

COMMUNICATION



These scenarios cover teachers talking about student data to different people (other teachers, afterschool instructors, family members, professional researchers, students, etc.) in various settings (grade-level team meetings, public spaces, via email, etc.).

App Mistranslation

During a virtual English as a Second Language class, Mr. Sendo works with two students Rafat and Niema. They are both new immigrants whose native language is Arabic but Rafat is from Morocco and Niema is from Egypt. Mr. Sendo is sharing his screen and using Google translate. Mr. Sendo asks the students to describe their country. The students use Google Translate to help them formulate their sentences in their own language, translate the sentence into English and then read it to the class. Niema writes: “Egypt is a beautiful country, but Morocco does not have a good smell”. Rafat becomes extremely upset and starts yelling at Niema in Arabic. Niema looks confused and Mr. Sendo realizes there may have been a mistranslation.

Questions for discussion:

- › What should Mr. Sendo’s next steps be?
- › How can Mr. Sendo rebuild the relationship between the students in a virtual setting?

USER'S GUIDE: App Mistranslation

Here's how we see it:

- › Tools such as Google Translate are powerful tools for bridging language barriers and divides. They also come with the risk of bad translations, misinterpretation, and cross-cultural insults.
- › Teachers should make sure translation apps are approved by their school and verify the accuracy of translations to help prevent social harm.
- › Mr. Sendo should address the insults with both students and their parents/caretakers.

For further discussion:

- › How would this situation be different if it was in a physical classroom?
- › What could Mr. Sendo do to prevent this type of situation from happening in other classes?

Unintended consequences:

- › Online tools such as Google Translate are useful but come with concerns about social harm and safety when statements are mistranslated, used for harm, or to insult.

CC'ing Parent Email Addresses

Sydney Middle School has a Gifted and Talented program. Ms. Anderson writes an email to all the parents (and caretakers) of the program. When sending the email, she puts all the parent emails on the same line, with none of them as a blind carbon copy (BCC). Parents can therefore see other parents' email addresses — and thus, possibly identify other students in the Gifted and Talented program.

Questions for discussion:

- › Does the school need to put parents' email addresses in a BCC?
- › What are the ramifications of parents finding out who the other Gifted and Talented students are?

USER'S GUIDE: CC'ing Parent Email Addresses

Here's how we see it:

- › The school should not allow these addresses to be visible to other parents. This is not necessarily a violation of privacy laws because it is directory information in most states, but it could be if, for instance, certain parents have opted out of disclosing email addresses.
- › The issue is more about best practice - in exposing email addresses, the school has unintentionally identified the Gifted and Talented status of many students. Regardless of any privacy laws, the school is ethically bound to do a better job protecting caregivers' email addresses.

For further discussion:

- › Gifted and Talented status is positive, so why does it matter if people know?
- › Is the answer different for a Gifted and Talented identification than for Special Education identification?
- › Would it be okay for parents to be able to communicate with one another based on the school email?

Unintended consequences:

- › The inadvertent disclosure of email addresses can lead to unwanted emails, spam, solicitations, or even hate mail. Even though there might be a close knit group of parents for this class, the protection of their email addresses is proper practice. If one parent wants the email of another parent, then there can be an agreed upon exchange of information, but it should not come from the teacher or the school.
- › There is the possibility that parents can glean which students are not in the program, leading to stigmatization.

Communicating about Student Data in Various Settings

Teachers communicate about data all the time. How teachers communicate, with whom, and about what data is a complicated issue because of laws and regulations. We present several kinds of communication situations here.

- › Mr. Malachi speaks to each of his students individually about their own performance data.
- › Mr. Malachi speaks to a group of students collectively about group data and about individual student performance.
- › Mr. Malachi speaks to Jonah's parent/guardian about Jonah's performance. Jonah is an elementary school student.
- › Mr. Malachi speaks to Jonah's parent/guardian about Jonah's performance. Jonah just turned 18.
- › Mr. Malachi speaks to other teachers about Jonah's performance while working in a data team setting.
- › Mr. Malachi is in the teachers' room and gets into a conversation with other teachers about students in his algebra class. He discusses the performance of his class in general, but also mentions Jonah by name.
- › Mr. Malachi is discussing Jonah's data with colleagues.

Questions for discussion:

- › For each, is Mr. Malachi's practice okay?
- › Are there any data that Mr. Malachi should avoid discussing?
- › What are the important differences?

