

Student Data Privacy and Data Ethics Scenarios

USER GUIDE



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ABOUT THE FUTURE OF PRIVACY FORUM

The Future of Privacy Forum (FPF) is a nonprofit organization focused on how emerging technologies affect consumer privacy. FPF is based in Washington, DC, and includes an advisory board comprised of leading figures from industry, academia, law, and advocacy groups.

FPF's Youth & Education Privacy program works to protect child and student privacy while allowing for data and technology use that can help young people learn, grow, develop, and succeed. FPF works with stakeholders from practitioners to policymakers, providing technical assistance, resources, trend analysis, and training. FPF's Youth and Education Privacy team runs [Student Privacy Compass](#), the one-stop-shop resource site on all things related to student privacy.

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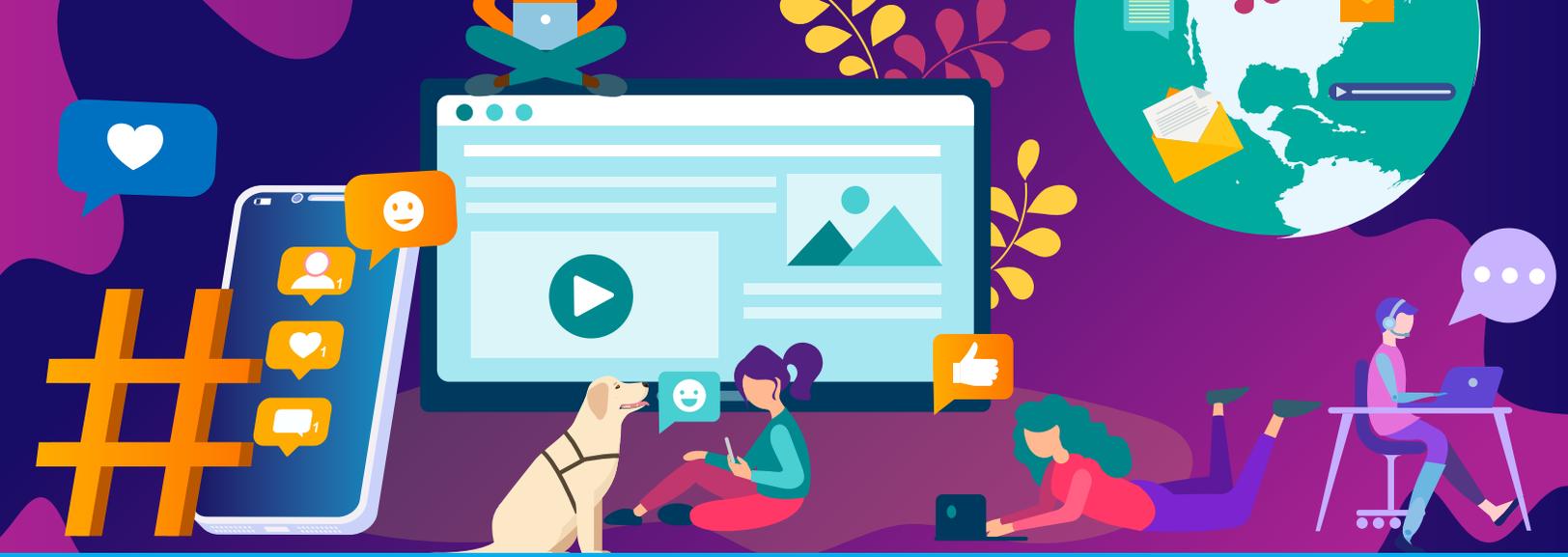
Purpose

Student data privacy and data ethics are essential topics that should be included in educator training and professional development. Educators' very role requires them to make daily decisions that impact which student data is collected or revealed, how the data is stored, how data is interpreted and used to make decisions about students, and how district and state policies are upheld in the classroom. Responsible data use is more than compliance with laws and regulations; it requires practices that ensure ethical and equitable uses of data that work to minimize potential for harm. These responsibilities have become all the more important as schools have worked to adapt to new forms of learning prompted by the pandemic, including virtual, hybrid, and modified face-to-face. The Student Data Privacy and Data Ethics Scenarios are free, supplemental course materials that aim to help educators understand privacy risks and ethical concerns that arise in school-based situations and provide expert guidance on how to mitigate risk and harm through discussions on the legal obligations and best practices for protecting student data privacy.



Audience

These resources were created for the professional development of K-12 educators and can be useful at any point in their careers, from teacher candidacy to veteran teacher. Professors of educator preparation programs can adopt the resources to supplement their course materials. The resources can also be used by professional development providers, technical assistance providers, district in-service staff and administrators, and educators themselves.



