Affirmative: Ban Facial Recognition in Schools

By David W. Helton

**Resolved: The United States federal government should substantially change the use of artificial intelligence technology**

Surveillance in schools has always been a hot topic, but the heat is increasing with the introduction of Facial Recognition Technology (FRT) into thousands of schools across the US. FRT is expensive, prone to error, and doesn’t increase the ability of schools to guard against an active shooter or other potentially dangerous situations. It also harms students’ psychology and teacher relationships, and will adversely affect minorities such as people who are black/Latino, disabled, or just anyone who doesn’t fit the norm. Additionally, the purchasing of expensive FRT systems by school districts has led to the cutting of sports and athletic programs, extracurricular activities, and an increase in the amount of money schools are requesting from already limited state budgets. For these reasons, schools in the US should be stopped from using FRT.

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Affirmative: Ban Facial Recognition in Schools

The 1999 Columbine High School shooting left fifteen dead and many more wounded. More school shootings have occurred since then and each one has been a horrible and devastating event. But today, in a misguided attempt to prevent these deadly events, schools are turning to facial recognition. We’ll show you why that’s a bad policy today as we affirm that: the United States federal government should substantially reform the use of artificial intelligence technology.

OBSERVATION 1. DEFINITION

Facial Recognition Technology or FRT

Jon Schuppe 2019 (journalist for NBC News. BA in journalism from Lehigh University. ) November 14, 2019 “New federal bill would restrict police use of facial recognition” <https://www.nbcnews.com/news/us-news/new-federal-bill-would-restrict-police-use-facial-recognition-n1082406> (Accessed 21 July 2021)

Facial recognition, which is driven by artificial intelligence, allows officers to compare images of people’s faces to photos in government databases — mugshots, jail booking records, driver’s licenses. Its use on still images has been embraced by dozens of police agencies, with officers using it to solve routine crimes and to quickly identify people they see as suspicious.

OBSERVATION 2. INHERENCY, or the structure of the Status Quo. One key FACT:

Facial Recognition Technology in schools. Thousands of US schools use FRT

Professor Mark Andrejevic & Professor Neil Selwyn 2019 (Andrejevic - a professor in the Faculty of Education, Monash University, Melbourne, Australia. Selwyn -  Professor of Media and Communication at Monash University, Australia) November 5, 2019 “Facial recognition technology in schools: critical questions and concerns <https://www.tandfonline.com/doi/full/10.1080/17439884.2020.1686014> (Accessed 3 November 2021)

One prominent educational application of facial recognition technology is campus security. This form of facial recognition is most prevalent in the US, where school shooting incidents have prompted school authorities to annually spend $2.7 billion on-campus security products and services (Doffman [2018](https://www.tandfonline.com/doi/full/10.1080/17439884.2020.1686014)). Facial recognition systems have now been sold to thousands of US schools, with vendors ‘pitching the technology as an all-seeing shield against school shootings’ (Harwell [2018](https://www.tandfonline.com/doi/full/10.1080/17439884.2020.1686014), n.p).

OBSERVATION 3. We need our Plan, to be implemented by Congress and the President

1. Congress sets terminating the use of facial recognition technology in public schools as a condition for States to continue receiving federal education grants.
2. Enforcement through the Dept. of Education and the Treasury Dept. Any state not in compliance will lose federal education grants.
3. No net increase in federal funding.
4. Plan takes effect 30 days after an Affirmative ballot
5. All Affirmative speeches may clarify.

OBSERVATION 4. SOLVENCY. States will comply

States comply with federal education requirements because they don’t want to lose funding.

Dr. Terry Stoops 2020. (director of the Center for Effective Education; Ph.D. in Social Foundations of Education from the University of Virginia ) updated as of January 2020 “Federal Education Policy” <https://www.johnlocke.org/policy-position/federal-education-policy/> (accessed 15 Nov 2021)

At no time before did the federal government’s role become larger, or more controversial, than Congress’ 2002 reauthorization of ESEA, also known as No Child Left Behind. This bipartisan law imposed new testing, reporting, and accountability requirements on states, which they begrudgingly implemented to keep federal K-12 education dollars flowing into state coffers.

