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Sent via email

Kurt Browning
Pasco County Superintendent of Schools
District School Board of Pasco County
7227 Land O' Lakes Blvd., Bldg. 8
Land O' Lakes, FL 34638

District School Board of Pasco
County 7227 Land O' Lakes Blvd.,
Bldg. 8 Land O' Lakes, FL 34638

**Re: Data-Sharing Agreement and School Resource Officer Memorandum
of Understanding Between the Pasco County School Board
and Pasco County Sheriff's Office**

Dear Superintendent Browning and School Board Members:

On behalf of the People Against the Surveillance of Children and Over-policing Coalition ("PASCO") which represents the undersigned organizations, we write to express our concerns about and strong opposition to the Pasco County School District's ("the District") practice of sharing confidential student data with law enforcement and participation in a school-based predictive policing program with the Pasco County Sheriff's Office ("Pasco Sheriff's Office"). Recent data from open records requests indicate that since 2018, the Pasco Sheriff's Office may have had access to confidential student records for over 50,000 students each academic year.¹ Equally alarming, as many as 420 Pasco County students are currently targeted by law enforcement for "intelligence gathering" activities and other undisclosed methods of police surveillance.² Among our concerns, the District's data-sharing policy jeopardizes the safety of vulnerable student populations and may violate the rights held by students and parents. For these and other reasons described in detail below, we call on Superintendent Kurt Browning and the Pasco County School Board to immediately terminate the student data-sharing arrangement for any collaboration, involvement, or participation in school-based predictive policing operated by the Pasco County Sheriff's Office.

¹ Neil Bedi & Kathleen McGrory, *Pasco's sheriff uses grades and abuse histories to label schoolchildren potential criminals*, Tampa Bay Times (Nov. 19, 2020),

<https://projects.tampabay.com/projects/2020/investigations/police-pasco-sheriff-targeted/school-data/>.

² *Id.*

In addition, the District should also embrace and undertake the following remedial steps to mitigate the harm and potential violations of federal and state law:

1. **Immediately end all data-sharing agreements with the Pasco Sheriff's Office.**
2. **Permanently erase any database or list currently or previously used to identify or label students at-risk by the Pasco Sheriff's Office.**
3. **Do not renew any School Resource Officer ("SRO") funding agreement with the Pasco Sheriff's Office that requires the disclosure of legally protected student records or permits "intelligence led" police surveillance of Pasco County schoolchildren.**
4. **Affirmatively notify every parent/guardian, in writing, if their student(s) has ever been identified as "at-risk", "off-track", "on-track", "critical" or any other similar designation by the District or the Pasco Sheriff's Office. The District must be transparent and provide families with all necessary information to determine and/or challenge their students' "risk scores".**
5. **Enact policy reforms that explicitly ban predictive policing technologies and unlawful data sharing practices with law enforcement.**
6. **Cease All Retaliation Against Students, Parent/Guardians and District Employees.**
7. **Ensure that Pasco County School Administrators and Educators undergo regular student privacy training.**

Systematic Police Surveillance Harms Children and Has No Place in Schools

The current data sharing practices between the District and the Pasco Sheriff's Office expose vulnerable children—especially children with disabilities, children of color, and children who have experienced childhood trauma—to unsolicited, unlawful and abusive police surveillance practices. Pasco Sheriff's Office Intelligence-Led Policing Manual (the "ILP Manual") reveals that these surveillance practices do not prioritize the specific needs of vulnerable student populations.³ Instead, the Pasco Sheriff's Office predictive policing in local schools has essentially required SROs to operate as an intelligence-gathering service for local law enforcement. According to

³ See generally, 2018 Pasco Sheriff's Office Intelligence-Led Policing Manual, Pasco County Sheriff's Office (January 2018), https://assets.documentcloud.org/documents/20412738/ilp_manual012918.pdf.

the ILP Manual, SRO's have a "performance expectation" to "identify any priority offenders who attend [their] school and look to collect information about their activities and associates in school," as well as "plan home visits for the most at-risk students to engage parents and identify additional risk factors for offending."⁴ The ILP Manual describes in detail the Pasco Sheriff's Office process for "identifying at-risk youth who are destined for a life of crime and engaging them from developing into prolific offenders."⁵ Prior to the *Tampa Bay Times*' reporting, it appears Pasco County families and educators were entirely unaware that this program existed and further, that they did not have any prior opportunity to offer public input or oversight of the program.