How To Use the Resources

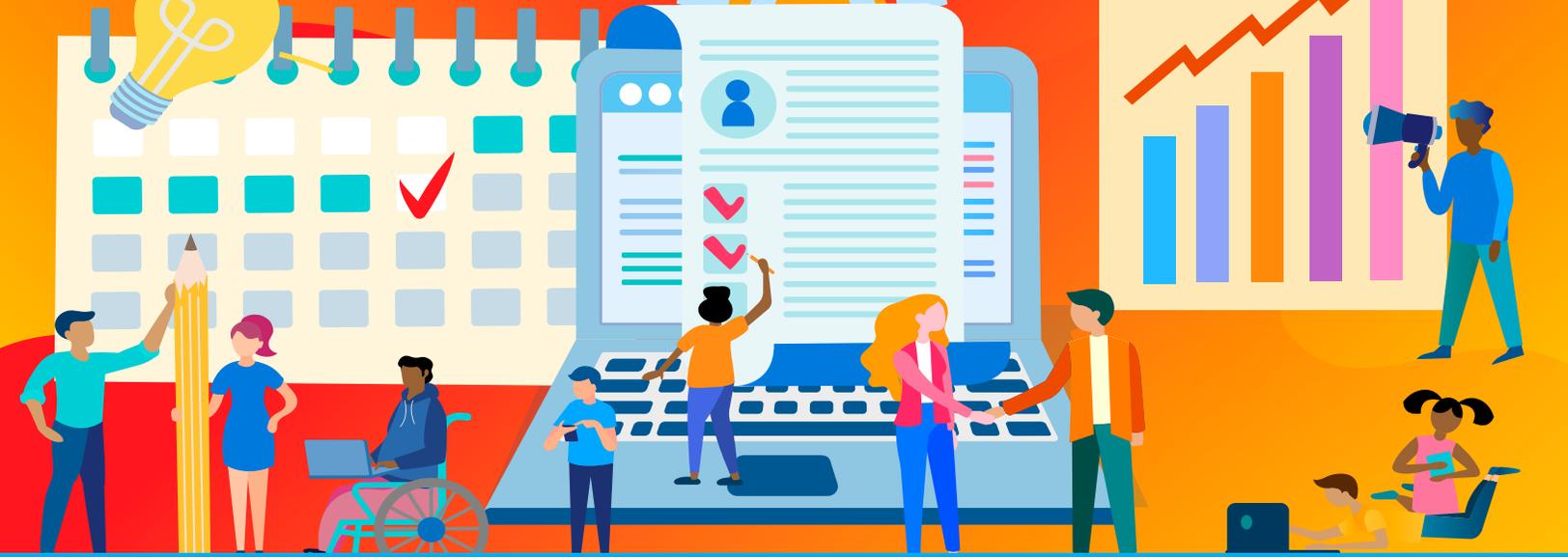
These scenarios are meant to be flexible and can be integrated into coursework and professional development training. In educator preparation programs, they can be integrated as assignments, ancillary material, or a complete lesson. They can be used in classes, for small group discussions, and for individual students and can be parts of assignments, essays, lectures, research projects, discussion forums, or other creative projects that instructors may devise. Similarly, in professional development settings, the scenarios can be used for whole or small group discussions or ice breakers.

Facilitators, instructors, professional development providers, and users are free to select the scenarios that they believe to be the most useful and relevant to their learners. Due to the number of scenarios and wide range of topics that target various aspects of student data privacy, we suggest that instructors consider which scenarios or subset of scenarios best fit their particular courses or professional development sessions and learner needs.

Users should feel free to add context and make slight modifications to the scenarios as best meets the needs of their learners. For example, teacher candidates who have never set foot in a classroom may require additional background knowledge to critically engage with the scenario and discussion questions. Additionally, facilitators may want to change the grade level or class subject indicated in the scenario to be more relevant to their students. We also provide a Student Privacy Primer that provides a foundation of data ethics and data privacy that can be used for the development of the facilitator and learners.

As the aim of these scenarios is to teach data privacy and data ethics through the discussion of authentic situations, it is critical for the instructor to use framing questions to foster discussion and critical thinking. Learners will get more out of these resources by making connections to their own experiences, learning from others, and spending time in the gray areas posed by the scenarios, as opposed to being told the “right answer”. In addition to the unique discussion questions we include with each scenario, instructors can also use the following overarching and framing questions for the discussion:

- » What options does the teacher have in this scenario?
- » Why do you think the teacher chose to do that? What do you think was their rationale?
- » Is there anything in this situation that is covered under student privacy law? Is there anything covered under district or school policy?