USER'S GUIDE: Communicating about Student Data in Various Settings

Here's how we see it:

- › Teachers may speak to a student about their specific performance, but not a group of students about each other's individual performances.
- › A teacher can generally talk to a parent or guardian about student performance, unless the student is independent of the parent (e.g., the student is 18 and paperwork has not been filed proving that they are a dependent of the parent).
- › Educators can discuss student performance with one another, if each has a legitimate educational interest. However, it is best that teachers take a measured approach when sharing student information.

For further discussion:

- › What situations may arise if a teacher talks about student performance with someone who is not authorized?

Unintended consequences:

- › Communication about a student could prove harmful if the communication is negative and is overheard by individuals who do not have a need to know or violate the boundaries of that communication.
- › If teachers discuss student performance with unauthorized individuals, it could also lead to legal consequences for the school, and potentially the teacher.

Comparing Cousins to Family Member

Mr. Jax is a teacher at Reina Middle School. He has twins in his class, Margie and Franny. He also has their cousin, Lucy in the same class. During the parent-teacher conference, Mr. Jax is discussing the performance of the twins with the parents, the Roseberys. In the course of the discussion, Mr. Jax compares Lucy's performance to that of Margie and Franny.

Questions for discussion:

- › What do you think of Mr. Jax's discussion in the conference?
- › Should Mr. Jax be discussing Lucy with her aunt and uncle?

USER'S GUIDE: Comparing Cousins to Family Member

Here's how we see it:

- › Despite the fact that Lucy is a relative, Mr. Jax had no business talking to the Rosebery's about their niece. They do not have the right to learn about Lucy's performance.
- › Mr. Jax violated FERPA and Lucy's general privacy as no consent was obtained from Lucy's parents/caretakers.

For further discussion:

- › Would it have been okay for Mr. Jax to discuss all three students if both sets of parents were present?

Unintended consequences:

- › Comparing students is always risky, even if they are siblings or related. It could cause rivalries or negatively impact relationships.
- › Mr. Jax is making a huge assumption on the comfort level of Lucy's parents/caretakers with their daughter's academic performance being shared with Lucy's aunt and uncle. This can result in a breach of trust.
- › Mr. Jax has violated the parental rights under FERPA.

Comparing Siblings

Allister and Duchess are twins who attend Brady Elementary School. Allister is in Ms. Bozley's class and Duchess is in Mr. Snow's class. In the teachers' room, Ms. Bozley and Mr. Snow compare how the twins are doing and discuss who is better at math.

Questions for discussion:

- › Is this an acceptable practice?
- › Does it matter whether or not the two students being discussed are related?

USER'S GUIDE: Comparing Siblings

Here's how we see it:

- › The comparison of two students, regardless of their relationship, should not occur unless there is an educational necessity, which does not appear to be the case here but rather comparing because they are twins.
- › This seems like informal sharing of student information.

For further discussion:

- › Does it depend on the kind of information Mr. Snow and Ms. Bozely share with one another?

Unintended consequences:

- › Comparison of the students in this way is not in the best interest of the student and could lead to negative views and bias of the educators as they teach the students. Others could also overhear these comparisons, including the students themselves.

Facebook Discussion

Ms. Sophia is a middle school parent and asks a question on the Facebook page for Ava Middle School. In the comments, a teacher, Ms. Mazie, asks, “Are you Maggie’s mom?” Ms. Sophia responds yes, and Ms. Mazie responds with a smiling emoticon, “I have her in my class.” Ms. Sophia responds that Maggie likes Ms. Mazie a lot. Other parents chime in with comments of how much their kids like Ms. Mazie.

Questions for discussion:

- › Was it okay for Ms. Mazie to say on Facebook that Maggie is in her class?
- › Was it proper to have this kind of communication via social media?

USER'S GUIDE: Facebook Discussion

Here's how we see it:

- This is potentially a violation of FERPA, as rosters can be classified as educational records, which are protected information under FERPA. It is also not a recommended best practice. Some parents or students would not like to be mentioned in this way. Further, it is possible that a teacher might accidentally divulge more information than just naming a student in their class. In general, it is best to keep student names and identification off of social media if at all possible.
- Teachers should consult their district's social media policy for teacher/parent interaction.

For further discussion:

- Ava Middle School is a public school and Maggie walks into Ms. Mazie's class every day. Why does it matter that Ms. Mazie identified Maggie?
- Would it be any different if another parent would have said something negative about Ms. Mazie or her class?

