small group into breakout rooms. The breakout rooms are difficult to monitor as the platform does not allow recording of the rooms and students have unlimited access to screen sharing and chat functions. When students come back from working in the breakout room Mr. Riley receives a direct message from Jacob saying that Kimberly shared her screen during the breakout room and showed a pornographic website. Jacob felt very uncomfortable and said he was going to talk to his parents.

Questions for discussion:

- What are the next steps for Mr. Riley?
- Who should Mr. Riley talk to?
- What are the safety and privacy implications for Jacob and Kimberly?

USER'S GUIDE: Sending Kids into Breakout Rooms

Here's how we see it:

- Online breakout rooms for students without monitoring present a challenge for teachers for classroom management, student safety, and student privacy. Mr. Riley must develop a plan for monitoring breakout rooms in a systematic manner, reteach classroom expectations for breakout rooms, and contact the parents/caretakers of both students to explain what happened and discuss the next steps. Mr. Riley should also seek out guidance from administration to determine if and what disciplinary action may take place.
- The data privacy concerns are minimal in this case study. On the other hand, the personal privacy concerns regarding the possibility of students being exposed to unwanted content in an unmonitored chat room are more complex.

For further discussion:

- How can Mr. Riley incorporate breakout rooms into his lessons while protecting student safety and privacy?
- Are online breakout rooms the same as small group discussions in classrooms?
- What if this had happened in a classroom with a student showing pornographic images on a phone in a small group? What are the differences?

Unintended consequences:

- Breakout rooms without direct adult supervision have the potential to expose students to speech, images, and language that would have more protection in a monitored situation.

Shared Document

Mr. Clive is teaching English at Brandy High School. He is using Google Docs as a platform for his students to collaborate on writing assignments. Students work together on essays and other group projects. It is usually a team effort. One group consists of Camille, Daisy, Tonya, Lee, and Otto. A document thread has begun and students add text and comments. Mr. Clive notices that one of the students, Otto, has made some really nasty comments. There is evidence of Otto bullying the other students in the group.

Questions for discussion:

- What should Mr. Clive do, given that he has observed this behavior?
- Would Mr. Clive's actions differ if Camille, one of the students, brings the harassment to his attention, rather than having seen it first-hand?

USER'S GUIDE: Shared Document

Here's how we see it:

- Addressing this bullying incident and Otto's actions is absolutely in Mr. Clive's purview, as this is happening on a school document for a school purpose. Mr. Clive should address the comments with Otto and also ensure expectations for the different functionalities of different apps and tools have been covered with the class.
- When using newer apps and tools (that have been vetted and approved by the school/district), teachers should be sure to understand all the different possible functionalities to discuss expectations with students regarding their use.

For further discussion:

- Would Mr. Clive's options be any different if he observed the harassment first-hand rather than in the Google Doc?

Unintended consequences:

- Students may abuse different aspects of newer apps and tools and this abuse can happen unsupervised if a teacher is not aware of these features.

Student Possibly Cheating During Virtual Quiz

Mr. Eli has asked his high school social studies class to take a pop quiz in the midst of a virtual class session. The students start working on the quiz that he sent them. Mr. Eli notices one student, Millie, starting to move away from the camera. She turns on the mute function. From Mr. Eli's view, he cannot tell what Millie is actually doing. Her diverted gaze indicates that she is not looking at the computer screen and the quiz but may be doing something else, such as rifling through papers, asking someone at home a question, or potentially looking up answers. Mr. Eli suspects that Millie may be cheating on the quiz.

Questions for discussion:

- What should Mr. Eli do?
- How should Mr. Eli speak to Millie about this situation?

USER'S GUIDE: Student Possibly Cheating During Virtual Quiz

Here's how we see it:

- Suspected cheating must be addressed. It is possible that Millie was doing something totally innocent. Mr. Eli should give her a chance to explain.
- Observing students taking a test has its differences between an in-person setting and a virtual one. Gestures, eye gaze, and other movements are only a proxy to understanding student behavior, engagement, and participation, which can be harder to understand virtually. This is again why it is important for Mr. Eli to discuss the situation with Ellie.
- Mr. Eli must make it clear to Millie and to the other students the boundary conditions and expectations for appropriate behavior for virtual quizzes and tests.

