

Ethical, Legal, and Privacy Considerations for School Professionals

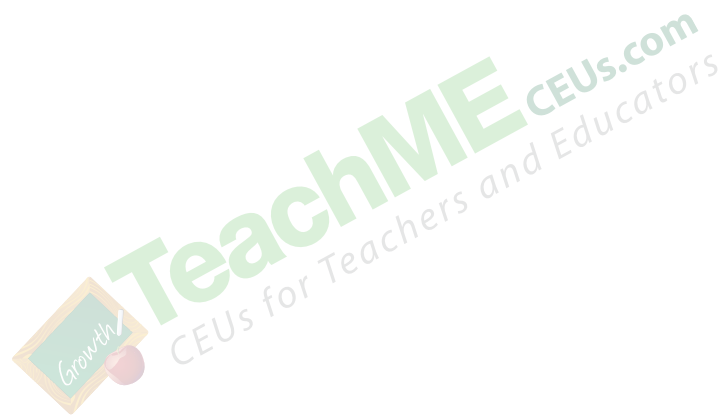


Ethics

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Introduction

If you're a school professional, your mission throughout your career will involve educating the next generation of young citizens to make the world of tomorrow a better place. To do that, you may spend much of your time performing educational activities, such as creating curricula, actively teaching, helping individual students with their studies, and grading papers.

All of that represents a vital part of being an effective educator. In order to be an ethical educator, you need to think more about the logistics of how you go about supporting your students. The National Education Association has stated that all educators must work to support the dignity and worth of the students they serve. Educators need to strive to ensure equal opportunities for all of their students. All educators need to work to make sure that their students' data, privacy, confidentiality, and other aspects of their young students' educational endeavors and personal life are protected at all times.

In this course, we will review the various ethical standards educators need to adhere to, review privacy and confidentiality standards and procedures for schools, discuss the need for equity in an ethical school environment, and otherwise work to understand what it means to be an ethical educator in today's academic environments.

Section 1: An Overview of Ethics for Educational Communities, Including Data, Equity, Student Rights, and More

According to Maslow's Hierarchy of Needs, students cannot learn properly unless they feel safe. While they're still in school, to a large extent, the responsibility for ensuring that safety falls squarely on the shoulders of their teachers.

That's a great deal of responsibility. Unfortunately, in the past, that burden has been neglected or abused. To provide families with confidence and to protect teachers from allegations of unethical behavior, educational authorities have created guidelines and standards to direct the ethical behavior of all educators.

These codes tend to focus on a singular first principle: The worth and dignity of the students that educators seek to serve. After all, the point of an educational career is to help students grow, keep them safe, and seek excellence all the while.

The National Education Association, or NEA, has created a Code of Ethics that can help educators accomplish their goals in a professional, ethical, and effective manner.

What are some highlights of the NEA Code of Ethics?

It's a good idea for all teachers to review the NEA Code of Ethics in full on a regular basis, just to ensure that they are up to date and cognizant of the very latest version of the guidelines. Major themes and current regulations follow (NEA, 2020).

The NEA Code of Ethics begins with a preamble discussing the common goals of educators. It also makes clear that 'educator' can be interpreted as a broad term that includes support professionals. The Code of Ethics then breaks down its guidelines for educator actions into two different principles. The first, Principle I, summarizes an educator's commitment to their student. The main points of this principle's related guidelines are as follows (NEA, 2020):

- Educators work to help all students realize that they're worthy members of society.
- Educators help students get excited about learning independently. They don't stand in the way of independent learning.
- Educators don't deny students their unique points of view, within reason.
- Educators do not suppress information that is relevant to the progress of their students.
- Educators protect their students, when at all possible, from situations that could be harmful.
- Educators do not intentionally disparage or embarrass their students.
- Educators do not deny benefits to, exclude, or give advantages to any student based on their sex, status, beliefs, race, color, background, or orientation.
- Educators do not take advantage of their professional relationships with their students for any reason.
- Educators do not disclose private information about their students unless the law or a compelling reason (e.g., student safety) compels them to do so.

Principle II of the NEA Code of Ethics concerns an educator's commitment to the profession of educating. The public trusts educators to seek the best for their students. The NEA has implemented the following guidelines to help educators do so effectively (NEA, 2020):

- Educators work to promote an environment at their schools that will attract good educators to work with them.
- Educators work to ensure that unqualified people do not become educators.
- Prospective educators do not make false statements or fail to disclose relevant information in applications.
- Educators don't assist non-educators attempting to become educators or teach in an unauthorized manner.
- Educators don't disclose information about their colleagues unless the law or a compelling reason (e.g., safety) compels them to do so.
- Educators do not make malicious statements about their colleagues.
- Educators do not accept anything that could look like a bribe.

This is not a comprehensive representation of the NEA Code of Ethics; rather, it is a representative sample of guidelines to show how seriously the educational field takes the ethical behavior of all involved (NEA, 2020).

The NEA Code of Ethics is far from the only collection of regulations that influences the everyday actions of educators. For example, FERPA, or the Family Educational Rights and Privacy Act, also governs the way that teachers need to think about student records and student rights (NEA, 2020).

What is FERPA?

FERPA, or the Family Educational Rights and Privacy Act, is a law that governs the disclosure and maintenance of any records that a school maintains. Specifically, FERPA governs the way that a school must maintain and/or disclose records that relate to any individual student. One of the main tenets of FERPA is simple: All students have the right to see their own school-maintained records. Conversely, other people cannot see those records without having the express permission and consent of the student they're

associated with (U.S. Department of Education, 2021). In some cases, for very young students, their legal guardians can provide permission and consent in their stead.

FERPA covers any record that a school can link to a specific student. That includes records that are associated with a unique student by name, student ID, or social security number. If a record is identifiable, it's likely under the auspices of FERPA. This will generally include any assignments, transcripts, and financial records. Notably, FERPA may or may not have overarching governance over some logistical or 'directory' information, such as a student's address and phone number. While schools must operate with a goal of keeping a student safe and therefore must exercise discretion over access to information that could impact a student's safety, such as their address, basic contact information may not be required to be confidential under FERPA (U.S. Department of Education, 2021).

FERPA applies to all matriculated student records. Educators and educational support staff who routinely work with and maintain student records need to ensure that utmost privacy is granted to all student records at all times. Depending on the rules at your school, educators and support staff may be able to share student records (or certain aspects of student records, perhaps de-identified) with other school employees as long as there is a good reason for doing so (U.S. Department of Education, 2021).

It's key to note that grades are a part of student records. Therefore, like all other student information that falls under FERPA's governance, grades must be kept private. Grades should not be disclosed to anyone without the express consent of the student. As a result, schools should not post grades publicly or set out graded papers with clearly-visible grades for students to pick up in a public location (U.S. Department of Education, 2021).

Under FERPA, students should have the right to view their own information. Educators and educational support staff should work to ensure that it's relatively simple and safe for students to see their own records. There should be a clear paperwork trail to keep a record of how and when students access their own information (U.S. Department of Education, 2021).

FERPA is not the only law that governs the ways educators and schools must maintain and share records. For example, there are also laws that govern how schools must maintain the confidentiality of health records. Student financial information is similarly protected under different laws (U.S. Department of Education, 2021).

Why do schools collect student data?

In many instances, it may be clear why schools collect some data—for example, to monitor student achievement over time, or to have emergency contact information in the event it is ever needed (Student Privacy Compass, 2021).

In other cases, it can be substantially less obvious why a school needs certain pieces of information. Next, we'll discuss the reasons why schools acquire and use student data. The purposes of this type of data collection may include (Student Privacy Compass, 2021):

- Improving the educational experiences of the student base—e.g., by allowing instructors to track the progress of their students and respond as may be deemed necessary.
- Protecting the safety and health of students at school (or enrolled in a remote study program), for example, by maintaining current medical information of all students as well as updated allergy info and contact numbers.
- Assisting the school with full administrative function—e.g., data that will help a school manage and report enrollment numbers, statistics, academic records, government-required reporting, and more.

Who uses the data that schools collect?

The short answer is—it depends on the situation. Once collected, any number of individuals working at a school could have reason to access student data in order to fulfill their job-related duties. Here is a quick rundown of the roles at a school that could require data access, and why that access might be necessary (Student Privacy Compass, 2021).

- Students might access their own data to track their achievements over time and set goals to help them progress towards their diplomas.
- Parents might access the data to follow their child's learning journey and to be a more knowledgeable member of the teacher-parent support team.
- Teachers can use various types of student data to understand how their students are learning, to create lesson plans that are geared to help students where they are, and to assess the outcomes of their current teaching strategies.

- Administrators may be able to use student data to learn more about how their programs are performing, to assess the types of resources and services they may need to think about pursuing, and to put together adequate reporting to ensure that their school remains compliant with all expectations.
- The Department of Education in your state may need to use student data to see how its districts and schools are able to meet the needs of the students in the area. As a result, your state may be able to make more informed funding choices, which can help your district thrive.
- The United States Department of Education ultimately receives and uses aggregate data of all students in the nation to help make informed decisions about funds and to provide updated, accurate information to the public about student performance.
- Educational companies that make academic resources and Edtech platforms may use student data to help serve students.
- Researchers use aggregate or de-identified data to help answer larger-scale questions about the way students are learning, typically in an effort to help make more informed decisions about the future of education.

Clearly, the many ways that data can be used can lead to a great deal of confusion, especially with the different roles that the people using the data can play.

Since this is the case, it's important to maintain data privacy whenever possible to protect students (Student Privacy Compass, 2021).

What are the key laws that schools need to follow surrounding student privacy protections?

We've already discussed the NEA Code of Ethics and FERPA. While these are certainly crucial in terms of governing educational rights and privacy (particularly FERPA), they are far from the only government regulations in effect. Here, we'll discuss additional sets of laws that seek to promote an equitable, ethical educational experience for all students (Student Privacy Compass, 2021).

