

Hidden Harms: Disproportionate Disciplinary Action

An ever-growing body of research suggests that students from certain communities are systematically disciplined by schools more than their peers, especially those who are in particular racial groups, LGBTQ+, or disabled.¹ Although schools are taking steps to address underlying causes that might be exacerbating these disparities, new uses of technology may undermine these efforts, including the use of student activity monitoring.

CDT recently released research showing that student activity monitoring, which is ostensibly aimed at keeping students safe, is more commonly used to discipline them, with a disparate impact along racial lines.² The research found that:

- Student activity monitoring is being used for discipline, and stakeholders have concerns;
- Impact of disciplinary action (and law enforcement involvement) increases when student activity monitoring is used outside of school hours;
- Students who have been disciplined, and their parents, express concerns about student activity monitoring usage; and
- Predictive analytics of student data might result in disciplinary action.

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- 1 Lauren Amos, Eliminating School Discipline Disparities, *Mathematica* (2021), <https://www.mathematica.org/blogs/eliminating-school-discipline-disparities-what-we-know-and-dont-know-about-the-effectiveness>; Nora Gordon, Disproportionality in school discipline, *Brookings* (2018), <https://www.brookings.edu/research/disproportionality-in-student-discipline-connecting-policy-to-research/>; Alyssa Navarrete Thorn and Madeline Carr, Disproportionate Discipline of Students With Disabilities, *Kennedy Krieger Institute* (2021), <https://www.kennedykrieger.org/community/initiatives/maryland-center-developmental-disabilities/information-dissemination/posters/disproportionate-discipline-students-disabilities>; LGBTQ Students Face Unfair School Discipline, Pushing Many Out of School, *GLSEN* (2022), <https://www.glsen.org/news/lgbtq-students-face-unfair-school-discipline-pushing-many-out-school>.
 - 2 Elizabeth Laird et al., Hidden Harms: The Misleading Promise of Monitoring Students Online, *Center for Democracy & Technology* (2022), <https://cdt.org/insights/report-hidden-harms-the-misleading-promise-of-monitoring-students-online/>.

Student activity monitoring is being used for discipline, and stakeholders have concerns.

Despite claims that this technology’s primary purpose is to keep students safe, students and teachers report that schools are using monitoring software to identify students that violate disciplinary policy.³ **Seven out of ten** teachers whose school uses monitoring software report that it is used for disciplinary purposes. Broken down by type of disciplinary infraction, **53 percent** report its use to determine violations of *academic* disciplinary policy, and **48 percent** report its use to determine violations of *non-academic* disciplinary policy. CDT’s earlier research⁴ found that these kinds of disciplinary applications are in fact more common than applications related to safety and mental health, in contrast to the stated goals for the software’s use.

These uses are having an impact: **59 percent** of teachers whose school uses monitoring software report that one or more students had been disciplined in the past year as a result of behaviors flagged by the school’s student activity monitoring system. **46 percent** of students whose schools use monitoring software report that they or someone they knew “got in trouble with the teacher or school when the school or district’s student activity monitoring saw that the person visited an inappropriate site online or said something inappropriate in a document or message.” Prior research⁵ indicates that certain groups of students — namely, Black students, Hispanic students, and LGBTQ+ students — are facing disproportionately high rates of disciplinary action through this software.

