Big Data in Education: Developing Policy for Ethical Implications in US and Canada

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Overview

- Goal – explore policy landscape for approval of BD educational tools – who making decisions – how framing ethical issues
- Ethical Policy Concerns
- InBloom
- Policy Discussions in US & Canada at diff levels
- Conclusions
Ethical Policy Concerns w/ Big Data

- Fair Information Practice Principles
- Anonymity and “practical obscurity”
- Surveillance and tracking
- Autonomy
- Due process – non-discrimination
- Ownership of info about an individual
InBloom

- Non-profit corp, funding fr Gates and Carnegie
- 9 states cloud computing services – data aggregator
- 2013 – 12 parents filed lawsuit vs NY state & InBloom – intrusive data gathering, surveillance – suit dismissed
- NY legis – restricted Dept of Ed fr undertaking contracts w/3rd party data aggregators
- InBloom went bankrupt after other states pulled out
Federal Level

- US – framed by existing statutes – FERPA, COPPA, PPRA
  - Dept of Ed reports re application – “it depends”
  - Role of feds – support and training
- Canada
  - Ed is exclusive resp of provincial govt
  - Privacy Act – public ed insts
  - PIPEDA – private sector incl ed tech companies
Policy Discussions

- **State/Provincial**
  - US – lots of state legislative activity
    - 2014 – 110 bills in 36 states, 21 states passed 24 laws
    - 2015 – 182 bills in 46 states, 15 states passed 28 laws
    - Two overlapping approaches
      - Prohibitive
      - Governance
  - Canada – less legislative activity
    - Privacy provisions in Education/School Acts and provincial FOIP Acts
Policy Discussions

School Districts and Schools

- **US**
  - Wide variation
  - DOE – best practice guidelines – inventory, process for approval, written contracts
  - Teachers’ use of “Click-Wrap” software and “free” online services

- **Canada**
  - Also variation
  - Boards tend to have lots of autonomy, exercised through elected members – political
  - Teachers us what’s available – gaps in training
Policy Discussions

- **Big Data Companies**
  - Booming sector, venture capital
  - Marketing to schools and teachers – privacy/ethics rarely highlighted

- **Nonprofits**
  - Advocates for ed tech – Data Quality Campaign, SSIA – pledges & certificates
  - Pro-privacy – EPIC, EFF, CDT, Parent Coalition, PTA

- **Unions**
  - US – UFT
  - Canada – Alberta Teachers’ Assoc & Canadian Teachers’ Federation
Conclusions

- Current focus – security, deidentification, targeted ads, ownership, transparency
- Discourse shaped by current legal framework & FIPPS
- Profiling & discrimination not major issues
- Real policy activity at school districts and school level
- Crowded policy field – ed tech companies well-funded & well–positioned – Priv grps, parents, & unions can shape common message