PPRA - This regulation, the **Protection of Pupil Rights Amendment**, gives schools a series of restrictions that help educational institutions know when it's okay to ask students for their personal information (e.g., as part of a federally-funded evaluation or

survey). For example, because of PPRA, schools must receive parental consent and/or notification before their children can participate in school activities, including surveys, that could involve students submitting or sharing potentially sensitive data (Student Privacy Compass, 2021).

One frequent example that typically falls under PPRA involves health surveys. In order to help support students' mental, physical, and emotional health, schools may use surveys as a way to glean information about what students actually need. Schools might use these surveys to learn more about their students' behaviors and resources they may have access to (e.g., internet access, or food security) — again so that schools stand a better chance of helping students in a way that is truly beneficial. While there may be nothing more than the best of intentions behind these surveys, it's important to remember that these surveys can ask for very sensitive, potentially damaging, or embarrassing information. To stay in line with the PPRA, schools need to show parents surveys first and allow each family the chance to opt-in or opt-out of taking surveys (Student Privacy Compass, 2021).

COPPA - Another government regulation, the **Children's Online Privacy Protection Act**, regulates the type of information that non-educational (or, at least, not strictly educational) companies can collect from children. These companies include those that operate mobile applications, games, and websites, particularly those directed and marketed toward children under the age of 13 (Student Privacy Compass, 2021).

Under COPPA, these companies are required to have a privacy policy that is clearly written and accessible for their site (or app) users. These companies also need to obtain consent from parents before obtaining any information from young children and provide direct parental notice of children's use and activity. When the company offers an educational service, it may also be the case that teachers have the power to provide consent in lieu of parental figures, as long as the technology or media is only used for educational purposes (Student Privacy Compass, 2021).

This should provide some level of protection for students because educational companies operating in line with COPPA can only collect data from their users (or young students) for specific educational purposes, not commercial ends. Schools that use these types of programs typically have policies as well that require strict administrative approval before teachers can let their students use these services. In addition, these companies can only retain student data as long as it takes to fulfill the educational aim. After that purpose is achieved, the companies are expected to confidentially dispose of all retained student data (Student Privacy Compass, 2021).

IDEA - Many of the regulations that surround student rights do not speak to the unique obstacles experienced by individuals who are differently abled. The **Individuals with Disabilities Education Act** ensures that people who have special needs are still able to access a 'free appropriate public education' with the support that they require for success (Student Privacy Compass, 2021).

IDEA regulations also help determine who receives federal funding to fuel systems that support students with special needs. In order to be eligible for this federal funding, officials in each state must have a system in place where they can demonstrate completely protected confidentiality for all student data. Under IDEA, states and schools need to obtain parental consent to exchange and maintain student data. IDEA gives parents the right to access some of the child's records and promises each student an individualized education plan to keep all educators, parents, and administrators on the same page in terms of a specific student's plan of care (Student Privacy Compass, 2021).

What are some of the basic rights that students have at school?

Confidentiality and data privacy concerns are far from the only student rights that need protecting. In fact, even many educational professionals are unaware of the fact that student's rights are protected by the Constitution. As a result, these vital rights often go unacknowledged.

The ACLU has provided resources to assist schools in making sure that students' rights are secured. Students have specific rights that must be adhered to, and if parents or students feel that these rights are violated in any way, they have a right to step up and file a complaint. As educators, it's a good idea to be aware of these rights. That way, you can assess your school's systems to ensure that your school doesn't have any policies that necessarily violate these rights — and you can be prepared in the event that any parents or students file a complaint at your school (Tashman, 2017).

Student rights at school include (Tashman, 2017):

1. **Right to free speech:** Students should not receive any punishment for exercising their rights to free speech, as long as they do so in a way that does not violate other school policies (e.g., they don't harm another student while speaking freely). This is still the case if school administrators, instructors, or other students do not agree with the things that the speaking student is saying. Some schools threaten student free speech and even student privacy by requiring students to reveal their social media accounts and open their personal technology devices.

2. **Right to express themselves through clothing:** Many schools across the nation have established uniforms or dress codes. Having these expectations and norms is perfectly within the rights of the school, and students, if they wish to attend these schools, do need to comply with these established norms. However, when dress codes are used to target specific groups of people, punish those who exhibit clear ideologies through otherwise licit articles of clothing, or infringe upon the religious rights of a student, this practice is significantly less acceptable. When reviewing and enforcing your school's dress code, it's definitely a best practice to make sure that any dress code citations are actually about clothing items that detract from the school environment or disrupt school activities. Citations should not be used to chastise marginalized groups.
3. **The rights of immigrants:** Discrimination against any students due to their national origin, race, or color should be expressly prohibited. No students should be penalized for any lack of or limited English proficiency; instead, schools must provide them with both the same level of opportunities as their peers and added support in the form of language instruction.
4. **The rights of the differently-abled:** Federal law prohibits public schools from practicing any type of discriminatory acts against people with special needs. Instead, schools must provide equal access to health services, school technologies, field trips, academic courses, and extracurricular activities. Discrimination can be insidiously hard to detect, unfortunately. Whenever educational professionals refuse to provide medical accommodations, ignore harassment, or even fail to train their staff on disability compliance, they discriminate. In addition, schools must work to defend students with special needs from biased treatment and bullying from other students.
5. **The rights of LGBTQ+ students:** Students who identify as LGBTQ+ are often the target of intense bullying. In the past, schools that did not understand their plight may have all too frequently encouraged this behavior or turned a blind eye. Schools have a duty to provide a safe environment to their students regardless of their identity or orientation; and, moreover, students have a right to express themselves at school, as long as they do so without violating other policies or norms (e.g., harming another student).
6. **The rights of pregnant students:** While schools have a responsibility not to exclude students who are pregnant (or students who have children) from their academic community, this practice is still common. Since 1972, when Title IX was

passed, schools have been prohibited from this type of discrimination. However, schools can often accomplish this very subtly (and even subconsciously) by assigning impossible-to-complete classwork, failing to provide necessary support, refusing to provide accommodations, or even recommending unearned disciplinary sanctions (sometimes under the guise of providing safety). It's important to remember that this constitutes denying a young mother her right to an education. Public schools need to work to ensure pregnant students feel safe, have the opportunity to make up any classes they miss due to doctor appointments or temporary medical conditions and enjoy the ability to make their own choices about the pregnancy itself without judgment or ramification from the school.

Schools must also remember that (particularly in the case of pregnant, LGBTQ+, and differently-abled students) some types of biased treatment could constitute violations of a student's privacy. Schools need to take special care with this, both to provide their students with the best treatment possible and to avoid any behavior that could leave them open to legal action (Tashman, 2017).

Finally, in addition to protecting student rights and student data, ethical educators will likely be striving for some form of equity. We'll delve into what this means in the final question of this section.

What does equal opportunity in schools mean? As ethical educators, should we be striving for equal opportunity, equity, or equal outcome?

Part of being an ethical educator includes making sure that we don't deny students educational benefits based on their race, orientation, or other external attributes. A term that is very popular in K-12 education right now is 'equity.' In an effort to be more ethical educators (and school districts), many public schools are adding this term to their mission statements. What does this mean, though, when compared or contrasted with other similar-sounding terms?

The general idea is simple: That we strive to make sure that all students have equal opportunities for educational success, regardless of their race, ethnicity, socioeconomic background, or prior performance. Unfortunately, this term and associated ramifications can become problematic. While many schools may strive to make 'equity' an integral part of their mission statements, what they actually tend to prioritize in their student

performance outcomes is a sense of uniformity of academic results —regardless of where every student starts out from. This can place more pressure on students who may begin in a more disadvantaged place, instead of giving them the support they need to grow (Ingraham, 2021).

It is imperative that ethical academic communities work to identify students who may be struggling and give each group of students the resources and support necessary to realistically get everyone to the same place. It's key to realize that this may feel uncomfortable, as much of the equal opportunity messaging that we have been given has told us that we need to treat each student the same. With this updated understanding of what equity truly means, it may feel like we are treating some students with favoritism or bias. In reality, if we are educating equitably, this may just mean that we're giving students who need more help and support the larger amount of time and attention that they require. This redefinition of equity and related efforts spawns directly from the advances made in critical race theory, which theorizes that all disparities associated with race are the products of past or present discrimination. In order to work toward eradicating those disparities, we may need to act uncomfortably. One author put it succinctly: "The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination." In other words, it may take some inequity or advantage in favor of the underrepresented and those most in need, in order to move toward true equity (Ingraham, 2021).

Ultimately, as educators, we need to understand that administering equal opportunity in our schools will in and of itself not likely result in equal results, because not all of our students are beginning from the same place. Today, in order to be equitable and ethical educators, we need to maintain high expectations for all of our students, work hard to make sure that students from disadvantaged backgrounds, in minority groups, or students with special needs have the resources and support necessary to do just as well as their peers, and fully acknowledge the disparities that are present in our schools and in our culture. In the third section of this course, we'll take a look at some of the things educators can do to work toward a more truly equitable classroom (Ingraham, 2021).

Section 1 Reflection Questions

- What systems does your school have in place to ensure that you are compliant with FERPA, COPPA, and related laws?

- Do you feel that your school has created an environment in which student rights are maintained and celebrated?
- Do you know how your school maintains student data?
- Do you feel your school works toward equal opportunity or equitable educational access (or both)?

Section 1 Summary

As we work to be effective, ethical educators, we need to work to make sure our students feel safe. In order to help our schools increase the safety of our academic communities and to ensure that everyone truly feels safe, we need to work in line with several governmental regulations such as FERPA and COPPA, and the PPRA. However, we also need to go further and protect the rights our students should enjoy on school grounds, and establish truly equitable access to high-quality education for all of our students.

In the next section, we'll discuss the different ways that schools can manage confidentiality concerns and specific privacy protections regarding their students' data.

Section 2: Confidentiality Concerns and Privacy Protocols for 21st-Century Schools

As educators, we have immediate access to very personal data for our students. In this section, we'll discuss how to ethically manage, access, and disclose student information and data to promote protections for those in our care.

What is data privacy?