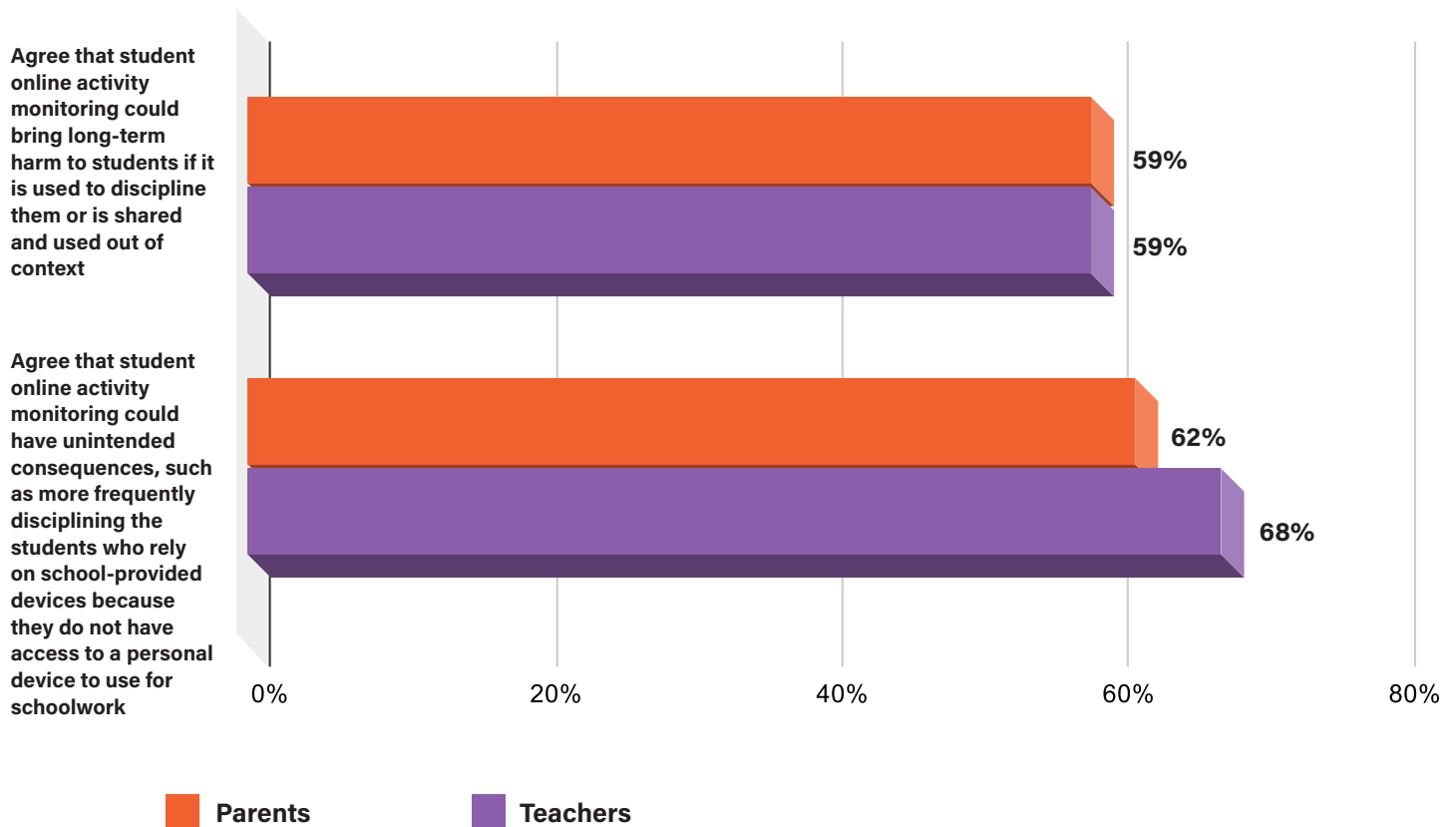
Parents and teachers both express concerns about the implications of disciplinary applications of student activity monitoring.

3 DeVan Hankerson Madrigal et al., Online and Observed: Student Privacy Implications of School-Issued Devices and Student Activity Monitoring Software, *Center for Democracy & Technology* (2021), <https://cdt.org/insights/report-online-and-observed-student-privacy-implications-of-school-issued-devices-and-student-activity-monitoring-software/>.

4 Elizabeth Laird et al., Hidden Harms: The Misleading Promise of Monitoring Students Online, *Center for Democracy & Technology* (2022), <https://cdt.org/insights/report-hidden-harms-the-misleading-promise-of-monitoring-students-online/>.

5 Elizabeth Laird et al., Hidden Harms: The Misleading Promise of Monitoring Students Online, *Center for Democracy & Technology* (2022), <https://cdt.org/insights/report-hidden-harms-the-misleading-promise-of-monitoring-students-online/>.