OBSERVATION 5. JUSTIFICATIONS

JUSTIFICATION 1. False hope & wasted money. Every dollar spent on FRT in the hope of improved security is wasted

A. Millions spent

Tristan Greene 2019 (Editor of Neural and Technology Reporter at TNW. Former Case Management Representative at Asurion. Served in the US Navy for 10 years.) July 23, 2019 “Why US public schools’ creepy use of surveillance AI should frighten you <https://thenextweb.com/news/why-us-public-schools-creepy-use-of-surveillance-ai-should-frighten-you> (Accessed 25 September 2021)

Public schools across the US continue to spend millions implementing AI-powered surveillance solutions alleged to prevent or mitigate violence. The only problem: most of them don’t work. US schools now rival China’s when it comes to ubiquitous surveillance, yet our students remain at the highest risk for violence among developed nations. What gives?

B. No school security benefit

Ava Kofman citing Rachel Levinson-Waldman 2018 (Kofman-reports on technology. She joined ProPublica in January 2019, after working as a contributing reporter at The Intercept,. Waldman - a security and policing expert at the Brennan Center for Justice) May 30 2018 “Face Recognition is now Being Used in Schools, but it Won’t Stop Mass Shootings” <https://theintercept.com/2018/05/30/face-recognition-schools-school-shootings/> (Accessed 3 October 2021)

Because face recognition appears uniquely ill-suited to respond directly to school shootings — which are themselves statistically rare events — privacy experts fear that the primary function of the technology will be to expand the surveillance and criminalization of adolescents. “Whether it was intended to be this way or not, Lockport’s technology is effectively going to be a surveillance system and not a safety system,” Levinson-Waldman said.

JUSTIFICATION 2. Racial Bias.

A. FRT promotes racial discrimination

John S. Cusick and Clarence Okoh 2021 (Cusick – attorney with the NAACP Legal Defense Fund. Okoh -  an equal justice works fellow at the NAACP Legal Defense Fund) July 23, 2021 “Why schools need to abandon facial recognition, not double down on it” <https://www.fastcompany.com/90657769/schools-facial-recognition> (Accessed 25 September 2021)

Welcoming facial recognition into our children’s classrooms creates situations ripe for discrimination based on flimsy science. Emerging research is clear that facial recognition technology is inaccurate and reproduces age, race, and ethnicity biases. It also performs more poorly on children as compared to adults due, in part, to facial changes that occur during adolescence. Yet companies continue aggressively marketing facial recognition as a cost-effective public safety solution without disclosing these tools’ inaccuracies and racial and gender biases.

B. Minority students harmed

John S. Cusick and Clarence Okoh 2021 (Cusick - a litigation fellow at the NAACP Legal Defense Fund, primarily working on police misconduct, criminal justice, and voting cases and advocacy. Okoh -  an equal justice works fellow at the NAACP Legal Defense Fund. His fellowship project seeks to challenge the discriminatory use and impact of artificial intelligence and machine-learning technologies on communities of color and low-income communities.) July 23, 2021 “Why schools need to abandon facial recognition, not double down on it”<https://www.fastcompany.com/90657769/schools-facial-recognition> (Accessed 25 September 2021)

But the harms will not be borne equally by students. Relying on surveillance tools that are inaccurate and reproduce racial biases will cast an undue level of suspicion on Black and brown students. Such an outcome perpetuates the dangerous idea that students of color are increased “threats” that need to be managed, rather than educated. Nor can this expanded surveillance be divorced from the ongoing crisis of the school-to-prison pipeline. Making assessments and disciplinary decisions based on facial recognition technology will exacerbate preexisting racial disparities in suspensions, expulsions, school-based arrests, and other forms of exclusionary school discipline.

JUSTIFICATION 3. Privacy Stolen

Student lose privacy and have their data collected without their consent

Kyle Wiggers 2020 (Kyle Wiggers is a staff writer at VentureBeatwrite. He writes about artificial intelligence. He holds a BS in Journalism from Ohio University.) September 16, 2020 “Over 1,000 parents sign open letter protesting facial recognition in schools” <https://venturebeat.com/2020/09/16/over-1000-parents-sign-open-letter-protesting-facial-recognition-in-schools/> (Accessed 25 October 2021)

A recent study published by University of Michigan researchers showed facial recognition technology in schools has limited efficacy and presents a number of potential privacy problems. For instance, the coauthors write that facial recognition would promote new codes for dress and appearance and punish students who don’t adhere to those constraints, as well as causing problems for schools that rely on the technology for attendance-taking, lunch sales, and other daily activities. They also assert that facial recognition will create new kinds of data that can be purchased by private corporations, making it impossible for students to provide full and informed consent for data collection or control.