Data privacy is a complex concept. The term 'privacy' can even mean a myriad of different things. To some people, it means being able to close a door on a private space; to others, it means living free of any type of surveillance (Student Privacy Compass, 2021).

Since the concept of privacy is relatively vague and ambiguous, it's probably a good idea to provide a few comments on common conceptions regarding data privacy. For example (Student Privacy Compass, 2021):

1. **Data privacy is recognized as a fundamental right.** From the United States Constitution to the United Nations Declaration of Human Rights, over eighty countries around the world recognize that people have a right to privacy (including data privacy).
2. **Data privacy ultimately includes control by individual persons over how their personal information will flow from them to another**—or, in other words, how data is shared from one person to another.
3. **Data privacy can be subjective.** All people have their own data, and they will all have their own unique take on privacy and expectations for how their data will be used and shared. One person might be excited to share as much data as possible for efficiency and transparency's sake; another may find the exact same practices invasive. Many people will wish to share data differently depending on the specific type of data or the people who will be on the receiving end.
4. **Data privacy requires context.** Individuals will decide whether or not to share their data based on what feels normal to them given the specific context. This could differ wildly depending on whether the data in question is academic, personal, or any other type of data.

The concept of data privacy has increasingly evolved due to the modern ubiquity of digital technology. Many people may feel, now, that privacy is a thing of the past. Whether this is the case for some forms of data (such as smartphone or social media use) or not, the need to protect personal and academic student data will continue to be a need regardless of the time or environment (Student Privacy Compass, 2021).

In many cases, the ability to access and leverage user data can be spoken of as power over the user himself or herself. In order to avoid undue power or unwanted control, data sharing and privacy protections have been put into place by most governments and many organizations. This promotes fairness and transparency while still allowing for people to feel secure regarding the data they are sharing (Student Privacy Compass, 2021).

What types of information constitute confidential student data?

Any student information that a school collects or uses is generally termed student data. Traditionally, this term referred to information that a school collected on campus. Now, with the advent of increased online learning and remote learning educational paradigms, student data can refer to a much wider amount of information—including, a little controversially, information entered on student devices while a student is at home (Student Privacy Compass, 2021).

Some relevant examples of student data may include:

- The student's name
- The student's age
- Demographic data such as race, socioeconomic status, and ethnicity
- Academic information such as test scores, grades, any disciplinary information, career, and college goals
- Any observational data a teacher may have recorded about a student's interests or behaviors
- A general log of your student's performance in school
- Any provided information about a student's living situation and lifestyle, including health needs, home internet access, transportation access, and more

As described above, there is a significant amount of information that could fall under the general umbrella of 'student data.' To better help with future distinctions about how schools can manage and share student data, it's now helpful to break down student data into a few different types (Student Privacy Compass, 2021).

These types include (Student Privacy Compass, 2021):

- **Personally Identifiable Information.** This type of information will include data that can directly identify the student it relates to. These types of identifiers can include a student's name, a social security number, or even indirect information that could help identify students such as their date of birth.
- **De-identified information.** This type of information, as its name may suggest, only contains student data that could not possibly identify a student. For

example, this might be the type of information you'd find in a large-scale anonymous student survey about general demographics or student achievement.

- **Aggregate Information.** This type of information is about a group of students. For example, this might be the type of information a school could anonymize and then send as part of a mandatory reporting package about the achievement of the student base as a whole.
- **Metadata.** This type of data describes other data—for example, a dataset that shows how well students did on their tests throughout the year could be accompanied by a meta dataset that indicates how much time a student spent on each test.

What are the potential limits of confidentiality?

While confidentiality of student data is extremely important, it's also key to be aware that it does have its limits. Often, we find the limits of confidentiality when we look into how student information could compromise the safety of the students themselves or others.

In order to provide a little more concrete guidance surrounding the limits of confidentiality for teachers, parents, and even students, we'll list some common limits to help you determine what might be the extent of confidentiality at your school. Your school should have this documented in the school's bylaws. Your school should also be following detailed state laws regarding confidentiality. As such, you may find that some of the listed limits to confidentiality may apply to your organization; others may not apply (The Center for Ethical Practice, 2020).

Some of these possible limits to confidentiality are (The Center for Ethical Practice, 2020):

- Access to student information by support or counseling colleagues—e.g., other counselors, or other people working in support of the student, people that may have similar job titles as the person who first collected the data
- Access to student information by administrative or other colleagues—e.g., people within your community that may have different job functions, but should still be working in concert with staff to support the student

- Access to student information by contractors or vendors at your school—e.g., people who do not specifically work at your school, but do have an approved supporting relationship. It's a good idea, in this case, to make sure that privacy and confidentiality protections are written into your contracts with these vendors. Parents may wish to see those contracts before feeling okay about these contractors or vendors having access to data about their students.
- Disclosing confidential information in the event that a student likely is a danger to self
- Disclosing confidential information in the event that a student is likely a danger to other people
- Disclosing information to parents about a minor

Some of these last disclosures may fall under local reporting laws, such as a duty-to-protect law or a situation in which you as a teacher or a colleague (such as a school counselor) has a duty-to-warn (The Center for Ethical Practice, 2020).

What are some common misunderstandings about student privacy and confidentiality?

Clearly, there is a significant amount of information to digest surrounding student confidentiality and privacy. This can feel overwhelming. Unfortunately, it can also lead to misunderstandings, which can, in turn, lead to more work than necessary for teachers and administrators or even worse, to poorly protected privacy for students and other members of our academic communities (Comegno, 2020).

When it comes to FERPA and HIPAA, it's key that teachers can understand the basic concepts so they can work within these regulations and guidelines to protect students from unlawful or even unsafe disclosure of their personal, academic, or health information (Comegno, 2020).

To help reduce staff stress and promote student safety, we'll next work to clarify five popular FERPA and HIPAA misconceptions. The first is very simple (Comegno, 2020):

1. **I have to make sure that I don't violate HIPAA at school.** False! Even though many of us may think of HIPAA when we think about privacy in general, HIPAA violations tend to occur elsewhere, and other laws are much more applicable on school campuses. This can feel like an odd distinction to make, particularly when

student planning and personal data may involve health information (e.g., developing IEPs for students with special needs, or implementing Section 504 plans). It's key to realize that this type of sensitive student data is indeed protected. However, it's not protected specifically under HIPAA. HIPAA stands for "Health Insurance Portability and Accountability Act," established in 1996. Under HIPAA, the use and disclosure of protected health information are mandated, and such regulations generally apply to healthcare providers and insurers. Your school's protected information will fall under more school-centric rules, even information collected by a school nurse or a school counselor. While it is a good idea for school officials to be aware of what HIPAA is, it is more likely that school mandates will fall under FERPA regulations.

2. **We need a signed release to call a doctor to learn more about a student's note.** If you're trying to learn more about a statement that a doctor has made in order to inform your IEP drafts or Section 504 plans, you may wonder if you're able to contact that doctor without violating FERPA regulations. Here, the answer is a little unsatisfying: It depends. Under FERPA, this information request may be okay because you are not sharing or disclosing information about your student. Instead, you're asking for information (or confirming information). The doctor can readily refuse to give that information. (Physicians may need to secure their own releases from the parents in this scenario, but that's not something you likely need to initiate).
3. **Parents should be able to access any school document that mentions their student.** This is not necessarily true. While the parents of your students may have access to most documents that concern their child, this access will not extend to every single file concerning their child's name or other identifying information that exists at your school. Any records that your school technically houses that are constantly kept in the sole possession of the record-maker may not be considered FERPA-protected education records. A good example of this is the private notes of counselors or teachers that they keep for their own information, without any intention of ever sharing them or making them accessible for other people. These documents may become FERPA-protected education records, however, if they are shared with colleagues after the fact, or if the record-maker puts them in a file or folder that is accessible to other members of the staff.
4. **Under FERPA, paraprofessionals and teacher aides can't see Section 504 and IEPs.** Since FERPA concerns the proper prohibition of undue disclosure of data

that identifies students without proper written consent, it could be easy to wonder whether colleagues who would likely benefit from this type of access could review relevant student records. FERPA doesn't require parental written consent in this context. As long as school officials have a legitimate educational interest, they may have the right to review certain student records. However, each part of that statement has terms that are not completely clear. Terms like 'school officials' and 'legitimate interests' are not defined by law. Your school, instead, should have policies or regulations that define these terms or the processes you need to follow in order to ensure that all members of a student's care team have the information they need without violating confidentiality. Moreover, that plan needs to be included in a regular stream of information that goes out to all parents, to ensure that everyone is kept notified of your policies and procedures.

5. **Student grades need to be confidential between students, too:** Under FERPA, no student should see another's grade. This depends on the grading procedures that are accepted and practiced at your school. Grades tend to fall under the umbrella of identifying information that receives protection under FERPA. In the past, the United States Supreme Court has ruled that students can score each other's tests (and even call out the grade) without violating FERPA. In this case, the Court decided that these grades weren't yet recorded in the educational record. As a result, if you tend to rely on peer grading in your classroom, know that it's likely licit from a legal standpoint. (You should check to see whether it's okay by your specific school's policies as well.) Once the teacher has a grade and it is entered into the education record, that grade becomes protected information. It can be shared with parental consent, which often occurs for situations like publication through an honor roll or sharing student records with another school. Without consent, that information needs to remain private.

What is the role of the school counselor when it comes to confidentiality?

While teachers themselves may oversee significant amounts of student data, school counselors may have access to the most sensitive student-shared information. The American School Counselor Association has outlined the various obligations that school counselors must recognize regarding confidentiality to the student and their obligation to disclose key data to the student's family or guardian. Here is an overview of the

relevant guidelines that school counselors must follow in order to respect student privacy while working toward their safety at all times (ASCA, 2018).

Under the American School Counselor Association's guidelines, all school counselors need to prioritize treating all students with dignity and respect. School counselors must do so at least in part by respecting the privacy of all students at their school, whether or not they seek counseling. Students who do enter into a counseling relationship with school staff must be able to expect and enjoy an atmosphere of confidence and trust, just as those who seek counseling services do (ASCA, 2018).