Unintended consequences:

- One source of potential harm is if someone sees the post that should not have and becomes aware of the location of a certain student. This is particularly sensitive when there is a restraining order or some such information block to a particular individual. It generally is prudent to be cautious because one can never know who has access to such information.
- Disclosure of this information could potentially be a violation of FERPA and/or school social media policy.

Grading Tests in Teams

Teachers at Sunshine Middle School often work in data teams to discuss student work and consult on how to help various students. Mr. Fritz, one of the teachers, shared a recent assignment with the rest of his data team. Mr. Fritz passes around his students' submitted papers. The papers have the names of the students on them as well as their grades.

Questions for discussion:

- › Is this an acceptable practice?
- › What are the boundaries involved in sharing student work while in a data team or professional learning community?

USER'S GUIDE: Grading Tests in Teams

Here's how we see it:

- › Sharing papers is not a violation. It is often necessary for teachers to collaborate on student progress and challenges, and teachers must be able to do so for the good of the student.
- › However, ethically, teachers should always consider whether it is necessary to share personal information.
- › If the teacher has concerns about allowing the other team members to see student work, the teacher may wish to consider masking student names or take other precautions.

For further discussion:

- › What other protections could Mr. Fritz have taken?
- › Does the subject of the paper written by the students matter?

Unintended consequences:

- › The sharing of information is potentially harmful if any of the teachers involved share the student information beyond the scope of the data team.

Math Professional Learning Community

Several math teachers at Ponyboy Middle School are doing their weekly meeting to discuss curriculum. Each teacher has been teaching fractions this month.

During the discussion, one teacher, Mr. Wildcat, says, “across the board, my students are having trouble creating common denominators to add fractions. What methods have you used to teach this?” The teachers talk about their various methods and note that this is a common area where students sometimes struggle.

As that portion of the conversation wraps up, another teacher, Ms. Belle, says, “I have one particular student who has trouble dividing fractions. The rest of the class seems to understand, but the student continues to struggle. I think I need another perspective for this student. Does anyone have any different ways of explaining this?” The teachers brainstorm ideas.

Another teacher, Ms. Puck says, “I wanted to ask you all about Katy, who is really having trouble reducing fractions correctly. I know Mr. McGregor and Ms. Digit have had Katy in class and you both had success teaching her. What suggestions do you have for me that might help her?” Mr. McGregor and Ms. Digit share their knowledge about Katy and suggest practices.

Questions for discussion:

- › Evaluate each teacher’s statements and actions—did they violate any privacy laws?
 - Mr. Wildcat.
 - Ms. Belle.
 - Ms. Puck.



USER'S GUIDE: Math Professional Learning Community

Here's how we see it:

- › Each of these teachers shared student data ethically and in compliance with student privacy laws, even Ms. Puck, who named a specific student. All the teachers in this session have dealt with that student before and may have particular insight on how this individual learns. Teachers collaborating like this would certainly be considered a “job function.” Therefore, it could be argued that having access to student PII during this particular meeting is necessary for them to support their students.
- › While this is true for academic information, it is possible that some forms of data, such as health histories and disciplinary information, may not be shareable in such a meeting. In those cases, the teachers should consult their school administration to determine which policies pertain to these data.

For further discussion:

- › What responsibility do Mr. McGregor and Ms. Digit have?
- › The teachers acted appropriately in their group meeting. What are some actions or discussions that would not be allowed?

Unintended consequences:

- › A potential harm here is if teachers move the discussion about students academically struggling beyond professional boundaries, such as in a gossiping manner, rather than with the motivation and intention to address student learning issues.

Sharing Student Data with Afterschool Instructor

Mr. Miller's student, Mia, has just enrolled in the afterschool program offered at the school. After her first week attending the program, one of the afterschool instructors approaches Mr. Miller and asks if he can share Mia's reading scores with her. The instructor notifies Mr. Miller that they will be focusing specifically on reading skills for the rest of the semester.

Questions for discussion:

- Should Mr. Miller share Mia's reading scores with the afterschool instructor? Why or why not?
- Should Mr. Miller seek guidance or permission from anyone before sharing Mia's reading scores? If so, who?