JUSTIFICATION 4. Bad social impacts

A. Surveillance means anxiety and stress

John S. Cusick and Clarence Okoh 2021 (Cusick - a litigation fellow at the NAACP Legal Defense Fund, primarily working on police misconduct, criminal justice, and voting cases and advocacy. Okoh -  an equal justice works fellow at the NAACP Legal Defense Fund. His fellowship project seeks to challenge the discriminatory use and impact of artificial intelligence and machine-learning technologies on communities of color and low-income communities.) July 23, 2021 “Why schools need to abandon facial recognition, not double down on it” <https://www.fastcompany.com/90657769/schools-facial-recognition> (Accessed 25 September 2021)

Technological flaws and limitations, however, are not the only concern. Facial recognition technology represents an unprecedented expansion of monitoring and surveillance. Constant surveillance can increase student anxiety and stress, particularly if captured data is being used for student assessment, monitoring, and disciplinary decisions.

B. False accusations, embarrassment and fear

Maya Weinstein 2020 (Legal Fellow at National Student Legal Defense Network. Former Judicial Law Clerk at the Supreme Court of North Carolina. JD from Univ. of North Carolina Chapel Hill. BA in Human Services and Criminal Justice Cum laude from George Washington Univ. ) 2020 “School Surveillance: The Students' Rights Implications of Artificial Intelligence as K-12 School Security” <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6772&context=nclr> (Accessed 25 September 2021)

Research also indicates that facial recognition technology has high rates of inaccurate identification of younger faces, one of the target populations of these scans in schools. There is no information regarding how accurately facial recognition technology identifies developing faces. An eighth-grade student may look very different at the end of a school year compared to the beginning of the year, and teenagers, especially, tend to change their appearances. It is not clear whether districts and these machines will be able to keep up. Given the uncertainty around accurate identification of young people, a threat of negative impact on the academic environment remains. All students should feel comfortable operating in their academic institutions without experiencing embarrassment due to an erroneous identification or fearing interactions with law enforcement.

2A Evidence: FRT school surveillance

DEFINITIONS / TOPICALITY

Substantial

Merriam Webster Online Dictionary copyright 2021. <https://www.merriam-webster.com/dictionary/substantially> (accessed 28 May 2021)

: considerable in quantity : significantly great

Reform

Merriam Webster Online Dictionary copyright 2021 <https://www.merriam-webster.com/dictionary/reform> (accessed 28 May 2021)

: to put or change into an improved form or condition

Artificial Intelligence

Merriam Webster Online Dictionary copyright 2021. <https://www.merriam-webster.com/dictionary/artificial%20intelligence> (accessed 28 May 2021)

: the capability of a machine to imitate intelligent human behavior

INHERENCY

Increasing number of schools using FRT in different states. Examples: Georgia, Kansas, New Hampshire

Kyle Wiggers 2020 (staff writer at VentureBeatwrite. BS in Journalism from Ohio Univ.) September 16, 2020 “Over 1,000 parents sign open letter protesting facial recognition in schools” <https://venturebeat.com/2020/09/16/over-1000-parents-sign-open-letter-protesting-facial-recognition-in-schools/> (Accessed 25 October 2021)

Fight for the Future’s campaign comes as an increasing number of schools consider deploying facial recognition tech to combat the coronavirus pandemic. Fayette County Public Schools in Georgia recently purchased cameras made by Hikvision, a Chinese provider of facial recognition tools and surveillance equipment, to estimate students’ temperatures as they walk in the door. The Topeka Public School District acquired screening systems that ship with integrated facial recognition features. And in New Hampshire, the Rio Rancho Public Schools Board of Education ordered dozens of GoSafe tablets that have built-in facial recognition components.