School counselors are bound by legal and ethical obligations to protect the information that a student shares as part of the counseling relationship. That protection is contained within the term 'confidentiality'. Confidentiality must be maintained, with the sole exception being that any time a student's confidentially-reported information could lead to harm (to that student or to another student), the counselor does have a greater responsibility to report or act upon that knowledge and to work to protect the students from harm (ASCA, 2018).

The definition of foreseeable and serious harm may differ from school to school. The degree of harm tends to depend upon how old a student is, and the settings they are in. It's important that school counselors inform their students in any situation where a school counselor might have to act upon or disclose confidential information (ASCA, 2018).

Confidentiality is a legal term. Another relevant legal term is 'privileged communication'. This term refers to information that a student shares with a school counselor within a counseling relationship. However, this privilege is only in place if granted by either a state or federal statute in your area. If communications between a counselor and student are privileged, this represents another layer of legal protections that may be able to be applied to confidential information (ASCA, 2018).

The American School Counselor Association has provided a more detailed summary regarding the role of school counseling professionals with respect to confidentiality. These guidelines are as follows (ASCA, 2018):

- School counselors must support students by upholding their right to privacy. This means that counselors must protect the confidential information their students tell them, as well as any information given to them by staff and the family of the student.

- They need to make sure that their students understand their right to privacy. Counselors should do this by explaining what confidentiality means (and establishing the limits of confidentiality) in terms that their students can understand, depending on the student's age. Counselors should repeat this information as necessary in order to ensure that the student is consistently aware of their rights.
- School counselors must obtain informed consent regarding the confidentiality of their counseling relationship.
- School counselors must be aware of the limits of confidentiality. The limits of confidentiality may include:
 - When the confiding students relay information that makes it clear that they are a danger to themselves or towards other people
 - When there is a court-backed reason for disclosing specified information
 - Conversations with other trained student support professionals, including the counselor's supervisors, colleagues, and other personnel who work to support student welfare
 - Any participation the student may have in group counseling
 - Any information that could indicate the student is in need of substance abuse treatment
- School counselors are expected to keep their personal notes distinct from the educational records of the student
- School counselors must seek legal advice (or speak with their supervisors and colleagues) if for any reason their confidential records are subpoenaed. They should also advocate that their students' identities remain anonymous if, for any reason, the confidential records need to be displayed.
- School counselors must work to provide the best (e.g., most private and sensitive) method of communicating sensitive student data (e.g., in person, or over the phone, instead of over email or text)
- School counselors should work to be aware at all times of the local security standards and the federal and state regulations regarding communicating and storing data

- School counselors must fight for a students' right to have ownership over their own data
- School counselors should act in line with the policies of their school board as well as the laws in their state regarding the use and sharing of student records, including health and academic information.

The relationship between a school counselor and their students requires an air of safety and confidence. In order to preserve this environment, students need to know what their rights are, what the limits of confidentiality are, and know that their counselor will be working to protect them at all times (ASCA, 2018).

What does data privacy for students look like?

It may be fair to wonder what student data needs to be private and what data privacy laws may look like for younger children. For schools, educators, and administrators, it may be helpful to consider a working definition of student data privacy:

Student data privacy involves the ethical, equitable, and responsible collection, sharing, use, and protection of data for students (Student Privacy Compass, 2021).

Why is this distinction and definition important? Unfortunately, there are many stories out there detailing just what can happen when personal data is compromised (e.g., identity or credit card theft) (Student Privacy Compass, 2021).

As many younger children may not have the experience necessary to know how important data safety is, it's important that organizations that work with and support younger children have privacy protections in place. The goal of a school's data privacy system, therefore, will likely mirror the goals of the entire school system—e.g., to support the students and keep them safe (Student Privacy Compass, 2021).

There exist misconceptions about student data privacy that are worth exploring. They are as follows (Student Privacy Compass, 2021):

- Student data privacy is not synonymous with preventing all people from learning anything about an individual student. The goal is not to enshroud each student in unnecessary levels of mystique—fundamentally making several different administrative and supportive processes for educators unnecessarily difficult. Rather, data privacy works to establish reliable conditions and routine processes for sharing personal information to trusted individuals.

- Student data privacy and school data security are not necessarily the same thing. The two concepts are closely related, but a perfectly secure data system could technically still violate a student's individual privacy.
- Student data privacy is far from just another routine to-do item that requires completion. Data privacy is an ongoing, vitally important priority that will be integral for ongoing data use. Misusing data or failing to protect it properly can put students and entire families at risk, so it's key to give data privacy its due.

Next, we'll discuss the risks and harms that your students could experience when protections are not in place, to add some perspective to this discussion of student data privacy.

What are the harms associated with poor levels of student data privacy?

When schools fail to properly protect their students' data from undue levels of access, the students (and their families, and the entire school) could be at risk. There are three levels of harm that could happen as a result. These categories are as follows (Student Privacy Compass, 2021):

- **Real harm to the student:** After a data leak or unsafe data access, the students involved may experience harm to their reputation, emotional, or even physical harm.
- **Legal consequences:** If the school officials do not protect their students' data well, they may face fines or lawsuits for their failure to comply with the relevant privacy regulations.
- **Public relations repercussions:** If there is a data leak or misuse of data at your school, you may be able to work quickly to avoid legal sanctions. However, if your community at large realizes that your school was operating in an irresponsible or unethical way, the reputation damage done to your school could potentially be permanent.

Since active, actual harm to your students is likely one of the highest priorities at your school, it's a good idea to be very aware of the distinct risks that your students face with irresponsible privacy protections. These include (Student Privacy Compass, 2021):

1. **Excess commercialization:** If companies or organizations get too much access to student data, they may start to target that student or students with similar demographics with excess advertisements. While on some level this may seem innocuous, it can lead to adverse mental health situations.
2. **Concerns about equal access:** In any given community, some students will have significant access to internet-enabled devices. Others will have significantly less access. Since a great deal of data input and privacy violations tend to happen through internet-enabled devices, this lack of equity in access can result in further implications regarding which children become the victims of data privacy issues.
3. **Social harm:** Perhaps one of the clearest risks associated with poor data privacy protections is that a student could stand the risk of revealing too-personal, too-sensitive information. If some types of information are leaked to the wrong audiences, the result could include cyberbullying and stigmatization.
4. **Undue surveillance:** This risk is one that many parents are worried about, perhaps for good reason. In some cases, a lack of basic privacy protection can result in over-collection and over-monitoring of student data. If students are aware of this, they may lose their interest in learning, or feel like they can't be adventurous while they're online.
5. **Records of unhelpful permanence:** The length of time that institutions retain records of student events—in particular, the mistakes that students may make—can harm the future chances of success that students can enjoy.
6. **Opportunity loss:** Overly-transparent student data can help administrations make decisions that could reduce access for specific groups of students. This could in turn result in reduced opportunities for that group of students.
7. **Access to inappropriate content:** Without proper data protections, students may find that they're able to access content online that isn't appropriate for their viewing.
8. **Physical safety:** Finally, if some groups of people are allowed access to very specific personal data of the students—e.g., their allergy and health information, or even their personal home or email addresses—they could misuse or leverage that data inappropriately, resulting in possible physical harm to that child.

Why is it important to maintain student privacy to ensure higher data equity?

In order to be as responsible as possible with our data use, it's key to go further than merely being compliant with the laws and regulations in our area. Instead, we must prioritize the creation and maintenance of privacy policies that are geared to ensure a high-quality, ethical, and equitable educational experience for all of our students (Student Privacy Compass, 2021).

If a privacy policy is to be truly equitable, it needs to minimize the risk and harm done to students who belong to traditionally marginalized groups. Data ethics is slightly different. Here's a working definition:

Data ethics concerns the way that stakeholders use, govern, and protect data to minimize the risk and harm to students. Examples of the ways that data can be used ethically include the creation of policies that guide data governance and the creation and maintenance of practices surrounding data collection, retention, access, purpose, and use. An ethical data policy will include information surrounding inappropriate and appropriate data use to make the standards clear for everyone (Student Privacy Compass, 2021).

Data ethics must come first; only after ethical data practices are established can we work toward data equity. Data equity focuses on the use of data—from individual to aggregate sets—to help understand and then remove systemic barriers to the success of our students (again, particularly marginalized groups).

Practices that point toward equitable data use include auditing data regularly, as well as our data practices and data systems themselves, and locating and making plans to reverse any existing discrimination or bias. Some common forms of bias and discrimination that this auditing can find would be unequal forms of surveillance and unequal forms of discipline (Student Privacy Compass, 2021).

A school system working toward full data equity will prioritize including the student and the family in its decisions regarding data use. This must include regular, transparent communication regarding the students' needs, what they're experiencing, and information about the students' right to their own data (Student Privacy Compass, 2021).

One of the reasons that it's key to work beyond minimal compliance to privacy protection standards is simple: It's possible for a practice to be technically in line with

FERPA's regulations, but it may be unethical or inequitable in some other way. For example, wholly legal privacy protection standards could still allow schools to (Student Privacy Compass, 2021):

- Draw unfounded or inappropriate conclusions about their students
- Make key inferences that fuel policy decisions that are based on biased data
- Rely on logical fallacies in order to make apparently reasoned decisions
- Cherry-pick the data in order to present an analysis in line with a predetermined story
- Exhibit confirmation bias

These, among other poor practices related to data use, can lead to real harm for marginalized populations (or any group of students). In order to minimize that harm, therefore, we need to pursue a system that is both legal, ethical, and equitable (Student Privacy Compass, 2021).

What would a culture that fully celebrates privacy look like?

If all we needed to do to fully protect student data was get school leaders and district administrators on board, we wouldn't have an issue. Unfortunately, we need to go further. Everybody who has a stake in the quality of our educational processes—community members, students, parents, investors, instructors, and administrators—will need to work in a specific way to protect and responsibly use student data. All of these entities need to work together to establish and maintain a culture of privacy. In a culture of privacy, all involved parties know that data needs to be protected and are willing to put in the work to achieve that goal (Student Privacy Compass, 2021).

