The role of technology in students’ lives has grown considerably, with nearly every school continuing to give devices to students in the past school year. The responsible use of this technology has the potential to improve outcomes for students, but only if student privacy is protected and groups of students are not disproportionately harmed.

Recent survey research by the Center for Democracy & Technology (CDT) reveals that the practice of tracking and flagging students’ online activities via monitoring software does not meet this standard. Although the practice is nearly ubiquitous — with 89 percent of teachers reporting that their school uses monitoring technology (up five percentage points from last year) — it causes significant harm to the students it is meant to protect.

**STARTS WITH STUDENT SAFETY BUT ENDS WITH DISCIPLINE**

Parents and students show the strongest support for student activity monitoring when it is used to keep students safe, in particular to stop students from harming themselves or others. However, that is not how student activity monitoring is most commonly used.

Seventy-eight percent of teachers whose school uses monitoring software report that students at their school have been flagged by monitoring software for disciplinary action, compared to only 54 percent of teachers who report that monitoring software has been used to refer students to a counselor or other qualified adult for behavior-related interventions. Indeed, discipline appears to be the predominant intended purpose. Teachers whose school or district engages in student activity monitoring report that its purpose is to …

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Determine if a student has violated disciplinary policy: 70%
Determine if a student is in a possible mental health crisis or an ongoing mental health event (e.g., risk of self-harm): 47%
Determine if a student is in need of urgent intervention to keep others safe (e.g., threats of violence): 45%
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% of teachers who report that their school or district uses student activity monitoring for this purpose.
HARMS TO STUDENTS ARE REAL AND HAPPENING NOW

CDT’s research highlights how student activity monitoring is adversely affecting students at schools that use this technology:

- Approximately half of students are not comfortable expressing their true thoughts and feelings online when they know they are being monitored; this proportion jumps to more than 6 in 10 among students with a learning difference or physical disability.

- 44 percent of teachers report that student activity monitoring has led to students being contacted by law enforcement, likely in part because 37 percent of teachers at schools that use student activity monitoring outside of school hours report that law enforcement directly receives alerts that are flagged after hours.

- 13 percent of students report that they or someone they know has experienced nonconsensual disclosure of their sexual orientation and/or gender identity (i.e., “outing”) as a result of student activity monitoring. LGBTQ+ students feel the effects of student activity monitoring (including but not limited to beingouted) more than their peers, as seen by the number of students reporting that they or someone they know:

  | Experienced nonconsensual disclosure of sexual orientation and/or gender identity (i.e., outing) | LGBTQ+ students | Non-LGBTQ+ students |
  | Got in trouble with the teacher or school for visiting a website or saying something inappropriate online | 9% | 56% |
  | Was contacted by a school counselor or another adult about concerns about their mental health | 30% | 46% |
  | Was contacted by a police officer or other adult due to concerns about them committing a crime | 19% | 31% |

MORE TRANSPARENCY AND ACCOUNTABILITY ARE NEEDED

For decades, federal and state governments have enacted and enforced protections for protected classes of people, including discrimination based on disability, race, and sex. As this research shows, these same groups of students need protection from the harms they are facing due to being monitored online and the actions that are being taken as a result. The U.S. Department of Education’s Office for Civil Rights should use its authority to issue a policy statement that these practices run afoul of Title VI, Title IX, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act and to codify protections through its Title IX rulemaking process. The failure to specifically address the role of technology in explicit and implicit discrimination against protected classes of students will inflict harm on, and limit opportunities for, students for years to come.

Learn more by visiting: