

As Concerns About Student Activity Monitoring Software Grow, a Recent Supreme Court Decision Reinforces the Importance of Protecting Students' Privacy | Center for Democracy and Technology

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With the expansion of remote learning, schools have increasingly deployed technically sophisticated means of monitoring individual student's online activity, including student activity monitoring software that rarely limits its data collection to school hours. Student activity monitoring software may permit schools to see what applications students are using, open websites on a student's laptop, switch tabs, block sites, access communications, or view browsing histories — even when they are away from campus. The monitoring can take place on computers, devices, or applications owned by schools, as well as students' personal devices, and has raised concerns among parents and students across the country.

Last year, the Supreme Court weighed in on the increasingly fuzzy line between students' lives on and offcampus in *Mahanoy Area School District v. B.L.* The Court prohibited a high school from punishing a student for a profanity-laced video about tryouts for the school's cheerleading squad, made off-campus with a personal device on Snapchat, a non-school application. Some commentators have worried that the decision in *Mahanoy* might open the door for widespread surveillance of students, but the principles underlying the decision underscore the importance of protecting student privacy for two reasons:

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