Doing this is not immediate or easy. A privacy-centric culture requires legal support, well-maintained data systems, professionals who know how to vet and onboard new management and Edtech tools, and consistent training of all members of an academic community (Student Privacy Compass, 2021).

The roles that individuals may have in their communities and what practices they may be able to perform in order to establish well-protected student data vary, and may include the following (Student Privacy Compass, 2021):

- **Leaders of schools and districts** can work toward analyzing, researching, and writing robust privacy policies that detail expected practices and procedures. Then, leaders can prioritize proper training of all educators and staff. Finally, school leaders can facilitate consistent, effective, and open two-way communication with all members of an academic community.
- **Educators** can focus on professional development that centers on student data privacy, as they're enabled and given the room and resources to do so by their school leaders. They can then work to share key information with families and students about student data collection. Finally, educators can work to make sure that they select programs and tools that are well-vetted and set up to provide protection for their students.
- **Parents and caretakers** can dedicate their time toward learning the laws that will protect their students' data, and work to make sure that they understand their own parental rights as partners on their children's educational journey. With this, they'll be more empowered to protect their children from harm. As informed members of their academic community, they can then advocate for better privacy systems and training. Finally, they can speak frankly with their children about good data practices, so that students themselves feel empowered to act in a responsible and safe manner online.
- **Students** themselves can focus on learning good digital literacy skills, manage their identity and time online with care, and educate themselves (perhaps in partnership with their parents or instructors) on their own school's privacy programs and local regulations. This way, they'll be able to work to keep themselves safe and be on the alert for any possible dangerous data practices occurring in their schools.

In our discussions regarding school equity, we've concentrated on the ways educators can equitably serve students from poor socio-economic backgrounds or from minority groups that are often the target of discrimination (Student Privacy Compass, 2021).

In this final part of the second section of this course, we're going to discuss a few of the ways that educators can work to support students with special needs as they pursue a high-quality education.

What rights do students with disabilities have at school?

The short answer is simple: All of the rights that their more traditionally-abled peers have, along with some additional supports to help ensure that their educational access and experiences are equitable.

Since there are so many different ways in which a student with special needs could require support, the related laws are numerous and can be extremely difficult to understand. To help clear up some of the confusion, we'll review some of the major laws, associated guidelines, and ways schools can implement them strategically in this section (ADA National Network, 2018).

In the United States, there are three primary laws that oversee the rights of students who have special needs and are enrolled in public schools. These are:

- The Individuals with Disabilities Education Act (IDEA)
- Section 504 of the Rehabilitation Act
- Title II of the Americans with Disabilities Act (ADA)

As discussed above, IDEA was created to ensure a free and appropriate education for those with special needs. This act, along with Section 504 and Title II of the ADA were passed at distinctly different times in history, so they tend to address the issues that were most glaringly prevalent at the time. The ADA is the most recent of these laws; it was passed in 1990. As with the other regulations, it is critical to stay abreast of the necessity for ADA compliance (ADA National Network, 2018).

Although these three laws have similar goals, since they were not necessarily laid out at the same time with the same plan, they can be confusing to uphold or examine in practice. Here, we will examine how these laws are different, so you can be an advocate for parents and students who may need help understanding them or can make choices based on how your school is going to implement them (ADA National Network, 2018).

What does each of the primary laws protecting student disability rights cover?

Each of the above laws - the ADA, Section 504, IDEA - work to address a different part of the educational experience of a student living with a disability.

The ADA, as the most recently-established law, is perhaps the broadest. Under the ADA, all individuals who have disabilities in the United States are assured of basic civil rights protections. This law covers education, but also many other aspects of life (including, for example, the right to different options for viewing a website or watching a movie with subtitles). Title II of the ADA speaks more directly to the student experience at public schools. Under ADA's Title II, public schools cannot discriminate against students with disabilities (ADA National Network, 2018).

Under Section 504, all people who live with disabilities who enjoy the support of a program that receives federal funding (such as a public school) should be assured of basic civil rights protections. There are some areas of overlap between the ADA and Section 504, as we'll touch on next. For now, remember that neither Section 504 nor the ADA is a law that provides funding; rather, they simply enforce the necessity for nondiscrimination (ADA National Network, 2018).

IDEA is a little different. Under IDEA, eligible students with disabilities must have access to a free appropriate public education (or FAPE), and that education must occur in the least restrictive environment (or LRE) possible. These two acronyms represent legal terms with strict definitions. Unlike the other two laws, IDEA does provide schools with federal funding to support students eligible under IDEA (ADA National Network, 2018).

A little confusingly—perhaps due to the different times these laws were established—these laws contain different definitions of disability, varying requirements, different coverage, and some areas of overlap. The coverage for each is as follows (ADA National Network, 2018):

- **ADA** covers a wide range of settings, both private and public, for all individuals with ADA-defined disabilities.
- **IDEA** covers individuals with IDEA-defined disabilities in school. "School" here is a general term that covers academic experiences from preschool through postsecondary education, as well as health, employment, welfare, and social settings and functions that rely on federal funding.
- **Section 504** covers children with defined disabilities from their birth through graduation or age twenty-one. Section 504 may include some early intervention services available in some cases.

How do these disability laws define disabilities?

As the above summary of coverage under disability laws indicates, the legal definition of a disability is extremely important for determining the level of support mandated in a specific student's situation (ADA National Network, 2018).

To make things a little less complicated, both the ADA and Section 504 work with the same relatively broad definition of disabilities. IDEA makes things a little more limited. Here's where these definitions lie (ADA National Network, 2018):

- The **ADA** and **Section 504** define a person with a disability as "A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment."
- **IDEA's** definition is a little more concrete, describing their target demographic as: "A child with specific disabilities who, by reason thereof, needs specially-designed instruction and related services." IDEA goes on to list out those specific disabilities, from autism to orthopedic impairments to traumatic brain injuries (ADA National Network, 2018).

How do schools determine eligibility under the various United States disability laws?

The above definitions help determine whether a specific individual is eligible to receive benefits or support under a law or not, and where the funding to fuel that support will come from.

This makes determining initial eligibility a little more straightforward than one might expect: To receive protections under the ADA, Section 504, or IDEA, a person needs to meet the definition of disability under that law. This may mean that the individual needs to work with a medical or behavioral health professional to obtain an official diagnosis. Since the definitions for disability under the various laws are a little different, it's also possible for a student to receive support and coverage under the ADA and Section 504 (the non-discrimination laws), but not necessarily IDEA (the specially-designed instruction law). For example, if students have diabetes and require certain medications or specific dietary support, but tend to perform well in school without additional aid or modifications, they might be protected from discrimination under the ADA and Section 504, but they may not require or qualify for additional academic accommodations.

However, a student who has dyslexia and may not be able to keep up easily at school could qualify for coverage under all three laws (ADA National Network, 2018).

What is an IEP?

As an educator, you may already be familiar with one of the methods of support that qualifying students receive under IDEA. This is the individualized education program or the IEP. Qualifying students receive a specific, written document that identifies the services a student will require and will receive. This plan will be developed as a collaboration between school staff and parents.

Alternatively, students receiving non-discriminatory support under the ADA and Section 504 may not receive a specific, documented action plan. Sometimes, under Section 504, students may receive a written plan describing the services provided, but this is a best practice and not necessarily a mandated deliverable requirement (ADA National Network, 2018).

What is meant by the least restrictive environment?

Under IDEA, qualifying students with disabilities have the right to an education that occurs within the least restrictive environment. This means that the setting of the received education is very important. Children who live with disabilities must receive education alongside their peers without disabilities if at all possible. They must receive the supplemental services and aids that will allow them to accomplish this least restriction goal. In the past, there has been a presumed idea that children with disabilities should all be educated together, separate from their peers without disabilities. This is not the case. Instead, it is vastly preferable that children with disabilities should only be removed from the classroom environment when this is absolutely essential for meeting their needs (ADA National Network, 2018).

Section 504 and the ADA's Title II also make it clear that educating students with disabilities in the same classroom setting as their peers without disabilities is preferable. This is, generally speaking, what is meant by the least restrictive environment (ADA National Network, 2018).

Section 2 Reflection Questions

- Do you feel that your school has a good system for supporting students with disabilities?
- Does your school prioritize student data privacy protections?
- Do you feel that you have a working understanding of the limits of confidentiality?
- What types of data do you collect and work with in your classroom? What do you think would happen if someone with malicious intent could access that data?

Section 2 Summary

Supporting our students in the most ethical way possible often involves ensuring that we protect their rights, their data, and their privacy. This involves identifying the information we have about our students' lives that is most sensitive and maintaining systems that are geared toward protecting that information at all costs.

For students with disabilities, this may include health information. In order to maintain a truly equitable environment, it's key that our schools know how to support students who may require more help than others. Having a working knowledge of the regulations surrounding students with disabilities can help educators work toward that aim.

In the third and final section of this course, we'll discuss some practices that educators and school professionals can implement to work toward an atmosphere of privacy and protection for students.

Section 3: Best Practices for a More Safe and Equitable School

In this course, we've discussed the necessity of good data privacy standards, the need for confidentiality, and the need for an updated understanding of equity and equal educational access. In this final section, we'll discuss some best practices and specific actions that educators can take to promote ethical standards at their schools.

We'll start with methods for promoting privacy protections for your students' safety.

What are the data privacy policies that my school and district should absolutely have in place?

In addition to federal and state-level policies, it's key (and essential for ethical practices) that your school has its own methods for ensuring and protecting student privacy. Your policies need to provide key management information to educators and administrators; you also need to include specific standard operating procedures for classroom practices and regular communication. You should make sure that your school has specific policies (or sections/language within policies) that speak to the following subjects (Student Privacy Compass, 2021):

- Vetting and Adopting EdTech Systems or Platforms
- Posting and Sharing Student Work
- Personal Social Media Use and District/School Social Media Use
- School Directory Data and Information
- Obtaining, Managing, and Sharing Videos and Photos of Students
- SOPs for Virtual Learning and Video Classrooms
- Communication with Students and Parents
- Destruction of Data
- Requests for Information from Parents
- Sharing Student Data with Community Organizations
- Handling a Breach of Data
- Sharing Student Data with Researchers

We should note that your school should not only have these policies in place but should also share these policies with the academic community regularly or at least have them freely accessible for all those who wish to reference them (Student Privacy Compass, 2021).