USER'S GUIDE: Sharing Student Data with Afterschool Instructor

Here's how we see it:

- › Teachers should be intentional about who they share student data with by only sharing with those who are allowed to access the information. Mr. Miller should clarify with his administration whether he can share Mia's reading score with the afterschool instructor because it will depend on the details of the program, including if there is a contract in place and if it is affiliated with the school. It is a best practice to get explicit consent from the parent/caretaker if it is unclear or when there is no agreement with the school.
- › In addition to clarifying if the afterschool instructors are allowed to access reading score information, it is also important to think of the best interest of the student. If the school says the afterschool program can access reading score information, Mr. Miller should still consider the best interest of the student. In this particular instance, the afterschool instructor may not necessarily need to know, but it may be in the best interest of Mia for Mr. Miller to share her reading scores with the afterschool instructor. Mia's family may have intentionally placed her in the afterschool program to strengthen her reading skills, and the afterschool instructors will be able to provide better support to Mia with an understanding of where she currently stands.
- › If allowed to share reading score information, Mr. Miller should be intentional about what specific reading scores and information to share with the instructor and about the method of sharing this data.

For further discussion:

- › Is there any student information that should not be shared with afterschool instructors?

Unintended consequences:

- › Sharing student information with unauthorized persons is a violation of student privacy and can harm student and family trust.

Sharing Student Information with a Professional Researcher Without Formal Agreement

Dr. Rogers is a university researcher whose sister-in-law works at Macaroni High School. Dr. Rogers would like to eventually build relationships and do a formal study at the high school. She is a former teacher who understands the profession and builds an easy rapport with teachers. When Dr. Rogers visits Macaroni High School she often asks about aspects of school life. Recognizing Dr. Roger's comfort with school culture, teachers often share freely. They describe student situations and often cite examples of events that happen in the classroom. In the course of doing so, student information is often divulged, such as achievement and home situations. These visits are informal, meaning there are no formal agreements with the school in place.

Questions for discussion:

- › How much information are teachers allowed to share with Dr. Rogers?
- › Would it be any different if there were a formal agreement in place?

USER'S GUIDE: Sharing Student Information with a Professional Researcher Without Formal Agreement

Here's how we see it:

- › When the researcher feels like “one of them” and has a personal relationship with another staff member, it can be tempting for a teacher to let their guard down and talk to Dr. Rogers as another teacher.
- › Dr. Rogers must obtain permission from the Institutional Review Board but even just completing that is insufficient. Dr. Rogers must also go through district review processes which will require signed parental permissions or a written agreement to adhere to FERPA's studies exception or FERPA's audit and evaluation exception (the two exceptions that would allow a researcher to access student data without parental consent). These agreements are required to be specific, and specify the purpose, scope, and duration of the study and what information the researcher will be given. There may also be additional requirements and limitations for research in state student privacy laws. Once the agreement is completed, both Dr. Rogers and the school (and the school's teachers) must stick to it, and not provide more information than allowed by the agreement or expand the purpose, scope, or duration of the study without a new agreement.
- › In general, schools and districts should not allow researchers to come into a classroom and sit down with a teacher to discuss students and their data. We believe this puts too much pressure on teachers to fully understand which data are permissible to disclose. In this case, the teacher should go to the appropriate school administrators and ask them to send the researcher through the proper school/district vetting channels.
- › Teachers should be aware of situations where they may be considered “researchers,” such as when they partake in graduate program work. When teachers are in these situations, they should be careful not to share data about students that could identify individual students unless proper parental consents are in place.

For further discussion:

- › Whose responsibility is it to ensure that the teachers know how much they can share? The teacher? Administrators? The researcher?
- › What if a teacher themselves is completing a research project as part of their graduate program, and Dr. Rogers is supervising the project?

Unintended consequences:

- › If no parental consent is received and there is no formal agreement, sharing student information with Dr. Rogers violates FERPA. Easy rapport and comfortable relationships may lead to oversharing information that should not be shared with external stakeholders and could lead to a breach of trust with parents/caretakers.

Sharing Student Information with Professional Researcher Beyond Written Agreement

Dr. Vincent is a university researcher conducting a study to improve math instruction at Porchie Middle School. Dr. Vincent has a written agreement with the school that adheres to the requirements of FERPA's studies exception. The principal instructed teachers in a staff meeting to participate in interviews with Dr. Vincent, allow him to sit in on occasional classes, and provide him with student homework and test results throughout the year. As Dr. Vincent continues to visit the school, he develops a rapport with individual teachers beyond the math department. They talk to him as one of them, freely sharing observations and information about individual students.

Questions for discussion:

- › Are the instructions to teachers from the principal clear?
- › Are the teachers within their boundaries to share data in this way?