Systemic police surveillance of vulnerable children does not contribute to a safe school environment. To the contrary, excessive, and unnecessary exposure to law enforcement can jeopardize the safety of vulnerable youth. Research has found that SROs and other school-based law enforcement officials are routinely involved in harassing, physically assaulting, and traumatizing children, especially children of color.⁶ For example, in the 2018-19 fiscal year, 6,504 school-age children in Pasco County were sent to psychiatric detention facilities for involuntary examination under the Florida Mental Health Act, often known as the Baker Act.⁷ Statewide, more than two-thirds of Baker Act exams of minors are initiated by law enforcement.⁸ The involuntary confinement of these children can last for up to 72 hours, or sometimes longer, without court approval and is often done without parental consent or even parental notification.⁹ Statewide, research has revealed that this practice disproportionately impacts Black children.¹⁰ Researchers have underscored how traumatic these experiences can be for both children and their families.¹¹

This connection between policing and potentially harmful involuntary institutionalization is particularly worrisome because the ILP Manual reveals that their office maintains extensive public-private relationships with local hospitals and mental care providers which serve as "a force multiplier" to "combat crime and terrorism".¹² The ILP Manual also reveals how the Pasco Sheriff's Office relies on

⁴ *Id.* at 66.

⁵ *Id.* at 13.

⁶ See generally, *We Came to Learn: A Call to Action for Police-Free Schools*, Advancement Project (2020), <https://advancementproject.org/wecametolearn/>.

⁷ Annette Christy et. al., *The Baker Act: Fiscal Year 2018/19 Report*, 35 Baker Act Reporting Center (Nov., 2020), https://www.usf.edu/cbcs/baker-act/documents/ba_usf_annual_report_2018_2019.pdf

⁸ *Id.*

⁹ *Id.* See also, § 394.463(g), Fla. Stat.

¹⁰ Southern Poverty Law Center et. al., *Costly and Cruel: How Misuse of the Baker Act Harms 37,000 Children a Year*, at 14, 21, 23-34 (2021), https://www.splcenter.org/sites/default/files/com_special_report_baker_act_costly_and_cruel.pdf.

¹¹ *Id.* at 17-18; see also Nev Jones Jones et al., *Investigating the impact of involuntary psychiatric hospitalization on youth and young adult trust and help-seeking in pathways to care*, *Social Psychiatry and Psychiatric Epidemiology* (2021).

¹² *2018 Pasco Sheriff's Office Intelligence Led Policing Manual* pp. 38, Pasco County Sheriff's Office (January 2018), https://assets.documentcloud.org/documents/20412738/ilp_manual012918.pdf.

histories of childhood trauma, abuse and neglect to identify, target and surveil vulnerable children. For example, the ILP Manual describes how the Sheriff's "scoring criteria" consider a child's history of "physical abuse", "emotional abuse", "witness[ing] household violence", "custody disputes", "physical neglect", "household substance abuse" and "sexual abuse" among other factors.¹³ Students who are identified as having these histories receive higher scores and are thus at a significantly higher risk of being placed on the Pasco Sheriff's Office "Target List" for additional police surveillance.¹⁴