What are common parental concerns regarding student privacy and confidentiality?

As your students' teacher, you'll be one of the first lines of defense protecting their confidentiality and privacy. You'll also be one of the primary resources that your student's parents have to understand confidentiality and privacy concerns, which means that you may receive a lot of requests and questions regarding privacy that you will have to know how to support.

Here, we'll list out some of the most common parental concerns regarding student confidentiality and privacy that you could encounter (Kiesecker, 2020).

1. **Parents may ask to opt their students out of directory information.** The type of information that goes into a school's directory can vary from district to district and even institution to institution, but it typically involves a decent amount of student identifying and contact information—ranging from a student's first name and grade level to full name and email address. Information classified as 'directory information' may be able to be shared about students with third parties. This may be done without student or parental consent. In order to avoid this happening, many parents will opt their students out of directory information. Under FERPA, schools must notify parents of their right to opt their students' information out of the directory at the beginning of the school year. This may matter to many parents, because, under the regulations of the United States Department of Education, information included in your school's directory can include:
 1. Your students' name
 2. Their address
 3. Their home telephone number
 4. Their email address
 5. Information about where and when they were born
 6. What they plan on studying
 7. A photograph of your student
 8. Attendance data

9. The types of sports and activities they participate in
 10. Student ID numbers.
-
2. **Parents may express concern about the amount of screen time their children are subjected to.** Particularly in the remote school era post-pandemic, many schools may be operating with several hours of Zoom (or other) meetings all day, every single day. As a result, both students and parents might be worried both about the effect screen time is having on the students and any privacy issues that may arise from so much internet exposure. If your school uses Zoom (or Google Meet, or Skype, or another similar platform), it's key that your students are aware of what is in their backgrounds. You may get requests from parents who want their children to use a virtual background, or even turn off their camera in order to protect their privacy and their family's privacy. You'll have to make choices and responses that are in line with your school's policy, but at the very least you'll need to make sure that your students are aware that their backgrounds and video feeds can be seen at all times when the camera is on. Including a short tutorial at the beginning of the year on how to use virtual background software, on what is or is not appropriate as a Zoom background, or on how much camera feed access your school needs can help parents and students understand what is expected. Note that FERPA does not prohibit any parent from observing their students in the classroom environment, which means that parents may be able to sit in on Zoom calls.
 3. **Aside from the specific privacy concerns possibly associated with screen time, parents may ask you to maximize all opportunities for hands-on learning even if you are educating remotely.** Managing the amount of screen time that your students are exposed to is the subject of another course entirely, but it could be mentioned in the context of familial privacy concerns. Again, making the expectations for how your remote educational plans will work very clear at the beginning of the year may help, as will any strategies you have for helping students take occasional breaks from screen time during the day.
 4. **Parents may ask you detailed questions about the types of apps or learning and communication platforms that you are using at school, as well as the potential confidentiality and privacy concerns that may go along with these apps.** In particular, parents may ask if you or your school district has screened these apps to ensure that their children are protected at all times, or whether a specific app is in line with your state's privacy laws. Some parents may go so far as to see the

terms of service associated with specific educational apps, or a list of the specific data that your apps of choice will be using that pertain to their child. Other parents will be interested in whether your school allows vendors to show ads to students. This is legal in some states and prohibited in others. Firstly, you'll have to make sure that your school has a process in place for vetting all apps that you want to use in an educational manner. It'll be the best bet to stick with using online tools or apps that are completely FERPA compliant. Under United States Department of Education guidance, you can only require a student to use a tool or app if it doesn't violate FERPA.

5. **Parents may ask to see the data that exists in their child's current educational record.** Under FERPA, this is their parental right. Your school may have policies regarding the frequency of parental access or the type of sensitive information (e.g., privileged information) that is available for access, but, generally speaking, guardians and parents of students should have access to most student data. Parents also have the right to provide updates to correct any information that could be considered inaccurate within their student's educational records.
6. **Parents may have concerns about your school's recommended practices for entering student information or data when making any necessary accounts on Edtech applications.** Whether you (or another staff member) makes an account on the behalf of a student in your classroom or you guide students through the account creation process, it may be a best practice to recommend that your students only enter in a minimal amount of their own personal data when creating any accounts. Parents may ask you if their children can use anonymous credentials — e.g., usernames that are not associated with their name, email, or student ID.
7. **Parents may ask you about the amount of time that you require students to be signed in to their school account during school hours.** For example, if they are simply completing online research or activities related to school projects, do they need to be logged in? Or if students are engaging in non-school activities, do they need to be signed into their school accounts? Do you have regular practices in your remote classroom for making sure that your students are logged out of their accounts at the end of the school day or week? Parents may also ask about their right to clear their students' cookies, or about using privacy-friendly browsers or browser extensions that remove ads from their children's web experience or

don't allow trackers to follow them online. Make sure that you are aware of your school's policies in this case.

8. **Your parents may ask about the necessity of location-tracking applications or software present in your students' devices, particularly if your students are using Chromebooks or other school-issued devices.** You may field requests from parents regarding their ability to turn off location tracking for their student's applications or devices. Again, research your school's policies, make sure that you give answers that are in line with what your school requires or recommends, and be clear about these policies from the beginning.
9. **If your school relies on any of the GSuite for Education applications (such as Google Docs, Google Classroom, or even Gmail), then parents may approach you to ask whether your student's associated accounts and internet activities (such as their YouTube watch history, or the terms they search on Google) are visible by the school.** Depending on your school's specific policies, you may be able to help your students (or their parents) turn off location tracking and sharing of their associated non-school internet activities. You may also be able to recommend the use of privacy-friendly Internet applications, such as search engines that don't necessarily use data from searches.
10. **Parents may ask about the data associated with standardized tests.** When your students sign up for standardized tests, your school shouldn't require or instruct them to fill out the associated surveys and questionnaires. Instead, students should only complete the required information. Your school may consider including a note to applicable students that opting out of these questionnaires and surveys if present will not affect their scores.
11. **Parents may ask about the logistics and ethics of remote proctoring technology.** It's important to realize that some of the paradigms that are being used in remote education can border on surveillance. For example, remote proctoring technology, particularly those involving AI, can seem unfamiliar and scary to parents and students alike. Review your school's policy to see whether it's necessary to use these types of technology and whether your students and their parents will be able to opt-out of this process and pursue an alternative if desired.

How can I teach my young students about privacy and consent?

To students young and old, the concept of data privacy and its importance for safety can be hard to grasp. For younger children especially, devices and the Internet may have only been an unmitigated source of entertainment. Their own data, insofar as medical histories and grade reports go, maybe something they don't really think about at all.

However, in order to make sure that you're able to obtain informed consent and set your students up to make a lifetime of smart confidentiality choices, it's best to make sure that you're painting an accurate portrait of privacy for your students from a young age. Here are some of the best tips we've found for teaching young students about consent and privacy (Miller, 2021).

1. **Give your students a good set of online privacy habits.** Many students need rules to understand what they need to do, particularly when it's something that feels relatively vague and unthreatening, or at least remote (like a data breach or an unsafe Internet privacy event). If you have younger students, it may help to simply set forth a set of good privacy rules and explain them in a very straightforward manner at the beginning of the year. This may involve guidelines from the way kids should interact with websites that require login information to specific security parameters on the educational apps you use. From an early age, you should also empower your students to question anything that seems odd to them, either online or in practice (e.g., if they feel unsafe online, or if someone asks them a question in real life that they don't want to answer). Establish that you're a knowledgeable, safe resource for helping deal with these situations.
2. **Help your students realize what's worth sharing.** In current times, children are always going to be exposed to potential opportunities to share a great deal of their personal information. Every time they join a social network or even purchase a game, children are asked questions and are even given incentives to input their personal data in exchange for some nominal benefit. Teach your students about the importance of protecting their personal data. Tell them that there are only certain situations in which they should divulge important information, and give your students alternative options (e.g., an email address just for gaming, etc) that they can use to do the things they want in a safer, more private manner.
3. **Help your students use good password protections.** Children can often use passwords that are overly simple, and they may use that password for more

accounts than, perhaps, is safe. Help your students come up with creative methods for generating their own passwords (don't let them tell you their options!). Encourage students to have passwords on all their devices (laptops, phones, tablets) as well.

4. **Teach your students how to use social media safely.** While social media can be wonderful for quick communication, particularly in a remote education era, there can be many dangers associated with being overly vulnerable on these apps. Help your students realize what's safe to share and what may be oversharing. Make it clear that your students can come to you, a parent, or a trusted school counselor in the event that they experience anything that makes them uncomfortable online. Remind your students, too, that as strange as it may feel to imagine, not everything that they say through their messaging apps and related services is really private.
5. **Educate your students about the power of clickbait.** Unfortunately, your students do need to be aware that there are people on the internet who will take their data and use it against them. One of the ways that these people can obtain your students' data is if they click on shady-seeming sites; which, to a young student, might just seem like an especially attractive piece of fun information. Make sure that your students are aware of what could happen in the event of a data breach, and empower them to walk away from stranger solicitations and clickbait on the internet.
6. **Tell your students about the importance of keeping some details secret from most people.** The concepts of privacy and confidentiality can be difficult for young students to understand; they may have been used to being fairly open about what's happening to them with their family and close friends. Your students will need to know that their grades, health data, login information, and other private and important pieces of information need to be kept private or shared with very specific people (e.g., parents).
7. **Become a good role model for privacy and confidentiality yourself!** In order for your young students to learn good data management practices, they'll need to see someone else doing it well. Don't ask your students potentially privacy-violating questions, don't overshare with them, and don't have any personal social media accounts that your students can easily find. If you exhibit practices that make it clear that you value data privacy, it'll make it easier for your students to emulate these routines. One specific example that may make a difference in

your classroom may occur when you ask your students to download a new app or tool for academic use. As you walk them through the setup steps, talk about what you and your team have already done to validate the app, what types of security questions to use (and not to use), and why you feel that this is a safe app to use. Later, when students start downloading their own media and navigating the internet on their own, they'll have an idea of the types of practices they should be implementing before they simply download software or start answering security questions.

