

## Policy recommendations for tech use in remote learning: Protecting students' privacy and access to education

November 2020

Access Living, ACLU of Illinois, Brighton Park Neighborhood Council, Chicago Lawyers' Committee for Civil Rights, Children's Screen Time Action Network, Civitas ChildLaw Center, Hartlieb & Horste, LLC, Illinois Families for Public Schools, Parent Coalition for Student Privacy, Raise Your Hand for Illinois Public Education

### Summary

In the wake of the COVID-19 pandemic, many US public schools have been operating remotely since March. Even schools that have since reopened their doors may have students receiving their public education away from their classrooms due to quarantine or limits on building capacity. And with infection rates steeply increasing in the US, the timing of any return to fully in-person schooling remains uncertain.

Technology for both instruction and school administration tasks was already nearly ubiquitous before this spring. Now its use is inextricable from the provision of students' rights to a free public education. But dependence on tech should not impinge on students' right to privacy and access to schooling.

Ensuring this will require, in many districts and schools, revising existing policy or writing new policy to cover new conditions. Such policies should be guided by (1) a commitment to the principle that students should not be forced to choose

between maintaining their privacy and receiving an education and (2) an understanding that surveillance does not equal safety. Both of these have major implications for equity: policies created without consideration of them will disproportionately harm certain groups of students: students of color, especially Black and Indigenous students; students with disabilities; undocumented students; students in temporary living situations and low-income and poor students. To that end, our coalition of advocacy organizations have assembled a set of best practice policy recommendations on tech use during remote learning:

**Camera-on requirements:** Students should *a/ways* be permitted to participate in class without turning on video. And if live-video streaming is used during synchronous learning, schools should obtain written consent from parents explaining the risks and benefits of their children opting in to having cameras on.

**Recording video conference sessions:** Recording should never be obligatory for students, including for one-on-one sessions of a sensitive nature, e.g. counseling and therapy. Families must receive clear information about their rights to inspect, correct, receive copies of and, for children 13 and under, delete recordings

**Observers in the virtual classroom:** Schools/districts should issue clear guidelines to allow parents, guardians or other participants, for example childcare workers or family members, to assist their child in participating and/or to observe live video-conference sessions

**Use of surveillance software to monitor devices:** Students and families should be informed of the role of any browser in monitoring online activity and physical location, especially for the use of non-school owned devices. No third party provider of a computer hardware or software should be able to collect, use, generate or retain student data without explicit parental "opt in" permission.

**Use of surveillance software for proctoring tests remotely:** Rather than subjecting students to highly invasive monitoring in pursuit of test security, schools and teachers should implement methods of assessment during remote learning that do not require surveillance software.

**Policy transparency for families:** Schools should not only establish clear policies for tech use and privacy, but also make information about these policies accessible to all families (e.g. providing paper copies, translating all documents).

Schools may have already rolled out policies on these; for example, in [a recent national survey 60% of educators](#) said students would face negative consequences for having cameras off. These recommendations are intended as a resource to assist students and families, teachers, administrators, school board members and others, whether they are writing, revising or advocating for improvement of policies covering the role of tech in students' remote learning experiences. Technology is absolutely crucial to accessing education during remote learning, but policy makers must be thoughtful in addressing its potential downsides as well. ■