For further discussion:

- If indeed Millie was cheating, what actions should Mr. Eli take?
- If Millie's actions were innocent, what should Mr. Eli do then?

Unintended consequences:

- Using a student's eye gaze and physical movements are not always an accurate indication of behavior, participation, or engagement, especially in a virtual environment.

Students Grading Students

Mrs. Sarah teaches math at Winchester Middle School. One practice Mrs. Sarah uses is peer grading, where students exchange papers with other students to grade. In this way, the students have a sense of what is good performance and not so good. Mrs. Sarah sees this as a learning opportunity for the students. Students, Beau, Oliver, Leo, and Bella all exchange papers to grade and to see each other's work.

Questions for discussion:

- What are the benefits of this activity?
- Is it legal and appropriate for students to grade each other's work?

USER'S GUIDE: Students Grading Students

Here's how we see it:

- › This is an allowable practice for both individual and group work. However, students must be instructed how to properly use, discuss, and exchange information.
- › Mrs. Sarah has instituted this sharing policy, but it has parameters. Students cannot talk about other students' performance recklessly and beyond the scope of the learning experience.

For further discussion:

- › What if the assignment being peer graded was asking students to write about something they might not want shared with their fellow students (for example, a student might disclose that they had an eating disorder in response to a prompt about a challenge they have overcome)?
- › What if the students were not working in groups? Does this make any difference? Why or why not?

Unintended consequences:

- › Students could potentially be harmed by other students seeing their work and making fun of them.
- › Students could be harsh in their evaluation of other students and unfair, causing issues around self-esteem.

Taking a Screenshot of a Virtual Class

Ms. Hazel is conducting instruction online due to the pandemic. All of her students have their cameras on so she can interact with them, make eye contact, and visually observe their engagement and behavior. At some point during a lesson, Ms. Hazel takes a screenshot of the entire class to capture their reaction to a question. She does not share the photo with anyone else and retains it on her computer.

Questions for Discussion:

- › Is it appropriate to take such a screenshot without students being aware?
- › Does Ms. Hazel need permission to take the screenshot?

USER'S GUIDE: Taking a Screenshot of a Virtual Class

Here's how we see it:

- There are many legal and privacy considerations Ms. Hazel must consider. First, is whether this screenshot might be considered directly related to students and where the screenshot will be stored. This is important because if it is deemed to be directly related to students and maintained by the school, it is an education record and is protected under FERPA. If the purpose of the screenshot is to inform Ms. Hazel's teaching practice, then it may fall under the sole possession exception, which means it would not fall under FERPA. Because this is a gray area, it would be best to treat it as FERPA protected.
- Ms. Hazel should also consider that just because you can do something with technology doesn't mean you should and should weigh the benefits against the risks. It is hard to imagine Ms. Hazel would take a picture during an in person class to capture students' reactions.
- Ms. Hazel should also consider the perspective of parents/caretakers and if they would be comfortable with in time reaction screenshots being taken of their child during class and that they may question the necessity of this action.
- It is best practice for Ms. Hazel to communicate to students when a screenshot is being taken of them, especially since video conferencing platforms do not tend to indicate when this happens. It is also best practice to inform students what the screenshots will be used for, to store this screenshot on district-approved devices and platforms, and to delete the screenshot as soon as it is no longer needed.

For further discussion:

- Would it make a difference if Hazel took the screenshot of only one student?
- Would it make a difference if a student took the screenshot instead of the teacher?
- Does intention make a difference here? What if the screenshot was not going to be used for educational purposes?

Unintended consequences:

- A screenshot might capture a student doing something wrong. Depending on how long this photo is kept and who it is shown to, this student could be punished for their behavior and this photo could even become part of their permanent record.
- There is the potential for this photo to be leaked or breached, especially if it is not properly stored, and therefore someone might see the screenshot who should not have access to it leading to privacy or safety concerns.
- If the screenshot becomes public, students could access it which could lead to bullying and stigmatization, especially if the screenshot caught students doing something embarrassing or showed intimate parts of student living situations through the use of cameras.

Teacher Keeping Class Recordings

Mr. Robert regularly records his classes so he can refer back to them to better understand his students' responses to questions. It helps him to remember and to be more diagnostic to modify future instructional activities. Mr. Robert has not explicitly informed his classes of this practice. He simply has invoked it as part of virtual practice.