What are some specific practices I can implement to safeguard school records and protect confidential student information?

Especially with younger children, you're going to need to have some practices in place to help protect their data. As you help educate and empower your students to protect their own information, you should also establish ways to safeguard their data from your end. As their teacher, they trust you to help protect them; and, as a member of the staff at your school, you will be required to have access to much of their sensitive information. Your informational access may go far further than mere academic information about your student, after all; you may have access to significant knowledge about your students' families, interests, personal health, and more.

As an educational professional, you are required to work under an array of regulations, laws, and ethical obligations that make it clear that you need to avoid disclosing sensitive information and protect your students as much as possible. Your school may have already provided considerable training to make this easier to facilitate on your end. Here, we're simply going to emphasize five simple practices that you may be able to incorporate into your routine to keep you and your students protected as you use their information to support them in a licit way (Chapple, 2019).

1. **Minimize the amount of data you're collecting from your students in the first place.** This may seem obvious, but it's one of the best ways that you as a school can help reduce the amount of vulnerability your students and their families experience. In the privacy protection industry, this is known as 'minimization,' and it's well-known as a simple yet effective step that can reduce the risk of the malicious or unintentional disclosure of protected information. (After all, if schools simply don't have sensitive data, there's no way that they can even accidentally lose all control of that sensitive information.) Your school may need

to reconsider the data that it's been collecting for years. For example, while many schools collect social security numbers, there may not really be any good reason for schools to do this. The United States Department of Education even makes clear that parents don't need to disclose social security numbers with officials at their children's schools. As social security numbers constitute very sensitive information that could cause consequential harm in the wrong hands, it may not make sense to allow even accidental access to this information by school staff. If your school routinely collects seemingly very sensitive information without a very clear purpose and associated stringent security practices, you may consider reviewing these data collection practices.

2. **Routinely get rid of any student records that are no longer necessary.** In the same vein as the previous point, your school should really work to ensure that it's not maintaining records that aren't useful for its immediate needs. To the extent that you keep historical records as may be helpful for reference for previous students, you should remove any sensitive data from these records so they are just for informational purposes. If you're able to purge old records, you will be able to lower the number of families that are associated with a potential data breach. In your school's data management policies, you should set a standard length of time for your record retention. For different categories of student records, you need to make it very clear what types of information are retained for a specific amount of time. For example, your school may decide that some information is worth keeping permanently (e.g., the types of course-level grades that could help your school issue transcripts for students even years after the fact). You might decide that student personal data files need to be removed shortly after the student graduates, and disciplinary data can be removed on a yearly basis (or something similar). Very personal data that's required for very specific purposes — e.g., residential utility bills from parents required to prove their residency — may only need to be reviewed very quickly before they are expunged from school records.
3. **Establish data encryption practices for the data you do retain — both for long-term retention and for any transit purposes.** After you've minimized the data you need and purged some of the data you no longer require access to, you'll need to make sure that the data which remains is as safe as possible. With both technical security methods and administrative behaviors, you can work to ensure the highest level of security possible. Your school district may need to invest in strong encryption methods and other technologies, as well as security methods for your

network to ensure that any protected information sent via that network is as safe as possible. From an administrative standpoint, making sure that as few people as possible (or as necessary) have access to protected data will make a data breach less likely, and much easier to investigate should an investigation prove necessary. If your school issues devices to students, you'll need to make sure that both the devices themselves are secure and that students have options for secure internet access (perhaps through VPNs) while they are at home.

4. **Utilize the principle of lowest or least privilege when assigning security permissions at your school.** According to the principle of least privilege, all users that have access to data at your school should only have the minimum amount of access necessary in order to perform their jobs well. Many times, schools simply give everyone the same (generous) level of data access, because this is much more convenient than going in and determining which roles require certain levels of clearance. Doing so exposes the associated data to more risk than is necessary. It also makes investigating a data breach much more nightmarish. Instead, work with your IT administrator to impose the principle of least privilege whenever possible in your school's data privacy systems.
5. **Make sure that your IT administrator is monitoring all user activity across school networks.** This doesn't have to be a hugely onerous activity; many schools already have software that will allow some type of tracking system regarding who accesses certain files. (Windows file servers have this auditing capability.) This will make it much easier to identify suspicious activity. It can also reduce the number of attempts to breach data that people can make in the first place, since people who have malicious intent for data will know that their usernames will be associated with a specific file activity and timestamp.

How can teachers protect privacy in the classroom?

We've discussed school privacy policies at length, and it's vital to make sure that your school has programs for student privacy at the district or institution level. However, it's even more important to make sure that you're practicing them and protecting your students in your own classroom. This means that teachers need to have the knowledge and training to help them make privacy decisions on a daily basis that are in the best interests of their vulnerable students (Student Privacy Compass, 2021).

This type of information also needs to be accessible and easy to practice. Why? Teachers already have enough on their plates. They're already performing a daily balancing act that requires them to monitor their students' health and safety from many different angles. Simply asking them to monitor student privacy as well without further resources would be unfair and unmanageable. To help work toward that goal, it's a good idea to begin with transparency. Teachers need to feel comfortable asking questions about privacy and learning more about the topic. Then, they can be true advocates for their students (Student Privacy Compass, 2021).

Here are some action items teachers can pursue (and schools can help them pursue) to practice privacy-protecting actions in the classroom (Student Privacy Compass, 2021).

- Teachers can work to learn more about the differences between security, confidentiality, and privacy.
 - Privacy can refer to simple access. The concept that student data should remain private means that things like grades, demographic information, and assessment results should only be shared with people that students deem appropriate for this level of access.
 - Confidentiality becomes a concern after a student chooses to share private data. This refers to the idea that people who have knowledge or access to private data exercise that privilege responsibly.
- Teachers can help empower students to realize that they have the power to share the information that they want to share with the people they want to keep informed. Part of this responsibility includes helping students understand that personal information is often very important, and the people who have access to that information can have a large amount of say over how a student's educational experience plays out.
- Teachers can practice confidentiality by sharing private information about students only with people who need to know it in order to help provide the best support possible to the student. A teacher practices confidentiality by acting in a way that inspires student confidence in their trustworthiness.
- Teachers can also work to establish and practice great security practices in their classrooms. For example, early on in the year or semester, they may communicate with students the privileges and rights concerning their own data, as well as practices to avoid (e.g., sharing passwords with friends).

- Teachers can choose technologies and data collection systems that are safe. There's no getting around the fact that teachers work with huge amounts of student data (from observations and anecdotal notes to private conversations with students and confidential test results). It's clear that teachers will need a way to organize and manage this data. In finding tools and systems to help them do so, educators should prioritize options that protect privacy.
 - This can include such options and practices as double-checking the people who have access to documents on Google Docs prior to every document update and auditing the rights (edit, share, etc) that every person with access has. If you opt not to use a cloud-based platform like Google Drive, simple measures for managing privacy with physical measures involve the disuse of external storage drives (which can be stolen or lost easily) or using high-quality passwords with facial or fingerprint recognition. Teachers can also work with their school's administration and IT department to vet the platforms and tools they wish to use in order to ensure that they are safe.

What other responsibilities do teachers have in terms of privacy protection?

It's key to realize that respect and awareness of student privacy privileges and rights have grown precipitously in recent decades. Since this is the case, it can seem that teachers bear a stronger responsibility than, perhaps, ever before to help protect student privacy. Situations that may have been left up to teacher discretion in the past are now mapped out with high levels of legal detail.

In order to best support students and remain in compliance with the various laws that work hard to protect student rights and disabilities, there are concrete actions that teachers can take. This non-exhaustive list of ideas includes (Davis, 2020):

1. **Practicing grade confidentiality.** In an age of transparency, it can be easy to wonder why it's so important to keep grades private. Many of us may remember past educational paradigms in which it was completely legitimate to post public grades. As one of the main responsibilities teachers have is to assess their students' progress and provide feedback, it's important to know who you can report grades to and who may not need to know this information. It's always best to check your school's particular policies just in case there are unique situations

in place informing local practices, but, in general, teachers do have the responsibility to disclose student grades to parents and legal guardians. One exception can involve test scores from standardized tests. However, this information, in order to be shareable beyond the family unit, needs to be de-identified. If you are a teacher that employs peer or group grading as a strategic learning tool, it may be the case that this does not violate confidentiality laws, but you will need to double-check with your local regulations to make sure. Outside of this situation, teachers may not share student grades with people who are neither the relevant student nor their parents.

2. **Practicing medical privacy.** As an educator, you may have access to your students' medical files. Much like grades, this private information should not be disclosed to anyone who is not the relevant child or a parent (or legal guardian). However, as a teacher, you may also be operating under the responsibility to disclose suspected medical issues. If you observe signs that your student may exhibit that could relate to a possible medical issue, you may need to inform the student's parent. This is the only entity that should require this information. At the same time, FERPA prohibits teachers from subjecting children to assessments that could be used to help them determine whether a student has a medical issue without parental consent. Parents have the right to refuse this suggestion in all cases.
3. **Exercising the responsibility to report with care.** In order to remain compliant with student privacy laws and invest in your relationships with your students, it's a good idea to keep the majority of information disclosed to you by your students simply between you and your students. However, if a student discloses information to you which makes it clear that he or she may be in danger—e.g., if the student mentions suicidal thoughts, illicit substance use, or abusive situations at home—you have the responsibility to report this information to someone who can help (e.g., authorities, officials at your school, or the students' parents, as would make sense given the nature of the concerning information). This is because teachers have a basic responsibility to act in the well-being of the student above all else.

In addition to privacy and fairness concerns, there are other critical ways that teachers can work toward equitable and empathic educational experiences in their classroom. A compassionate and empathetic school community can play an invaluable role in working toward a truly ethical atmosphere for all of its members.

What are some specific ways that educators can work towards true equity in their classroom?

Establishing true equity in your educational system is going to be the work of more than one teacher. This will have to happen as the result of hard work over many years, by many people.

That's not to say that starting small is a bad idea, or that your classroom practices will be ineffective; it's just to help with some perspective. You can start the work of forming more equitable educational practices in your classroom by considering some of the following practices in your teaching endeavors (Lexia, 2021):

1. **Try not to assume things (or recognize that you are likely assuming things more often than you may realize).** One of the first steps toward disrupting discrimination is to realize that it is a pervasive problem. We were all brought up with prejudice and bias; we all make assumptions based on what we perceive. When we notice that a reader in our classroom is struggling, our brain wants to find a reason for that — and, so, often, we do. Equity starts with realizing that we are making assumptions about our students based on their backgrounds. Working to identify these inferences and rethink any decisions or behaviors we are making surrounding them is a good practice for any ethical educator. These assumptions and practices may often come from a well-meaning place: For example, if you know certain students are from a low socioeconomic background and are struggling with literacy, you may naturally start to 'cut them some slack' and harbor lower expectations from those individuals, because you assume that this will be easier for them and that (due to their background) they may just not be able to keep up with your students with more advantages and resources. This does those students a disservice. As one expert noted, "it is impossible to predict anybody's preferred learning style based on a single dimension of her identity and ... nobody, regardless of identity, learns the same way regardless of what he is learning." Check your assumptions and associated behaviors, and start to do so on a daily basis.
2. **Rely on data.** Once you've been able to identify and work toward resolving your assumptions and expectations, you can start to use hard data to identify how to support each of your students equitably, efficiently, and ethically. Look at how your students are actually performing to see where they are in their learning journeys, what their real strengths and weaknesses are, and what (based on your

experience and expertise) it would take to help those students grow in the specific ways they need to in order to be high-achieving individuals. If those students require more support than others to get to the expected achievement for their grade level, that's okay. Part of being an ethical instructor is acknowledging that, and working to help support students as they require it.

3. **Use targeted and explicit instruction.** If a student requires an intervention or increased support from you, don't be vague about it — to the student, or to the administration. At the same time, don't phrase it in a way that will put the student down: It's not a bad thing to require more support, and a student should not feel shame for being in that situation. Instead, approach this step with the same objective focus as you would assessing hard data. Provide those students with a personalized learning structure with specific information that they can use to delve into their skills. Re-review this learning structure as necessary if the students continue to struggle. This will likely require a lot of focus, dedication, and extra time from you. Since this is the case, rely on the final step.
4. **Make sure that your colleagues are similarly engaged.** All educational staff in your school, from teachers to aides to administrators, should be working with these same equitable focuses in mind. If a student or group of students is struggling and requires more support, time, and resources in order to achieve the same outcome as other groups of students at your school, no one teacher should be taking on the brunt of the effort associated with that goal. Instead, bring it up at school meetings, and collaborate with other educators to develop and refine effective and efficient teaching techniques that you can creatively use to provide struggling students with empathetic, high-achieving education.

How can I work toward a more empathetic and ethical school culture?

As we conclude this course, let's talk about what may be an end goal for an ethical educator: Creating an empathetic school culture in which every member of the community is working with each other to achieve common goals of excellence.

It may not be immediately clear why empathy and ethics are created. For one thing, having empathy makes ethical nuances and decisions much easier. People who exhibit empathy are much less likely to act maliciously toward one another. People who are more empathetic are able to understand the people around them more and work better

with their peers, classmates, and colleagues (Harvard Graduate School of Education, 2018).

Several studies have been able to show that when students invest in being empathetic, they're able to display better relationships, fewer aggressive behaviors, better communication skills, and higher academic achievement. Helping your students grow in this essential trait can be complex, but is one of the best ways to help all of your students safely meet their goals (Harvard Graduate School of Education, 2018).

Often, developing empathy is boiled down to simply imagining that you're walking in someone else's shoes. This advice may be difficult for some students to imagine, so they will likely need practical assistance in growing this skill. Your students all have the capacity to be empathetic people, regardless of their background, health, or status. One of the most important ways that they will learn this important life skill is by taking cues from people who are empathetic. All of the adults at your school - from teachers to administrators, cafeteria workers, and bus drivers - will have a role to play in modeling empathetic and ethical behavior (Harvard Graduate School of Education, 2018).

As an adult modeling empathetic behavior for your students, you can help your students expand their 'circle of concern.' As a rule, students tend to feel more empathy for those close to them in proximity, or those who have similar life experiences. One of the important lessons that students need to learn in school is that it isn't enough for their circle of concern to be so narrow. Students (and adults, for that matter) must exhibit empathy for everyone, especially those who may have had different life experiences (Harvard Graduate School of Education, 2018).

When teachers fail to treat each of their students empathetically and equitably, regardless of the differences that may be apparent among their students, young individuals learn that they do not have to treat everyone with empathy. They learn that they can treat people with different backgrounds and beliefs differently. When teachers model different treatment of different people - even if such treatment is meant kindly, like lowered expectations for certain groups of people - they model that behavior for entire classrooms of impressionable students (Harvard Graduate School of Education, 2018).

Where we can start to create the bridge from empathy to something even more helpful - to truly build an ethical school culture - is when we can help students realize that we need to take the leap from being empathetic people to acting in an empathetic manner. Instead of assuming that we'll know what to do when we feel concerned, we need to

help coach students so they will realize how to take action to do what is right. Again, we can only help students realize this skill if we (and the other adults they see at school) model this behavior for them (Harvard Graduate School of Education, 2018).

Before we can work toward that end, we need to help identify and reduce the barriers to empathy that may exist in our academic communities. These obstacles are things that may get in the way of our noticing that other people may be experiencing difficulty or from acting upon that initial feeling of concern. These barriers may also simply create distance between people, which can result in a feeling of indifference. Barriers to empathy include stereotypes, magnified differences of opinion, tiny circles of concern (that are reinforced and incentivized to stay tiny), clearly unethical behaviors modeled by adults, a feeling of danger or a lack of safety at school, and poor mental health practices within the academic community (Harvard Graduate School of Education, 2018).

To more successfully establish an empathetic, ethical, and equitable school environment, schools need to complete the five following steps (Harvard Graduate School of Education, 2018).

1. **School staff must model empathy for young students.** This can be easier said than done, but without showing students how to be empathetic, any instruction on this subject will be essentially moot. When you get frustrated with students, pause, and try to imagine what they may be experiencing before responding. If you need a moment, verbally reflecting the feelings your students may be experiencing or the apparent rationale for their behavior may establish common ground. It can also be helpful to follow up on your students' non-verbal cues. Noting that your students are slumping over in their chairs or appearing withdrawn, for example, and following up with a kind question instead of an immediate reprimand can go a long way. Responding to student feedback and using student input can also help show students that you really listen to them, which will in turn pave the way for them to start listening to others.
2. **School staff must teach students what empathy is.** Empathy can be a difficult concept to grasp. Children are benefits-minded, so we need to show them why they need to expend effort when it comes to being nice to other people. Explain to your students why empathy is key: Why it improves classrooms and the overall school community. Tell your students that it's important they practice empathy for people beyond their immediate circle of friends. Give them concrete examples of ways they can practice empathy, so you're not relying on student creativity to make it happen .

3. **Schools need to create opportunities to practice empathy.** Simply telling students about the concept of empathy and then expecting students to perform empathetic actions in real-life scenarios isn't realistic. (We wouldn't do that for any other important skill, would we?) Creating opportunities to imagine what another person might be feeling, role-playing scenarios in which empathetic solutions would play a part, discussing books that contain empathetic characters — can all represent safe ways for students to practice empathetic skills. Having the harder conversations with our students as well, such as discussions surrounding the current barriers to empathy will also make it very clear for our students why it's necessary to be empathetic.
4. **Schools need to make the ethical expectations of the entire academic community very clear.** Put concisely: Ethical educators make it easy for everyone to act ethically. One way to do this is to clearly state what are ethical actions. In addition to modeling the types of ethical behaviors that will keep your students safe, praise ethical behavior in others. Hold your students to similar standards. Put posters around your campus that reiterate the ethical expectations you have of your community. In particular, it may be effective to establish guidelines for language and behaviors that are acceptable and unacceptable — e.g., using slurs and hurtful language to refer to other people. These are the types of actions that may not seem particularly offensive in one-off actions, but can be extremely hurtful in the long-term and even make more hurtful actions easier to perform due to the lax environment.
5. **Schools need to invest in the safety of their school culture.** We'll end this course with the same sentiment that we started it with: Students need to be safe in order to learn successfully and well. The end goal of being an ethical educator is to facilitate that sense of safety so that your students can be free to learn. To do this, in addition to following the guidelines and regulations that are in place to make it clear what actions are expected regarding data privacy and confidentiality, schools need to collect and examine data from their community. Regularly survey your students about health and safety. Ask whether they feel respected, cared for, and safe at school. Ask what they would like to see in order to feel better about their school environment. Act on this feedback. That way, you can know that you're working to create a superior climate and culture for every member of your community.

Section 3 Reflection Questions

- What types of practices do you already have in place promoting student safety? What about equity?
- Do you currently prioritize teaching your students how to be more empathetic?
- After going through this course, do you have ideas of any policies your school should implement to protect student privacy or safety?
- Do you think empathy, equity, and ethical behavior are connected? Why or why not?

Course Summary and Conclusion

The mission to become an ever more ethical educator is one that every instructor should shoulder. Each member of an academic community should be working in concert to establish a safer environment for everyone — including members of marginalized communities and those with disabilities. On some level, this needs to be completed at an administrative level with ethical policies. However, being an ethical educator also depends on the choices that each of us makes, every day. When we make choices to follow our schools' regulations and to work to protect our students, we make it easier for our students to learn and grow into the best versions of themselves. This makes it far easier for us to win at our goals as ethical educators as well.

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