Percentage of parents and teachers who feel student activity monitoring can have unintended consequences



Students, by contrast, seem to be relatively comfortable with disciplinary uses of monitoring software. **65 percent** of students are comfortable with the use of student activity monitoring to determine violations of academic disciplinary policy, and **69 percent** are comfortable with its use to determine non-academic disciplinary violations. If data from a student activity monitoring system determines that a student has broken a school rule, about **half of students** support sharing that data with teachers or parents, but only **nine percent** of students are comfortable contacting law enforcement in this scenario — CDT’s research brief on student activity monitoring and law enforcement explores this relationship further.⁶

⁶ Elizabeth Laird et al., Hidden Harms: Increased Law Enforcement Interactions, *Center for Democracy & Technology* (2022), <https://cdt.org/insights/brief-hidden-harms-increased-law-enforcement-interactions/>.

Impact of disciplinary action (and law enforcement involvement) increases when student activity monitoring is used outside of school hours.

Student activity monitoring is often not limited to school hours. Depending on how the school or district chooses to configure the software, it could potentially be actively monitoring students at all times, including evenings and weekends. Indeed, CDT's prior research found that only **45 percent** of teachers report that student activity monitoring is limited to when school is in session.

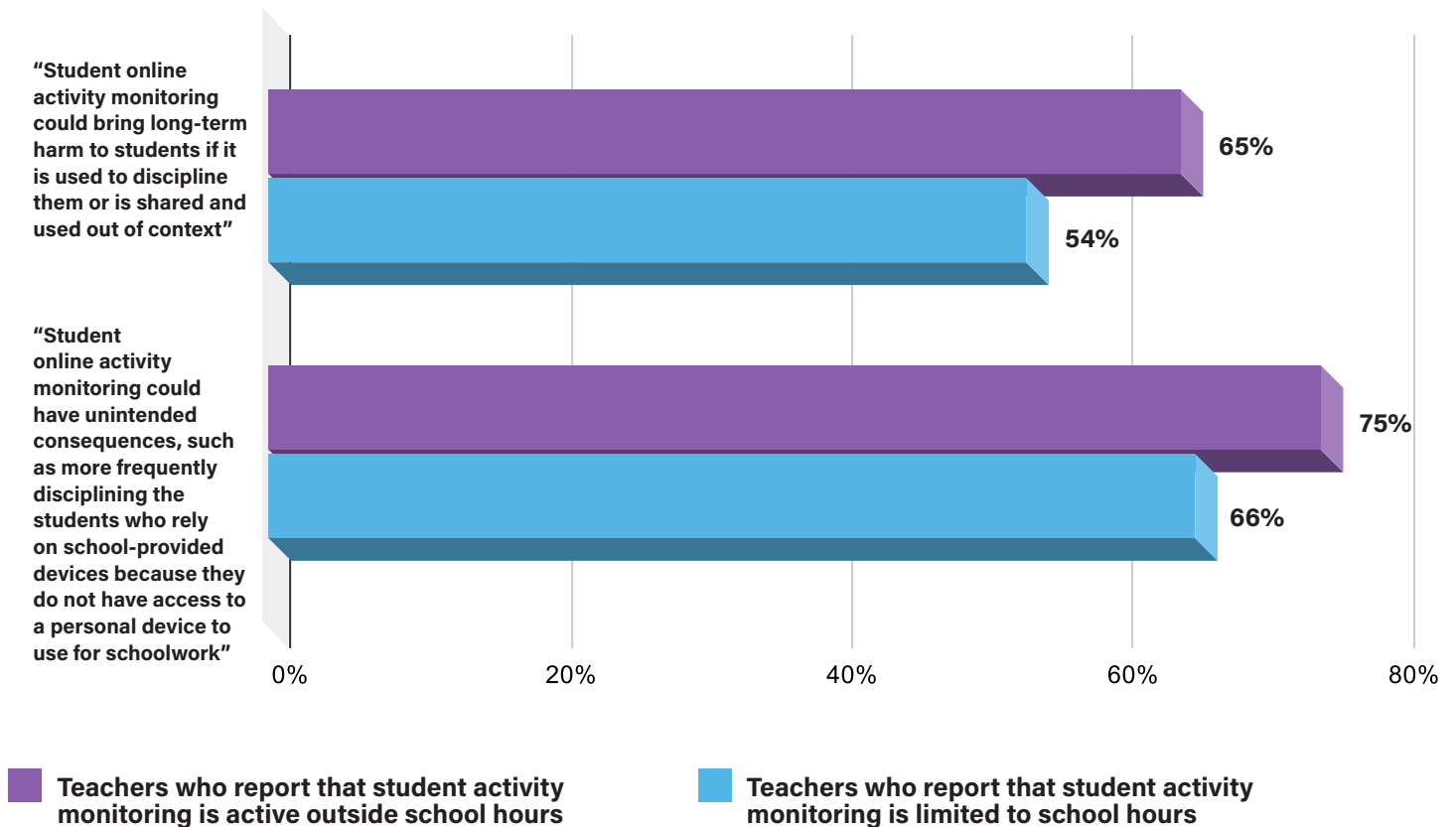
Striking disparities are revealed by comparing disciplinary outcomes of student activity monitoring when it is only active during school hours versus when it is active outside school hours. Of teachers who report that student activity monitoring is active *outside school hours*, **76 percent** indicate that it is used for disciplinary purposes. By contrast, of teachers who report that student activity monitoring is limited *only to school hours*, **66 percent** indicate that it is used for disciplinary purposes.