USER'S GUIDE: Sharing Student Information with Professional Researcher Beyond Written Agreement

Here's how we see it:

- Information shared with researchers is governed by written agreements in order to adhere to FERPA's studies exception or FERPA's audit and evaluation exception (the two exceptions that would allow a researcher to access student data without parental consent). These agreements are required to be specific, and specify the purpose, scope, and duration of the study and what information the researcher will be given. There may also be additional requirements and limitations for research in state student privacy laws. Once the agreement is completed, both Dr. Vincent and the school (and the school's teachers) must stick to it, and not provide more information than allowed by the agreement or expand the purpose, scope, or duration of the study without a new agreement.
- The principal's verbal instruction in a staff meeting that teachers should give Dr. Vincent such broad access without more specific—ideally written—limitations will very likely lead to teachers sharing more information than they are allowed to under FERPA without parental consent. Teachers should know what the agreement covers and share no more information than is allowed by these agreements.
- From the information we have above, the agreement is only evaluating math instruction, and teachers outside of the math department sharing personal information about students is likely not allowed.
- Teachers should consult with administrators to determine whether parents/caretakers should be notified that the study is taking place, even though parental consent is not required. It is best practice to inform parents so that they know there is an ongoing and approved study occurring.
- Remember, it is the school's obligation to comply with FERPA, not the researcher. Thus, it is vital that schools utilizing this exception have appropriate safeguards in place to ensure that no more information is shared than allowed under the applicable exception, and agreement.

For further discussion:

- Whose responsibility is it to ensure that the teachers know how much they can share? The teacher? Administrators? The researcher? Everyone's?

Unintended consequences:

- One source of potential harm is if Dr. Vincent starts sharing his observations with the teachers or even colleagues that go beyond the scope of his agreements and information is inadvertently discussed that could be detrimental to a teacher or to some of the students. It places in jeopardy the research-practice agreements and violates trust.

Student Confiding in Teacher

Mr. Houdini is a teacher at Javier High School. He has just finished conducting an online class and one of his students, Winston, requests some extra time after class to talk to Mr. Houdini. Winston has had a close mentoring relationship with Mr. Houdini. He trusts him. Winston confesses that he is coming out and is concerned that he will be bullied and taunted by other students. Winston asks for Mr. Houdini's guidance. As Winston and Mr. Houdini are completing their very sensitive conversation, they notice that someone else has broken into the call.

Questions for discussion:

- Should Winston be discussing such a private matter with Mr. Houdini and through the virtual portal?
- What should Mr. Houdini do, now that he realizes someone else may have heard the discussion?

USER'S GUIDE: Student Confiding in Teacher

Here's how we see it:

- › Protecting Winston's privacy here is essential. He has confided in a trusted teacher about sensitive information. This information is private and should remain shared between the two of them.
- › Mr. Houdini did not know the seriousness of the conversation in advance, and so did not have the proper privacy protections in place for the call. For future serious conversations, or when it is clear that the conversation is serious and private, Mr. Houdini should create a virtual room that will not allow others to join without explicit permission, such as through a waiting room or a link that only the specific people were given.
- › If indeed someone hacked into the call or another student had remained online unbeknownst to them, then Mr. Houdini must seek out that individual, if possible, to ensure that what was heard, remains confidential, with possible ramifications if rumors were to be spread. Mr. Houdini should seek guidance from administration, without necessarily sharing the exact details of what Winston shared, only that it was personal and sensitive.
- › A virtual setting has been particularly difficult for students to seek out support and confide in trusted school community members, such as teachers. Students and teachers do not have the opportunity to check-in via hallway chats or for students to stay behind after class to chat.

For further discussion:

- › Would it make any difference had this conversation taken place in person?

Unintended consequences:

- › Mr. Houdini should be concerned that someone could use the overheard information in a way to harm Winston. He could be bullied, taunted, and outcast.
- › Winston most likely feels violated and this incident may have harmed his relationship with Mr. Houdini and his willingness to reach out for support.

Teacher Attempting to Make a Diagnosis

Teachers at Noodleman Elementary School are talking in a professional learning community (PLC) about a particular student, Cassie. One of the teachers believes Cassie may qualify for a diagnosis of autism. Mr. Duffy comments that Cassie may be on the spectrum.

Questions for discussion:

- › Are there any privacy issues with using this language?
- › Is Mr. Duffy showing insensitivity to Cassie?