Police presence and surveillance not only create direct harms to the safety of vulnerable children, but it can also facilitate the criminalization of Black and brown youth through the "school-to-prison" pipeline.¹⁵ For decades, researchers have documented the ways that law enforcement presence in schools coupled with harsh school discipline policies facilitate the overrepresentation of Black and brown youth along every dimension of the juvenile and criminal legal systems.¹⁶ Worsening that troubling history, several school districts have more recently attempted to integrate police surveillance technologies into the learning environment by building the "cradle-to-prison algorithm."¹⁷ For example, in 2018, local officials in Ramsey County, Minnesota attempted to use predictive analytics technology to identify "at-risk" children using data obtained from local schools, child welfare agencies and local law enforcement records. Community members raised several concerns related to the program, particularly the potential of the program to racially-profile children as "future criminals", stigmatize children and families and divert public resources away from student academic achievement and towards student surveillance and punishment.¹⁸ Ramsey County officials ultimately agreed to terminate the program citing the issues raised by organizers, including the potential of this technology to facilitate racial profiling and undermine efforts to promote educational equity. The Pasco Sheriff's Office data-sharing practices repeat these same repudiated approaches and risk exposing children in this community to the same concerns raised by Ramsey County families.

Violations of Student Privacy Rights¹⁹

¹³ *Id.* at 71.

¹⁴ *Id.*

¹⁵ *Rethinking Discipline*, U.S. Dept. of Education (2016), <https://www2.ed.gov/policy/gen/guid/school-discipline/index.html>.

¹⁶ See generally, Dignity in Schools Campaign, <https://dignityinschools.org/about-us/mission/>; *School-to-Prison Pipeline*, Advancement Project (2021), <https://advancementproject.org/issues/stpp/>. The Cost of School Policing: What Florida Students Have Paid for a Pretense of Security, ePa ACLU, <https://www.aclufl.org/en/publications/cost-school-policing> (2018-19).

¹⁷ Garrett Neese, *Activist speaks about success in fighting algorithm*, *The Daily Mining Gazette* (Nov. 9th, 2019), <https://www.mininggazette.com/news/2019/11/activist-speaks-about-success-in-fighting-algorithm/>.

¹⁸ *Cradle to Prison Algorithm*, Dignity in School Campaign (Sep. 28th 2018), <https://www.youtube.com/watch?v=xhmfoEY6KAU>.

¹⁹ Anisha Reddy, *The Problem with Pasco County's Predictive Policing Program*, *Student Privacy Compass* (December 2020), <https://studentprivacycompass.org/pasco/>.

The District's youth data-sharing program does not appear to comply with federal student privacy law. The Family Educational Rights and Privacy Act ("FERPA") is a federal law that protects student privacy by regulating access to student educational records. 20 U.S.C. § 1232g; 34 CFR Part 99. Among its provisions, FERPA ***strictly prohibits*** school officials from disclosing student education records to any third-party individual or organization without *prior* parental consent or a statutory exemption.²⁰ Regulations promulgated by the U.S. Department of Education ("DOE") define "school records" as any records: "(1) directly related to a student; and (2) maintained by an education agency or institution, or by a party acting for the agency or institution." 34 CFR §§ 99.3. Examples of school records would include student grades, GPAs, attendance records and discipline records. In their capacity as school officials, SROs may only access student records when they have a "legitimate educational interest" in those records.²¹ Similar to other school officials, SROs are prohibited from redisclosing any student's educational record containing personally identifiable information to any third-party, including the Pasco Sheriff's Office, without prior parental consent or a statutory exception.

In limited circumstances, FERPA allows for data-sharing with law enforcement (for example through a subpoena or court order). However, attempts to provide notice to parents and students are required *unless* that request lawfully requires confidentiality. 34 CFR § 99.31(a)(9)(ii). Generally, even in these circumstances, schools should consult with legal counsel about their obligations to provide notice, and remind law enforcement officials of FERPA's notification requirements and independently determine whether the request for confidentiality is supported by the appropriate legal process.²²

FERPA's juvenile justice exception would allow schools to disclose information to juvenile justice officials regarding children involved with the juvenile justice system, in accordance with state law. 34 CFR § 99.38. Florida law allows schools to release individual student's education records without written consent "to parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies." However, any student information shared under this law must only be used for "determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of the programs and services." *See* § 1002.221 (2)(c), Fla. Stat. (2020).