A similar trend extends to law enforcement involvement. Of teachers who report that student activity monitoring is active *outside school hours*, **53 percent** indicate that they know of students who were contacted by law enforcement as a result of behaviors flagged by the school's student activity monitoring system, compared to **36 percent** of teachers who report that student activity monitoring is limited *only to school hours*.

These disparate rates are also observed indirectly by parents. Of parents who report that their child has received disciplinary action (such as detention or suspension) within the past year, **60 percent** report that student activity monitoring is taking place at their child's school all the time. Conversely, of parents who report that their child has not received such disciplinary action, only **41 percent** report that student activity monitoring is taking place at their child's school all the time.

Perhaps unsurprisingly, teachers whose school uses monitoring outside school hours have elevated privacy and equity concerns.

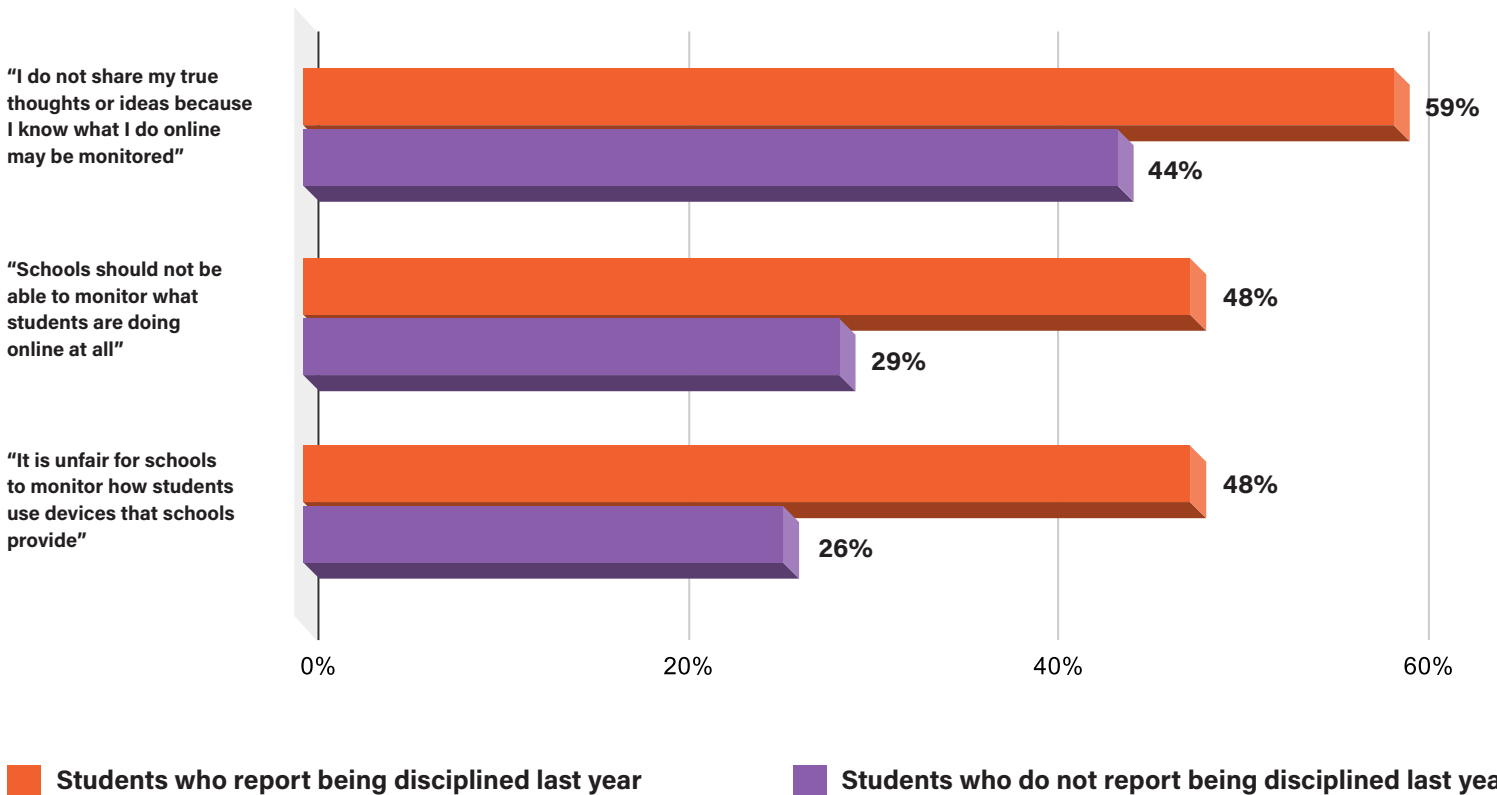
Percentage of teachers who feel that student activity monitoring can have unintended consequences:



Students who have been disciplined, and their parents, express concerns about student activity monitoring usage.