Questions for discussion:

- Does such recording without student awareness violate student privacy?
- Is this an ethical issue or a privacy issue or both?

USER'S GUIDE: Teacher Keeping Class Recordings

Here's how we see it:

- Mr. Robert must check his school and district policies to ensure he is able to record his classes. Mr. Robert must also carefully consider where he is storing these recordings. It is best practice to store recordings on a district-approved platform to minimize risk of breaches or hacks. Mr. Robert should also carefully consider how long he will retain these recordings. They should not be retained indefinitely.
- Informing students about the practice and the purpose is a best practice and helps improve transparency.
- Since Mr. Robert's is using the classroom recordings to improve his own instruction and teaching practice, this most likely falls under the sole possession record and there is likely no FERPA violation here.

For further discussion:

- What should Mr. Robert do if a student is uncomfortable with the classes being recorded?
- Do you think that such recordings can negatively impact students?

Unintended consequences:

- If used as Mr. Robert intends, his review of the videos may actually benefit the students rather than harm them because he can be retrospective and introspective about things he may have missed in real-time. This would help Mr. Robert be more responsive to student needs.
- However, if students are unaware, they may feel violated and result in a breach of trust.

Worrying Signs in Student Essay

Mrs. Sammy is an AP teacher at Kapuki High School. Mrs. Sammy prides herself in knowing her students academically and personally. She takes a real personal interest in her students and helps them prepare for the college application process. Mrs. Sammy is working with Niko, who is a very promising student. Niko writes an essay for Mrs. Sammy's AP English class in which he describes how his parents are putting extreme pressure on him to apply to and get accepted by the most prestigious and competitive universities. In the essay, there are subtle cues that Niko might do something harmful to himself because of the pressure. Mrs. Sammy is unsure but does not have a good feeling about it. Mrs. Sammy knows that Niko already has several extracurricular activities, works a job, tutors other students, and still manages excellent grades.

Questions for discussion:

- › What data would be helpful and what data does Mrs. Sammy have access to that might help her to better understand the situation?
- › Is an essay a sufficient form of data to take action about Niko?
- › Who should Mrs. Sammy consider sharing her concerns with?

USER'S GUIDE: Worrying Signs in Student Essay

Here's how we see it:

- If there is credible evidence that Niko is buckling under the pressure and may be in imminent danger of harming himself, Mrs. Sammy must report it. Each school has different policies about how to report potential self-harm or a mental health crisis, and she can ask school administrators to provide those policies.
- However, students confide sensitive information to their teachers all the time when they trust them, and it can be a valuable way for those students to relieve stress in a safe, structured way. Mrs. Sammy should carefully consider what Niko has disclosed in the essay, and determine whether it warrants reporting (and her potentially losing Niko's trust if he thinks about "doing something" in the future) - or whether it is better for her to have a conversation directly with Niko about her concerns. Mrs. Sammy could also seek to have an indirect intervention in collaboration with school counselors or a school crisis intervention team, where perhaps time is spent teaching students stress-management skills that could relieve Niko's pressure.
- Referring Niko to a school counselor might be a way to get him the help he needs without making him think that he can't safely disclose information to Mrs. Sammy directly or indirectly.
- Mrs. Sammy may also want to consider disclosing information to Niko's parents/caretakers, but should take this step in consultation with other school officials, like a school counselor. If Niko is over the age of 18, then Niko may have to give consent to disclose this information to his parents. Mrs. Sammy should seek guidance from administration here. In this situation, at least some of the pressure is caused by his parents. Sometimes, reporting that their child is overwhelmed can cause parents to be more understanding, but it can also lead to more pressure or abuse.
- There is no crystal ball with the right answer in these situations. All a teacher can do is carefully consider the context and the likely urgency of the situation, and then act on those observations. School counselors and administrators are often invaluable in helping teachers make these difficult decisions.

For further discussion:

- What sorts of evidence can you imagine may be warning signs about a student who may be at risk?

Unintended consequences:

- Sharing Niko's essay and Mrs. Sammy's concerns with other people (administration, counselor, Niko's parents) may break Niko's trust with his teacher and make him feel as though he has no one to confide in.
- Schools have protocols and policies to ensure the safety of students. But reporting concerns with the essay may result in a disproportionate and harmful response by the school.