The Pasco Sheriff's Office ILP Manual reveals that law enforcement officials routinely assess confidential student records for reasons wholly unrelated to any

²⁰ *Id.*

²¹ *Id.*

²² Amelia Vance & Mia Little, Law Enforcement Access to Student Data, What is the Law?, Future of Privacy Forum (December 2017), <https://fpf.org/blog/law-enforcement-access-to-student-records/>.

“legitimate educational interest,” in violation of the District’s statutory obligations under FERPA, or the determination and delivery of appropriate programs and services for Pasco County students and families, in violation of state law. The ILP Manual lays out 16 different criteria used by the Pasco Sheriff’s Office to label children as “On Track”, “At Risk”, “Off-Track” or “Critical”. Among the “educational risk factors”, the assessment evaluates several categories of FERPA-protected student records including: grades, GPAs, course credits, attendance records, and discipline referrals.²³ Further, despite what the Pasco Sheriff’s Office states to the contrary, the ILP Manual the states in no uncertain terms that “[w]e take the active rosters of each school in the county and match each student with data from the schoolboard’s [sic] early warning system.”²⁴ The ILP Manual includes a copy of an “At-Risk Youth Spreadsheet that officers rely upon to identify and label “at risk” Pasco County students. The ILP Manual then directs SROs to target students identified as at risk—for example, SROs are expected to notify the Pasco Sheriff’s Office if a “priority offender is absent from school” to coordinate a truancy check.²⁵

At-Risk Youth Spreadsheet

				EDUCATIONAL RISK FACTORS (EWS)					
First Name	Last Name	DOB	School	COURSE	GPA	CREDITS	ATTND	ODRs	OVERALL
XXXX	XXXXXX	XXXXX	XXXXX						
XXXX	XXXXXX	XXXXX	XXXXX						
XXXX	XXXXXX	XXXXX	XXXXX						
XXXX	XXXXXX	XXXXX	XXXXX						
XXXX	XXXXXX	XXXXX	XXXXX						

CRIMINOGENIC RISK FACTORS (PSO RMS)											ACEs
AOO	CRTP	CONV	DRUG	LOPS	VTPC	DLFR	RNAW	CUST	GANG	OVERALL	OVERALL

Figure 1.

The color-coded system corresponds to a student’s “risk score” for reach respective category.²⁶ For example, students with GPAs above 2.49 are considered “on track” and are highlighted in green, students with GPAs between a 2.0-2.49 are considered “at-risk” and are highlighted in yellow and students with GPAs below a 2.0 are considered “off-track” and highlighted in red.

²³ 2018 Pasco Sheriff’s Office Intelligence Led Policing Manual pp. 70, Pasco County Sheriff’s Office (January 2018), https://assets.documentcloud.org/documents/20412738/ilp_manual012918.pdf.

²⁴ *Id.* at 72.

²⁵ *Id.* at 66.

²⁶ *Id.* at 70-73.

To be clear, the procurement, development, and maintenance of these school records by Pasco Sheriff's Office officials represents a troubling pattern and practice of violating FERPA's prohibition of third-party disclosures. We do not believe that there is any legal basis under FERPA which permits the District's current data-sharing practices with the Pasco Sheriff's Office.²⁷ The District's data-sharing practice is not only a failure by the District to meet its statutory obligations under FERPA, but also a breach of the Pasco Sheriff's Office contractual obligations in the 2020-21 SRO Funding Agreement with the District which requires the Pasco Sheriff's Office to "hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release."²⁸

On several occasions, the Pasco Sheriff's Office has sought to justify these practices by citing their obligations under the Marjory Stoneman Douglas Act ("MJSDA").²⁹ The MJSDA does not vitiate the District's obligations under FERPA. Florida state law expressly affirms that parents and families are afforded the full protections of FERPA. *See* § 1002.22 (2), Fla. Stat. (2020). Florida public schools may not redisclose protected student records to law enforcement in ways that are inconsistent with federal and state law.