USER'S GUIDE: Teacher Attempting to Make a Diagnosis

Here's how we see it:

- › While the phrase “on the spectrum” is descriptive and teachers might find the shortcut useful, we believe an informal term like this could lead to misunderstandings or be used pejoratively.
- › Mr. Duffy is not necessarily being intentionally insensitive toward Cassie, but there are many who may interpret the remark as insensitive, so it is good to avoid such language.
- › Instead, we believe this is a time to speak strictly of the data. Mr. Duffy needs to note the actual designation or actual measure that assessed the student.

For further discussion:

- › What if someone beyond the PLC hears Mr. Duffy's remark:
 - An administrator?
 - A teacher outside the PLC?
 - A parent?
 - Cassie or someone from her family?

Unintended consequences:

- › Classifying a student as being on the spectrum, or even assuming that the student is, has ramifications. Staff must be very careful to not throw out clinical terminology about a student without proper procedure or evidence.

Teacher Jokes over Text

A class from Sherman Elementary School is getting ready to go on a field trip. As they are loading the bus, two teachers joke back and forth through personal texts about how dangerous it will be to go through a particular neighborhood on the way there. Some students on the trip live in that neighborhood.

Questions for discussion:

- › Are these texts appropriate? If not, how?
- › The teachers were joking about the neighborhood — would it matter if the teachers were also joking about specific students who live in that neighborhood?

USER'S GUIDE: Teacher Jokes over Text

Here's how we see it:

- › These texts are not ethical. Teachers should consider the possibility that students live in that neighborhood or have ties to that neighborhood, even if they are not aware if any students do. It is even worse if they joke about specific students.
- › There are no violations to privacy laws, though again there is ethical harm and significant implications for teacher-student trust and relationship.

For further discussion:

- › The teachers might argue that this isn't too bad, since it was just between them and nobody else could see. What do you think of this?
- › Would it make any difference if another teacher saw the texts? A student?

Unintended consequences:

- › Students would be significantly harmed if they were to see or overhear the content of these text messages.
- › If teachers discuss individual students in their messages, tying them to that neighborhood, individuals who do not or should not know where a student lives could potentially overhear the conversation.

Teacher Sharing Student Information with a Preservice Observer

A college student, Lucy, is assigned to observe a teacher, Mr. Francis. Lucy is a teacher candidate and will visit Mr. Francis's class every other day for two weeks. Lucy and Mr. Francis have the opportunity to talk alone each day. Eager to help Lucy learn the details of school life, Mr. Francis is open to talking about teaching practice and this conversation extends to students. When they are alone, Mr. Francis talks openly to Lucy about individual students as situations arise throughout the day. These discussions include information about student achievement, student home situations, and special education accommodations.

Questions for discussion:

- Is it okay for Mr. Francis to talk to Lucy in detail about his students?
- Would the circumstance be different if Lucy officially were doing clinical practice in Mr. Francis's classroom?

USER'S GUIDE: Teacher Sharing Student Information with a Preservice Observer

Here's how we see it:

- It is admirable that the teacher wants to be such a good mentor and, in some situations, a preservice teacher may be considered a school official by the school, which would allow them to receive information, as necessary, to do whatever job they are doing for the school (in this case, assisting Mr. Francis). If this is the case, it would be completely permissible for Mr. Francis to have these discussions with Lucy.
- However, as a best practice, Mr. Francis should limit discussions to what Lucy needs to know. While it may be common for college students to sign a confidentiality agreement, teacher candidates are often not familiar with school culture. Through no fault of their own, they may not be prepared to protect student data as is required of in-service teachers. Since student home situations and special education information are particularly sensitive information that could potentially harm a student if released, Mr. Francis should carefully consider whether that information is necessary for Lucy to know. If so, he may want to also instruct Lucy about how that information could harm students if released and tell Lucy to keep it confidential.
- The school may have specific policies for disclosure of information to teacher candidate observers. Teachers should consult their school administration to determine which policies may pertain to these types of situations.

For further discussion:

- Would the circumstance be different if Lucy were:
 - serving as a teacher aide?
 - a first-year teacher that Mr. Francis is mentoring?

Unintended consequences:

- Lucy is still learning and may not understand her role in safeguarding student information; privacy protections must extend to teacher candidates as well. Lucy must be cautioned about the boundaries of discussing students, with whom, and when it is not appropriate. Without proper training, Lucy may share student information with others outside of school staff that are unauthorized to access this information.