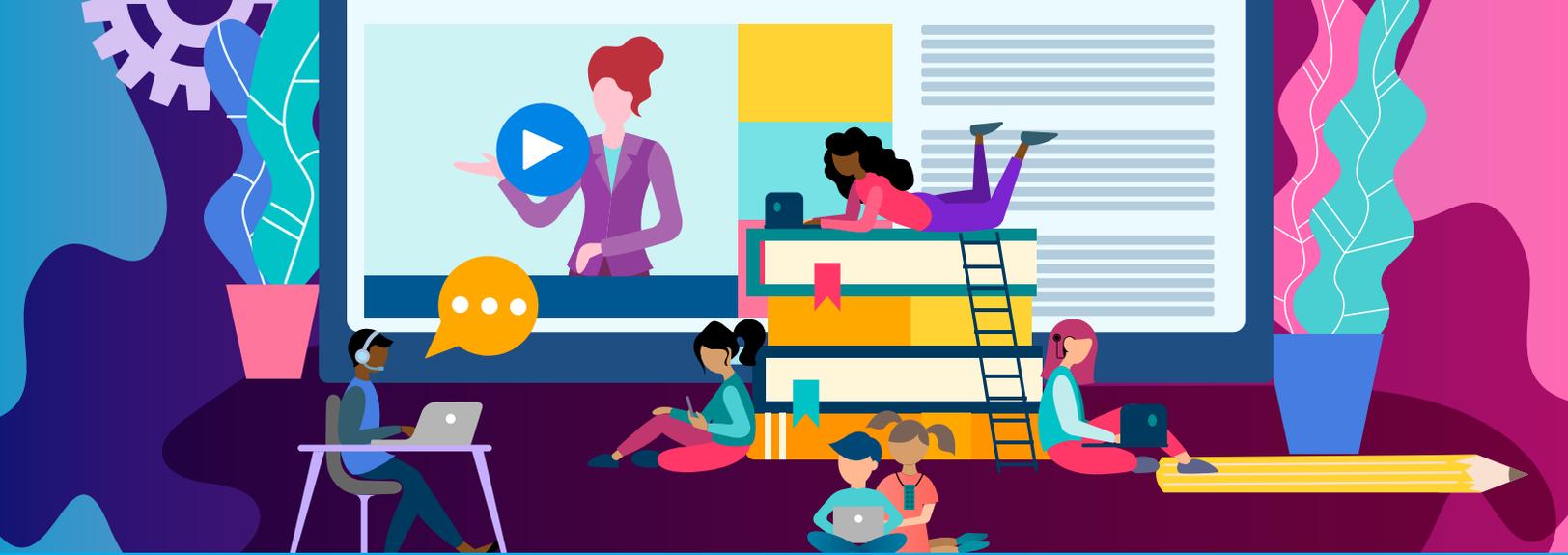


Format

SECTIONS

The Student Data Privacy and Data Ethics Scenarios are composed of a wide range of scenarios that each contain five sections:

- 1. Scenario description.** This section outlines the circumstance of the real-world ethical dilemma, reflecting authentic situations that educators may encounter.
- 2. Questions for discussion.** These are overarching questions that instructors and professional development providers can pose to the learners. The goal of these questions is to guide scenario analysis and discussions.
- 3. How we see it.** This section describes the important privacy, legal, and ethical considerations arising from the scenario and advises what steps to follow to comply with relevant law and align with best practices. Data privacy experts and attorneys have vetted this section to ensure accuracy and clarity. Users of the scenarios should communicate this section's content to learners, as it provides important legal requirements and best practices. This section often recommends seeking input and guidance from district policies and administrators to provide the most accurate guidance possible.
- 4. Questions for further discussion.** These probes are intended to prompt further in-depth exploration of the ethical dilemma.
- 5. Unintended consequences.** This section describes the potential unintended consequences prompted by the scenario. The unintended consequences we list are only a starting point, as learners may identify relevant and specific topics to their student populations and school community. Note that in this section, we focus on the negative unintended consequences (potential harms and risks) because we are making the assumption that teacher candidates receive sufficient professional development on the benefits of data and the importance of using data and technology for students. On the other hand, we believe both learners and facilitators would benefit from explicit guidance on what could potentially go wrong. It is important to identify and understand potential harms and risks in analyzing and answering the discussion questions to inform the decision-making process and to better understand the ethical issue at hand.



VERSIONS

Each scenario has a teacher version and a student version. The teacher version includes all five sections, while the student version only includes the first two sections: the scenario description and discussion questions. The student version allows facilitators to assign scenarios to their learners, analyze the situation, and answer the discussion questions on their own or in groups without access to guidance.

CATEGORY TOPICS

Each scenario is assigned at least one topic category, listed below. Some are assigned with more than one, as applicable.

- » **Classroom Practices:** These scenarios cover classroom policies and practices teachers implement during instruction.
- » **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.).
- » **Professional Duties:** These scenarios cover teacher responsibilities beyond classroom instruction.
- » **Social Media:** These scenarios include the use of a social media platform.
- » **Student Data:** These scenarios have an explicit focus on the type of student data described in the scenario, and often discuss unique pieces of student data.
- » **Technology:** These scenarios include the use of an application or other piece of technology.
- » **Virtual Learning:** These scenarios take place in a virtual, remote learning environment, particularly classrooms held through video conferencing platforms.





Additional Information

We began developing these materials early in 2020 before COVID-19 changed the delivery of education in the ensuing months. The transition to virtual and hybrid learning presented new possibilities for scenarios. In some instances, educators face situations similar to those they encounter in person, but in a virtual environment, these situations introduce a host of new data privacy dilemmas. We have therefore included a number of scenarios with a virtual learning and remote learning context, all listed under the virtual learning topic category.