Violations of Anti-Discrimination Law

In addition to our concerns related to the District's FERPA violations, we believe that the District's school-based predictive-policing program may unlawfully discriminate against students of color, students with disabilities, and other protected classes of children. Title VI of the Civil Rights Act of 1964 prohibits federally funded programs and activities from discriminating on the basis of race, color or national origin. 42 U.S.C. § 2000d. Federal regulations implementing Title VI prohibit a recipient of federal funds from "utiliz[ing] criteria or methods of administration which have the *effect* of subjecting individuals to discrimination because of their race, color, or national origin." 34 C.F.R. § 100.3(b)(2)(2004)(emphasis added); *see also* U.S. Dep't of Justice, *Title VI Legal Manual* 47-49 (2001). Aggressive school disciplinary policies that result in racially disparate outcomes have been a particular concern for federal policymakers. A 2014 "Dear Colleague" letter from the U.S. Department of Education Office of Civil Rights clarified that "the administration of student discipline can result in unlawful discrimination [if] a policy is neutral on its face – meaning the policy itself does not mention race – and is administered in an evenhanded manner but has a disparate impact, *i.e.* disproportionate and unjustified *effect* on students of a

²⁷ Anisha Reddy, *The Problem with Pasco County's Predictive Policing Program*, Student Privacy Compass (December 2020), <https://studentprivacycompass.org/pasco/>.

²⁸ School Resource Officer School Safety Programs Funding Agreement (2020-21), <https://go.boarddocs.com/fl/pasco/Board.nsf/goto?open&id=BS5PX966B891>.

²⁹ Letter from the Officer of Sheriff Chris Nocco, to the Tampa Bay Times (Sept. 23rd, 2020), <https://www.documentcloud.org/documents/20412739-psoresponseatriskyouth>.

particular race.”³⁰ Under Title VI, ED has the authority to investigate and resolve complaints against school districts for both intentional forms of discrimination as well as policies and practices that result in a disparate impact on protected classes of children. 34 C.F.R. § 100.3(b)(2)

We are concerned that the District’s reliance on biased data sources likely results in the overrepresentation of students of color in the District’s predictive policing program in violation of Title VI. As previously mentioned, the District’s predictive policing program relies on a risk assessment algorithm that scores children based on 16 different criteria including student disciplinary records, law enforcement records and child welfare records.³¹ Children of color are significantly overrepresented in many of the data sets and criteria that are used to score “at-risk” youth. For example, the ILP Manual reveals that their predictive policing model examines school discipline data including “office discipline referrals”.³² Data from the ED Office of Civil Rights reveals that the District’s school discipline data reflects deep racial inequities. While Black children comprise 7% of enrolled Pasco County students, they represent 15% of in-school suspensions, 14% of out-of-school suspensions, 14% of students referred to law enforcement and 23% of students expelled from schools.³³ These disparities exist even though children of color do not misbehave at rates higher than their white peers.³⁴ By selecting these problematic criteria, the District has injected racial bias into its overall predictive policing system, which likely generates racially disparate outcomes.

In numerous other contexts, technologists, and civil rights experts have sounded the alarm about the growing challenge of algorithmic bias and discrimination by public actors. These experts have warned that biased inputs lead to biased outcomes.³⁵ While intuitions might suggest that relying on data and technology would diminish the threat of biased decision-making, numerous real-world examples counsel otherwise.³⁶ Public-sector, data-driven technologies must be rigorously validated and assessed for bias and discrimination at every stage of both the design and implementation process. Public schools that rely on biased

³⁰ Joint “Dear Colleague” Letter, U.S. Dept. of Education (Jan. 8th 2014),

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.

³¹ 2018 Pasco Sheriff’s Office Intelligence Led Policing Manual pp. 70-73, Pasco Sheriff’s Office (Jan. 2018),

https://assets.documentcloud.org/documents/20412738/ilp_manual012918.pdf.