Teachers Talking about Students in Public

Two teachers at Founder High School, Ms. Luanne and Mr. Dudley, are at the grocery store. They carpool to and from school. On one trip, they needed to run into the store and get a few things. Ms. Luanne is a reading teacher; Mr. Dudley is a math teacher. They are on the same 7th grade team, so they share students. In the car, they had been discussing some troubles that one of their students, Leda, has been having academically and behaviorally. This conversation continues as they walk in from the parking lot, as they shop, and as they stand in line to pay. At all points, the conversation includes details about Leda, her academic and behavioral issues, and they call her by name.

Here's how we see it:

- › Are there any problems with this conversation? If so, what?

USER'S GUIDE: Teachers Talking about Students in Public

Here's how we see it:

- › The teachers in this scenario should have been more discreet in how and where they spoke about this student. Teachers, and staff in general, should only discuss student information with those who have a legitimate need to know the information, and such conversations should only take place in confidential settings.

For further discussion:

- › What are the practical benefits and harm of this conversation?
- › What are the chances that someone in the grocery store actually knows the student?
- › What if the grocery store is a long way from the school, well out of the school's boundaries?
- › In the end, aren't the teachers just helping the student? And isn't it well worth what small chance there is of someone recognizing the name?

Unintended consequences:

- › It is quite possible that anyone in the store or in the parking lot could overhear the conversation where student information is being openly discussed. Such information should not be discussed as there could be people at the grocery store who know Leda, including another student, a family friend, or even the parent or student themselves. This could result in stigmatization, bullying, and a break in trust.

Teaching Siblings Over the Years

Mr. Fraser is a teacher at Derby High School. Derby serves a pretty small community. Everyone knows everyone and siblings are likely to have had the same teachers. Mr. Fraser has had brothers from the same family, first Leo, then Frank, and now Ted. As Ted comes into class, Mr. Fraser says, “Oh, you are Leo’s brother. He was a fantastic student, always top grades. Let me show you some of his work. I expect that from you too.”

Questions for discussion:

- › What do you think about what Mr. Fraser said to Ted?
- › How is this practice appropriate or inappropriate?

USER'S GUIDE: Teaching Siblings Over the Years

Here's how we see it:

- › It is okay for Mr. Fraser to generally discuss what a great student Leo was. But sharing Leo's graded work is potentially a violation of FERPA, even sharing with a sibling. There is no educational interest here in sharing Leo's work with Ted.

For further discussion:

- › What if Mr. Fraser's comment was about some other unrelated student? What difference would that make?
- › What if Mr. Fraser had said that Leo had been a horrible student or had all sorts of behavioral issues? Would that make any difference?

Unintended consequences:

- › Although Mr. Fraser is trying to motivate Ted, the fact that he is comparing him to his brother could cause all sorts of problems, such as motivation, self-esteem, and more.
- › Mr. Fraser has no idea what kind of relationship Ted has with Leo. Such a comment could impact that relationship.

Virtual Private Conversations

In Mrs. Wood's class, one student, Jordan, has an IEP that requires modifications to his assignments. Mrs. Wood has had to reference Jordan's modified assignment to answer questions or prompt Jordan. In an in person setting, Mrs. Wood was able to do this discreetly, by walking over to his desk or having him go to her desk. In a virtual setting, being able to have private chats with Jordan has become extremely difficult.

Questions for discussion:

- › What are the risks to referring to Jordan's modified work in front of the entire class?
- › What are some strategies to having safe, virtual private conversations?

USER'S GUIDE: Virtual Private Conversations

Here's how we see it:

- › The rest of Jordan's classmates do not need to know and should not know about modifications being given to Jordan as part of his IEP requirements. Not only does this not comply with law, but it also can lead to stigmatization and bullying of Jordan.
- › Mrs. Wood should check the features of the video conferencing tool they are using to see if there is a private chat and breakout room features. Mrs. Wood could communicate with Jordan through private messaging, host office hours, or schedule phone calls with Jordan before classes to answer any questions and provide any guidance Jordan needs.

For further discussion:

- › What are other reasons teachers have private conversations with students? Can similar strategies be used?

Unintended consequences:

- › In a virtual setting, there are many obstacles to having one-on-one chats with students as everyone can hear the speaker in a video conference call. Discussing Jordan's modifications in front of the entire class breaks confidentiality and can lead to stigmatization and bullying.