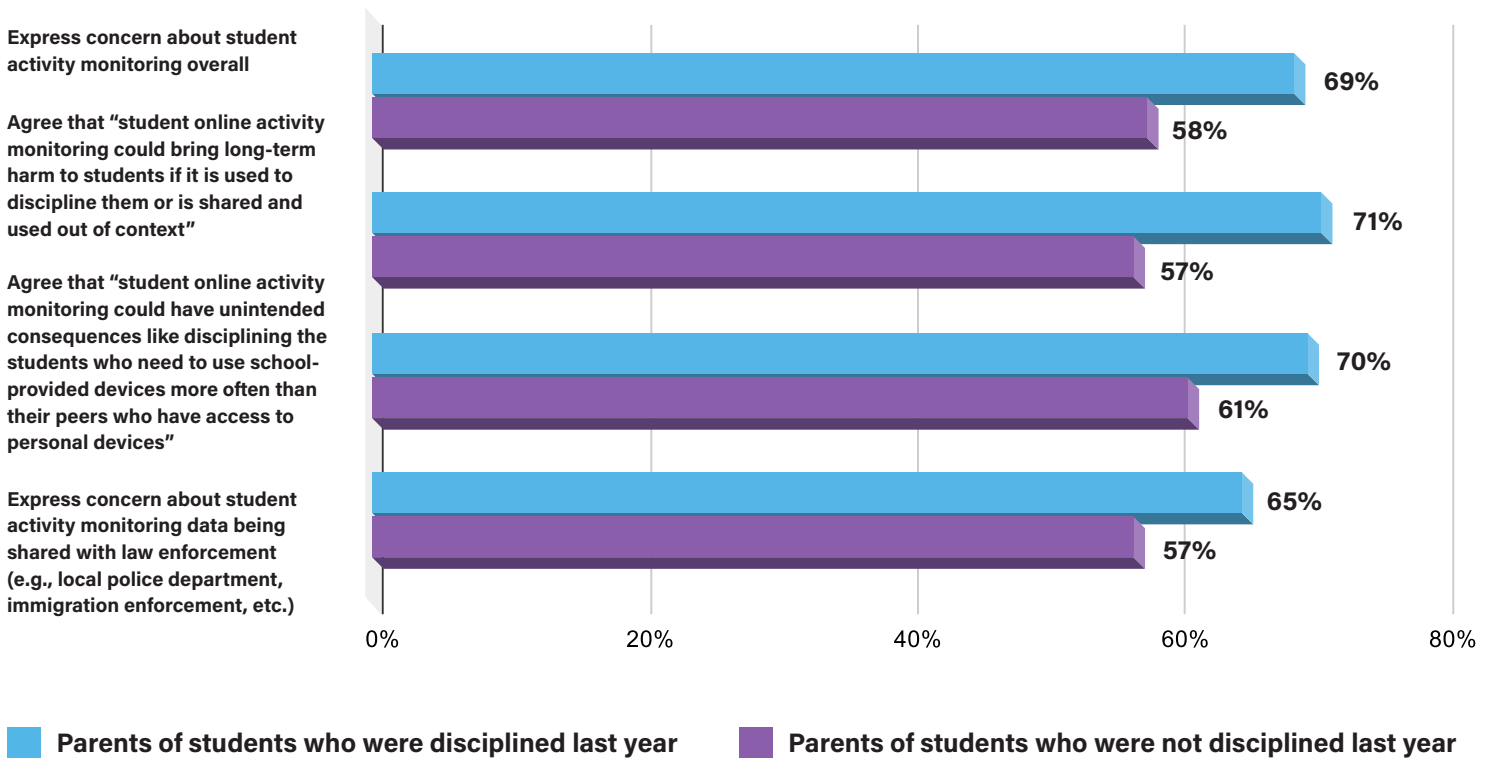
CDT's research sought to understand how student activity monitoring is uniquely impacting students who recently received disciplinary action from their schools (e.g., detention or suspension) and how they react to the use of this software. Although students who have been disciplined by the school and those who have not report similar levels of comfort with student activity monitoring broadly speaking, there are differences about specific aspects of student activity monitoring.

Percentage of students concerned about various aspects of student activity monitoring



Differences in attitudes between students who have and have not recently been disciplined by the school are borne out in parent responses as well. Of parents whose children have been disciplined in the past year, **70 percent** are concerned about the privacy and security of their child's data stored in the school, compared to only **60 percent** of parents whose children have not received school discipline. Narrowing in on student activity monitoring more specifically, parents of students who have been disciplined by the school demonstrate elevated concerns about a range of aspects of student activity monitoring.

Percentage of parents who are concerned about the applications and implications of student activity monitoring