³² 2018 Pasco Sheriff’s Office Intelligence Led Policing Manual pp. 70, Pasco Sheriff’s Office (Jan. 2018),

https://assets.documentcloud.org/documents/20412738/ilp_manual012918.pdf.

³³ Discipline Report: Pasco County, Florida, U.S. Dept. of Ed. (2017),

<https://ocrdata.ed.gov/profile/9/district/31637/disciplinereport>.

³⁴ Advancement Project, *We Came to Learn* (2021), <https://advancementproject.org/wecametolearn/>

³⁵ See e.g., Rashida Richardson, Jason Schultz & Kate Crawford, *Dirty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, Predictive Systems, and Justice*, 94 N.Y.U L. Rev. ONLINE 192 (2019),

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3333423; Andrew Ferguson, *The Rise of Big Data*

Policing: Surveillance, Race, and the Future of Law Enforcement (2017).

³⁶ See e.g. Sarah Brayne, *Predict and Surveil: Data, Discretion, and the Future of Policing* (2021); Brian Jefferson, *Digitize and Punish: Racial Criminalization in the Digital Era* (2020).

technologies to facilitate racial bias against children of color operate in violation of the antidiscrimination mandate of Title VI.

In addition to our concerns related to violations of Title VI, we share similar concerns that the District's data-sharing policies and predictive-policing practices violate other federal antidiscrimination laws such as the Americans with Disabilities Act, as well as federal and state constitutional provisions protecting the right of children to receive a public education absent discrimination on the basis of protected characteristics including race, national origin, disability status, and others.

Required Remedial Steps to Protect Student Privacy and Advance Racial Equity for Pasco County Students and Families

Children cannot be safe in schools that fail to protect their rights. The District's participation in, and contributions to, school-based predictive policing denies parents critical information to protect their children's safety, undermines the learning environment for Pasco County students, and contributes to discriminatory and unlawful school policing practices. Because the Superintendent and the School Board failed to take basic steps to protect the children of Pasco County, immediate and swift remedial measures should now be taken to bring the District's student privacy and disciplinary policies and practices into compliance with federal and state law.

The District should commit to promoting accountability, ensuring educational equity, and adhering to non-discriminatory policies and practices by undertaking the following seven proposed steps.

- 1. The District Must Immediately End Its Data-Sharing Agreement with the Pasco Sheriff's Office.** The District's data-sharing program is shrouded in secrecy and was developed without public notice, community input, or parental consent. As previously mentioned, we are concerned that this program violates the rights of children under FERPA and Title VI among other statutory and constitutional provisions. To date, this program has invited a federal investigation from the U.S. Department of Education and resulted in the loss of \$1.3 million of philanthropic funding for Pasco County schools.³⁷ For these reasons, the District must immediately end its data-sharing agreement with the Pasco Sheriff's Office. Further, the District must take affirmative steps to enact policies and to adopt updated contract provisions that prohibit "intelligence-led" predictive policing activities within the District.
- 2. The District Must Permanently Erase Any Database or List Currently or Previously Used to Identify or Label Students At-Risk**

³⁷ Jeffrey Solocheck & Kathleen McGrory, *Foundation Cuts Off Pasco Schools, Citing Data Sharing*, Tampa Bay Times (Feb. 26, 2021), <https://www.tampabay.com/investigations/2021/02/27/foundation-cuts-off-pasco-schools-citing-data-sharing/>. See also Kathleen McGrory & Natalie Weber, *Feds Investigating Pasco Schools Giving Student Data to Sheriff*, Tampa Bay Times (April 19, 2021), <https://www.tampabay.com/investigations/2021/04/19/feds-investigating-pasco-schools-giving-student-data-to-sheriff/>.

by the Pasco Sheriff's Office. Documents from the Pasco Sheriff's Office acknowledge the existence of a "Youth Target List", "Critical Youth List" and other lists of students who have been identified as "at-risk of developing into prolific criminal offenders." These lists and any other related database in the District or a third-party's possession must be eliminated immediately.

