Student Privacy During COVID-19

Purpose

The purpose of this communication is to provide supervisory unions/supervisory districts (SUs/SDs), teachers, students and parents with information and resources about the Family Educational Rights and Privacy Act (FERPA) and the Children's Online Privacy Protection Act (COPPA) during the COVID-19 outbreak. This guidance aligns with our Guiding Principles around health and safety and online learning, and can be used as a reference when completing your Continuity of Learning Plan (CLP).

What is FERPA?

FERPA is a federal privacy law that applies to educational agencies, institutions and applicable programs funded by the U.S. Department of Education. It provides parents and eligible students the right:

- to access education records and seek amendment of education records;
- to provide consent to disclosure of personally identifiable information (PII) from student education records unless a FERPA exception applies; and
- to file a complaint under FERPA.

What is COPPA?

COPPA sets forth limited rules governing the online collection of personal information from children under age 13. According to the USDOE Office of Educational Technology, "The primary goal of COPPA is to place parents in control over what information is collected from their young children online. The Rule was designed to protect children while accounting for the dynamic nature of the Internet. COPPA imposes certain requirements on operators of websites or online services directed at children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age." Among other stipulations, operators covered by COPPA must (see full list of requirements here):

- Post a clear and comprehensive online privacy policy describing their information practices for personal information collected online from children.
- Provide direct notice to parents and obtain verifiable parental consent, with limited exceptions, before collecting personal information online from children.
- Provide parents access to their child's personal information to review and/or have the information deleted.

Contact Information:

If you have questions about this document or would like additional information please contact:

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Student Privacy Considerations and Action Steps for School Districts

- Consider using the [Vermont Student Privacy Alliance](#), rather than tackling privacy on your own. The Alliance has a wealth of resources that can be readily accessed by non-member schools.
- Consider using only those online tools already vetted and in use before school closure due to COVID-19, rather than attempting to evaluate or introduce something new and unknown.
- Consider how COPPA may limit student instruction using online tools that may not be appropriate for students under the age of 13 years old.
- Consider what should or should not be recorded in an online instructional session. Consider forgoing recording online instruction altogether during school closure.
- Consider how to limit access to the online instructional sessions by outside entities or those who are not the intended consumers of the sessions.
- Develop protocols for teachers, students and families to follow during synchronous instruction sessions.
- Avoid using "free" educational applications.

Student Privacy Considerations for Teachers

- Only use the tools that your district has approved - do not use free tools independently that are not approved by your district.
- Do not share your or students' Personally Identifiable Information (PII) in online settings.
- Talk with your students about how they can follow protocols to ensure their own safety online and protect their personal information.
- Provide explicit instruction to students about what is and is not appropriate to share in public, online settings.
- Follow protocols established by your SU/SD for synchronous instruction sessions.
- Do not screen capture student images without their permission, and do not post images of class sessions (showing student faces) on social media.
- Be sure that your display does not include personal student information before sharing your screen.
- If an educator witnesses abuse or neglect during a video conferencing session, the reporting process is the same as established during regular times.
- It is recommended that students use the video features of web conferencing only in the beginning of the class to socially connect (SEL) or if a student needs to demonstrate something to the group during the session (best not to use personal names or cut this portion out of the video). The recording feature could be activated after the socialization is complete. This will save bandwidth as well as further enhance student privacy.
- Be transparent - at the beginning of the lesson, let the students know that you will be recording and why

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Student Privacy Considerations for Families

- Be sure the tools your child is using to complete assignments and communicate with teachers are approved by your school district.
- It's always a good idea to monitor your child's Internet use.
- If multiple family members are using the same devices throughout the day, be sure to log out between different family members.
- If you do not want your child's image to be displayed during these sessions, your child can either place tape on their Webcam, turn off the Webcam when joining the session, or join using the provided phone number.
- Have students connect from a "common" area of your home and not a private space such as a bedroom when engaging in independent learning and/or asynchronous sessions with their teachers.

Student Privacy Considerations for Students

- Remember that all online interaction is an extension of the physical classroom, and expectations of your behavior online are the same as what would be expected in the classroom.
- All video connections should be placed from a "common" area of your home, like your living or dining room.
- Position camera to keep other family members and other rooms of the house out of the frame. Where possible, sit with a wall behind you.
- Do not give out personal information online without an adult's consent.
- Practice good online citizenship.
- Follow your school's 1:1 device agreement.

Resources

US Department of Education FERPA Resources

- [Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices](#)
- [FERPA and Virtual Learning](#)
- [FERPA FAQ](#)
- [FAQs on Photos and Videos under FERPA from the US Department of Education (NEW)](#)
- [Zoom HIPAA Compliance Guide](#)

US FTC COPPA Resources

- [Children's Online Privacy Protection Rule ("COPPA")](#)
- [Complying with COPPA: Frequently Asked Questions](#)

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Resources Specific to Zoom and Videoconferencing

In the first few weeks after schools closed in response to COVID-19, the use of Zoom for videoconferencing with students increased at a rapid rate. During this time it became apparent that without putting proper restrictions in place, a Zoom meeting could be accessed by people not part of the regular class roster. With this in mind, these resources can help create a secure videoconferencing environment in Zoom.

- [Zoom and FERPA Compliance](#)
- [Zoom Security Guide](#)
- [Setting Up and Securing Your School's Zoom Account](#)
- [Google for Education Privacy and Security Center](#)
- [Set Up Google Meet for Distance Learning](#)
- [Commonsense Media How to Get Kids Ready to Video Chat for Online Classes](#)
- [Cisco Webex Resources for Teachers](#)

Vermont Resources

The Vermont Student Privacy Alliance is a valuable resource that is available to every district in Vermont at no cost, and provides: a database searchable by district, resource or agreement; inventories digital resources; tracks contract status; houses signed contracts; allows staff to request review of resources; and creates transparency with all stakeholders around student data privacy compliance. It is a collaboration of Vermont school districts that share common concerns around student privacy. The goal of the VTSPA is to set standards of both practice and expectations around student privacy such that all parties involved have a common understanding of expectations. We strongly encourage SUs/SDs who are not already members to visit the site and take advantage of its free resources, which includes access to a standard Vermont student data privacy agreement and sample agreements from other SUs/SDs.

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