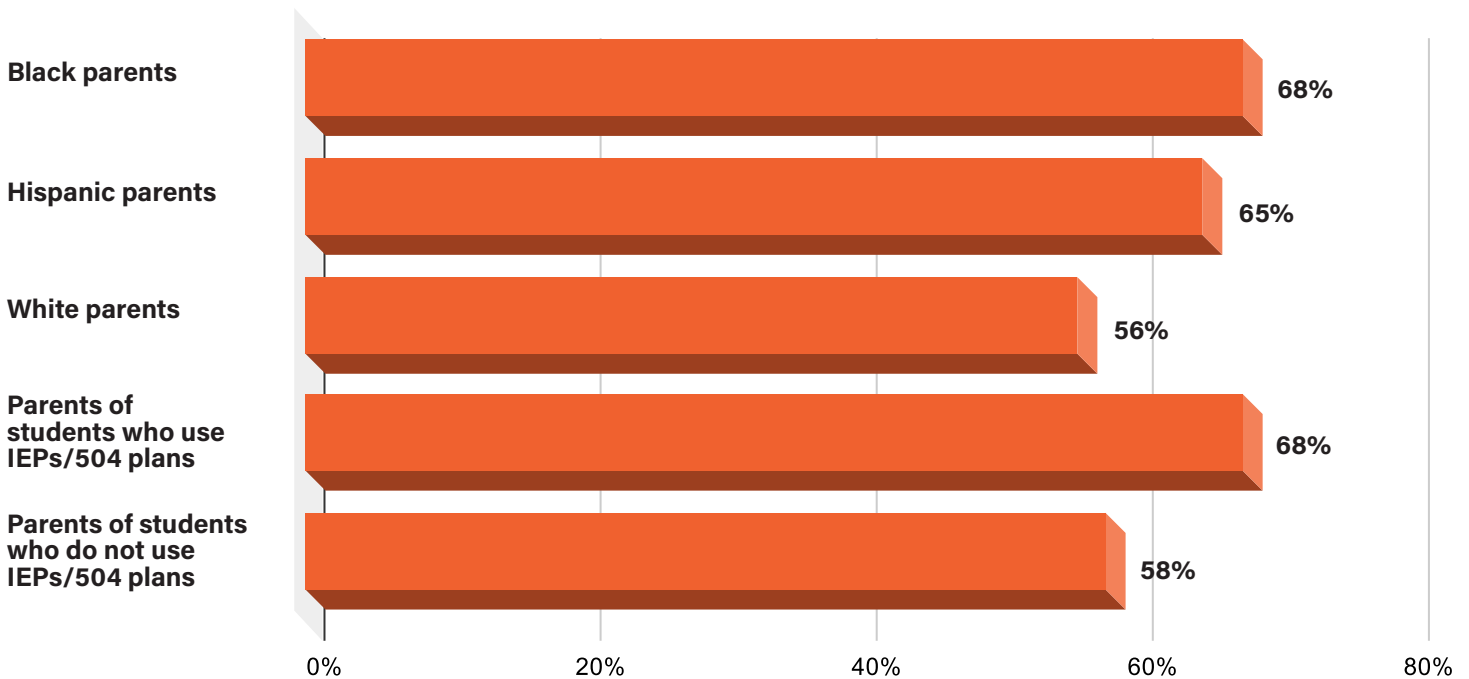


Predictive analytics of student data might result in disciplinary action.

Parents and teachers expressed concerns about the use of student data to conduct predictive analytics of students that could potentially impact disciplinary decisions. **61 percent** of parents and **66 percent** of teachers express concern about student data being analyzed to predict which individual students would be more likely to commit a crime, commit an act of violence, or commit an act of self-harm. These concerns are elevated for Black and Hispanic parents and parents of students who use Individualized Education Programs (IEPs) or 504 Programs.⁷

⁷ Elizabeth Laird et al., Hidden Harms: Students With Disabilities, Mental Health, And Student Activity Monitoring, *Center for Democracy & Technology* (2022), <https://cdt.org/insights/brief-hidden-harms-students-with-disabilities-mental-health-and-student-activity-monitoring/>.

Percentage of parents who are concerned about using student activity monitoring to predict crimes, violence, or self-harm



Conclusion

Changing historical and deep-seated trends around disciplining certain groups of students more than others extends far beyond the scope of just technology. However, education leaders should evaluate the technologies they have implemented and how they are using them to ensure that they are not inadvertently exacerbating these obstacles to student success.


They can enact policies like restricting, or even forbidding, use of student activity monitoring for disciplinary purposes or decide to minimize when students are monitored as that is leading to more disciplinary actions. The bottom line is that schools should look critically at how their use of student activity monitoring might actually endanger the students that they seek to protect.




**For more information
from this research, see
CDT's recent report on
the promises and perils
of student activity
monitoring software,
*Hidden Harms.***

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