3. **The District Must Not Renew Any SRO Funding Agreement with the Pasco Sheriff's Office that Requires the Unlawful Disclosure of Legally Protected Student Records or that Permits "Intelligence Led" Police Surveillance of Pasco County Children.** Specifically, the contract should terminate the following sections of the 2020-2021 SRO Funding Agreement: Article II Section C ("Analytical Support, Intelligence Led-Policing"); Article II Section D(5)(2)("Intelligence and Analytics") and other provision permitting "intelligence led policing" practices that are inconsistent with federal, state and local privacy and antidiscrimination laws.
4. **The District Must Affirmatively Notify Every Parent/Guardian, in Writing, if their Student(s) has Ever Been Identified as "At-risk", "Off-track", "On-track", "Critical" or Any Other Similar Designation by the District or the Pasco Sheriff's Office.** FERPA guarantees parents the right to access their student's educational records and to challenge any inaccuracies those records may obtain. 20 U.S.C. § 1232g; 34 CFR Part 99. Given that the District's data-sharing agreement may have impacted thousands of Pasco County schoolchildren, it is critical that the District be transparent and inform families of whether their student's confidential records were disclosed to the Pasco Sheriff's Office.
5. **The Superintendent and School Board Must Enact Policy Reforms that Explicitly Ban Predictive Policing Technologies and Unlawful Data Sharing Practices with Law Enforcement.** The Superintendent and School Board should develop procedures that allow principals to terminate any SRO that surveils on children. The Superintendent and School Board should also consult with students, teachers, and families to update and strengthen privacy protections and anti-discrimination policies for the digital era.
6. **The District Must Cease All Retaliation Against Students, Parent/Guardians and District Employees.** We are aware of several incidents of retaliatory conduct by District officials targeted at community members who have expressed concerns regarding the District's data-sharing policies and/or supported efforts to advance racial equity in District

schools. Retaliation for protected activities has a chilling effect on free expression and is strictly prohibited under federal law. *See e.g.*, 34 C.F.R. § 100.7(e) (Title VI); 34 C.F.R. § 106.71 (Title IX) (incorporating 34 C.F.R. §100.7(e) by reference); 34 C.F.R. § 104.61 (Section 504) (incorporating 34 C.F.R. §100.7(e) by reference); and 34 C.F.R. §108.9 (Boy Scouts Act) (incorporating 34 C.F.R. §100.7(e) by reference). The District must reiterate to all District administrators, staff and community partners that retaliation of any kind will not be tolerated and will result in disciplinary action.

- 7. The District Must Develop Student Privacy Guidance and Training for Pasco County School Administrators and Educators.** In collaboration with student privacy experts and community members, the District should develop student privacy guidance and training for administrators and educators. This guidance and training should be provided annually, and should outline their general obligations under FERPA and other relevant student privacy laws. Such guidance and training should specify their legal obligations to maintain the confidentiality of protected student information, emphasizing the legal restrictions around sharing student information with SROs or other law enforcement officials. Regularly updated guidance and training will help ensure that school administrators and educators are well-versed on their obligations to protect the students they serve and empower them with the knowledge to understand when data-sharing practices contravene federal and state law, as well as student privacy best practices.

Conclusion

Thank you for your prompt attention to this matter. We welcome the opportunity to discuss this matter in more detail. Please direct your correspondence to Evian White De Leon (evian.whitedeleon@splcenter.org). We look forward to your response.

Sincerely,

Color of Change

The Council of American-Islamic Relations-Florida (CAIR-FL)

Disability Rights Florida

Electronic Frontier Foundation

The Greater Tampa Chapter of the ACLU of Florida

Intercultural Development Research Association (IDRA)

The NAACP Legal Defense and Educational Fund, Inc. (LDF)

NAACP Florida State Conference
Pasco County NAACP
Pasco Pride
Pastors for Florida Children
Southern Juvenile Defender Center
Southern Legal Counsel
Southern Poverty Law Center
Surveillance Technology Oversight Project (STOP)

