What are the Legal precautions for students to use online technology?

FERPA, the [Family Educational Rights and Privacy Act](), has been around since 1974. It's purpose is to protect the privacy of a student's education records. It's impact on us as educators is that it gives us permission to publish student work and photos, but without last names or any personally identifiable information. *(The U.S. Dept of Education has a great [video for parents, "Student Privacy 101,"]() as well as [a downloadable, printable PDF brochure]() about their rights under FERPA.)*

Between September and December of 2016, the U.S. Dept. of Education's Privacy Technical Assistance Center (PTAC) conducted focus groups regarding teacher training on student privacy. They discovered that, while schools and districts encourage the use of technology applications, there is wide variation on vetting what teachers can use in their classrooms, with free resources often left to the teacher's discretion. With that in mind, it's especially important for educators to consider COPPA.

COPPA, the [Children's Online Privacy Protection Act of 1998](), which took effect in 2000, gives parent say over personal information companies collect online from children under 13. It forbids Websites from collecting personal information from children under the age of 13 unless they obtain verifiable parental permission, and since 2013 COPPA also covers photos, videos, audio files, and geolocation that can identify a child. COPPA requires those sites and services to <u>notify parents directly and get their approval</u> before they collect, use, or disclose a child's personal information including a kid's name, address, phone number or email address; their physical whereabouts; photos, videos and audio recordings of the child, and persistent identifiers, like IP addresses, that can be used to track a child's activities over time and across different websites and online services. This is the reason Websites ask for birth dates to create an account and refuse to if the applicant is under age 13 *(so they don't have to verify parent permission.) (I know many students create online accounts using a fake birth year, but I sure don't advocate breaking the law and I hope you, dear reader, won't either!)*

The Federal Trade Commission, the nation's consumer protection agency, enforces the COPPA Rule. Contracted services do have certain legal parameters so **schools can use** their apps, which is why we can use them in lessons for younger students. Also, **COPPA allows schools to act as "agents" for parents**, which means we <u>can</u> get signed permission slips from parents in order for students to register for a public online service. *(NOTE: COPPA is <u>not</u> COPA, the Act about pornography that never became law.)*

CIPA, the [Children's Internet Protection Act](), enacted in 2000 and administered by the Federal Communications Commission and Federal Trade Commission, covers the e-rate discount requirements for schools, such as filtering harmful content and restricting disclosure of a minor's personal information. CIPA was augmented by the Broadband Data Improvement Act (2008) and by the FCC (2011) to incorporate the Protecting Children in the 21st Century Act-Subtitle A: Promoting a Safe Internet for Children. Those direct the FTC to

create a national public awareness campaign about safe Internet use by children and requires schools to educate students about Internet safety.

Teaching Internet safety is required for schools to qualify for e-rate funding. I use **CIPA requirements** as a guide to educate students about Internet safety. The relevant passages are found in the CIPA update of 2011 which incorporates language from the Broadband Data Services Act of 2008, Title II--Protecting Children *[in the 21st Century Act]*, Subtitle A--Promoting a Safe Internet for Children:

> SEC. 211. INTERNET SAFETY.
> … use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.
>
> SEC. 212. PUBLIC AWARENESS CAMPAIGN.
> The Federal Trade Commission shall carry out a **nationwide program** to increase public awareness and **provide education** regarding … safe use of the Internet by children. … that includes--
> (1) identifying, promoting, and encouraging best practices for Internet safety;
> (2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;
> … (4) **facilitating access** to Internet safety education…by…schools, … .
>
> SEC. 215. PROMOTING ONLINE SAFETY IN SCHOOLS.
> … part of its **Internet safety policy** is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.
> *(Broadband Data Services Act from the Government Printing Office Website.)*

While schools are required to teach Internet Safety, the **government provides free materials** with which to do so. All government information falls under public domain so educators can use it however we wish. The FTC's Internet safety Website—*onguardonline.gov*—provides videos and materials for presentations, as well as **free** handouts such as booklets, brochures, and worksheets, which can be ordered from their Website. The Department of Homeland Security's Stop-Think-Connect campaign also provides **free** materials on their Website—*dhs.gov/stopthinkconnect.* I reiterate, **these materials are free**, so order order enough copies for all the students in the school! Other free materials are provided by government-sponsored organizations, such as the National Cyber Security Alliance at *staysafeonline.org*, the National Center for Missing & Exploited Children at *netsmartz.org*, and Common Sense Media at *commonsensemedia.org*. The NCSA Website also has valuable pointers on how to teach online safety to various ages of children, and it and other government and non-profit Websites mentioned above have wonderful videos and games for each age group to use in presentations.

Here's a helpful video: "Simple Ways Teachers Can Protect Student Data Privacy."

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