EdTech Evidence Exchange

Establishing Edtech Industry Standards Championing Student Data Protection by Design

ASPEN TECH POLICY HUB

POLICY

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EXECUTIVE SUMMARY

The EdTech Evidence Exchange should establish industry standards to ensure that educational technology (edtech) developers practice student data protection by design. Through these standards, edtech developers should align data collection practices in compliance with the proposed student data protection agreement, in addition to existing student data regulations at the federal and state levels.

BACKGROUND

With over 85 percent of US school districts issuing Google Chromebooks and over 80 million students and teachers using Google Classroom and Google for Education, edtech developers are incentivized to adopt Google Application Programming Interfaces (APIs).[1] However, Google's record of violating student data protections exposes edtech developers to increased risks for liability.[2] As student data protection policies vary by school districts and states, edtech developers default to extractive data collection and sharing practices modeled by larger edtech companies.

Edtech developers currently lack industry standards for how to practice student data protection by design. Similarly, school procurement officials often lack efficacy research and clear guidance on how edtech products are meeting student data protection standards and supporting learning outcomes. As a result, lawsuits against edtech companies are rising because of violations of student data protection and accessibility, among other issues.[3]

RECOMMENDATION

The EdTech Evidence Exchange, a nonprofit organization dedicated to helping educators make better–informed decisions about technology, should establish industry standards for edtech developers to practice student data protection by design. This would advance EdTech Evidence Exchange's interest in forwarding educators and industry standards in product development, procurement, and tool implementation.[4]

The establishment of these standards would benefit the exchange, edtech developers, and educators in the following ways:

- **Uniform standards for edtech developers would streamline data protection monitoring and compliance.** Creating a common language for edtech developers to conform to would make it easier for educators to make informed procurement decisions that improve learning environments.

- **Student data protection by design would allow edtech developers to reduce the likelihood of fines and penalties.** By following the student data protection agreement, edtech developers would lessen compliance risks and increase their financial viability. As a growing majority of states pass student data protection laws, edtech developers should get ahead of the legislative curve by following comprehensive student data protection standards by design.

- **The EdTech Evidence Exchange would enable future–ready edtech leaders in creating student-centered products that raise industry standards.** The exchange would achieve its goal of building the capacity of educators in the procurement process by ensuring safe digital learning environments, while advancing efficacy research for edtech tools.

IMPLEMENTATION

To support implementation of industry standards, please use this Student Data Protection by Design for Edtech Developers tool. This tool can be used to create a map of students' user journeys through edtech platforms, identify potential student data protection risks, and brainstorm innovative ways to mitigate unintended data consequences.

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ENDNOTES

1 Kajeet, "Chromebooks, Classrooms, & Connectivity: The Age of Chromebooks," February 11, 2019, https://www.kajeet.net/chromebooks-classrooms-connectivity-the-age-of-chromebooks/.

2 Benjamin Herold, "Google Under Fire for Data-Mining Student Email Messages," *Education Week*, March 13, 2014, https://www.edweek.org/policy-politics/google-under-fire-for-data-mining-student-email-messages/2014/03?cmp=ptnr-hp; "The State of Mississippi Takes Google to Court Over Student Data Privacy," *EdSurge*, January 25, 2017, https://www.edsurge.com/news/2017-01-25-the-state-of-mississippi-takes-google-to-court-over-student-data-privacy?mc_uid=b80493abdff651fc2218d33657891324&utm_source=EdsurgeTeachers&utm_campaign=256a8e42bf-2017-01-26+EdSurge+Instruct+259&utm_medium=email&utm_term=0_3d103d3ffb-256a8e42bf-292784605; New Mexico Office of the Attorney General, "AG Balderas Announces Lawsuit Against Tech Giants Who Illegally Monitor Child Location, Personal Data: Google, Twitter, Tiny Lab among Companies Who Unlawfully Market to Children," news release, September 12, 2018, https://www.nmag.gov/uploads/PressRelease/48737699ae174b30ac51a7eb286e661f/AG_Balderas_Announces_Lawsuit_Against_Tech_Giants_Who_Illegally_Monitor_Child_Location__Personal_Data_1.pdf; New Mexico Office of the Attorney General, "Attorney General Balderas Sues Google for Illegally Collecting Personal Data of New Mexican School Children," February 20, 2020, https://www.nmag.gov/uploads/PressRelease/48737699ae174b30ac51a7eb286e661f/AG_Balderas_Sues_Google_for_Illegally_Collecting_Personal_Data_of_New_Mexican_School_Children.pdf.

3 Amy Rhoades, "Big Tech Makes Big Data Out of Your Child: The FERPA Loophole EdTech Exploits to Monetize Student Data," *American University Business Law Review* 9, no. 3 (2020), https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1140&context=aublr; Bob Sullivan, "FBI Warns EdTech Needs Stronger Defenses for Students' Personal Data," Security Intelligence, January 11, 2019, https://securityintelligence.com/fbi-warns-edtech-needs-stronger-defenses-for-students-personal-data/.

4 EdTech Evidence Exchange, accessed March 14, 2022, https://edtechevidence.org/.

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