No restrictions in any jurisdiction in the US on FRT in schools

Michigan University Technology Assessment Project Report 2020 (Claire Galligan – Unv. of Michigan BA in Public Policy and minor in Economics. Former Pres. of Michigan Foreign Policy Council. Hannah Rosenfeld - Master of Public Policy student at Univ. of Michigan. Molly Kleinman - Program Manager of the Science, Technology, and Public Policy program at Univ of Michigan, and lecturer at Univ of Michigan School of Education. Ph.D. in Higher Education Policy from Univ of Michigan, MS in Information from Univ of Michigan School of Information. Shobita Parthasarathy - Professor of Public Policy & Women’s Studies, and Director of the Science, Technology, and Public Policy Program, at Univ of Michigan) (month not given but references material from June 2020) “Cameras in the Classroom: Facial Recognition Technology in Schools” <https://stpp.fordschool.umich.edu/sites/stpp/files/uploads/file-assets/cameras_in_the_classroom_full_report.pdf> (Accessed 10/25/2021)

As suggested above, there are no federal, state, or local policies explicitly regulating FR in schools anywhere in the world. This lack of regulation leaves students unprotected from the negative and potentially unforseen consequences of FR in schools. Though the United States does have the Federal Educational Rights and Privacy Act (FERPA) of 1974, which may apply to FR in schools because it defines 1) who may access student records and for what purposes, and 2) the rights of students and parents to view and correct student records, the law was written with non-digital records in mind, and, despite a 2002 update, does very little to protect student privacy in the digital age.

HARMS / SIGNIFICANCE

Privacy concerns

Rebecca Heilweil 2020 (reporter for Open Sourced, covering artificial intelligence, algorithms, and automation. She has written for Fortune, the Wall Street Journal, and the Philadelphia Inquirer) January 25, 2020 “New surveillance AI can tell schools where students are and where they’ve been” <https://www.vox.com/recode/2020/1/25/21080749/surveillance-school-artificial-intelligence-facial-recognition> (Accessed 30 September 2021) (brackets in original)

Adding to privacy concerns surrounding a tool like Appearance Search is the fact that it’s not exclusively being used to address violence in schools. School administrators are already using the system to try to intercept bullying, to deter code of conduct violations, and to assist in investigations of school employees. As Kai Koerber, a recent graduate of MSD, told Recode about the technology: “I don’t think [students] should have to — by going to school — volunteer to accept this kind of new social contract where you’re going to be recorded and traced through your every move. I do think people have the right to be able to walk to the next class without being identified.”

Surveillance bad for children

Nila Bala writing for the Duke Law & Technology Review 2020 (Associate Director of Criminal Justice Policy, R Street Institute. Former assistant public defender in Baltimore. Formerly clerked for Judge Keith P. Ellison of the U.S. District Court for the Southern District of Texas. JD from Yale Law School.) 2020 “The Danger of Facial Recognition in Our Children’s Classrooms” <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1354&context=dltr> (Accessed October 29 2021)

Surveillance is not beneficial for children. Not only does it discourage mind-wandering and creativity, but it also works against children becoming autonomous, fully functional citizenry. We uphold freedom as one of the paramount American values, yet we are unwilling to allow children to explore its bounds. Unlike adults, children are still in the midst of growth and development, which makes them particularly vulnerable to the effects of emerging technology, including mass surveillance. One study has shown that children as young as 18 months are aware when they are being watched, and it can change their behavior and development. Science further continues to reveal how the prefrontal cortex—the part of the brain that controls impulses and reasoning—continues to develop from childhood through adolescence and early adulthood. Even the Supreme Court, in formulating its jurisprudence of how children should be treated in the criminal justice system, has repeatedly emphasized the differences between children and adults. It is during childhood that the ability to focus and think critically is cemented. Therefore, psychological harms from technology’s surveillance may have a greater and more lasting effect on children than on adults because of the “many social, biological, cognitive, and psychological changes that characterize this life period.”

Surveillance produces criminal records but not safety

New York Civil Liberties Union 2019(New York affiliate of the American Civil Liberties Union; not-for-profit, nonpartisan organization with eight chapters and regional offices, and more than 160,000 members across the state.) “Legislative Memo: Biometric Identifying Technology in Schools” (article is undated but references mention April 2019 at the latest) <https://www.nyclu.org/en/legislation/legislative-memo-biometric-identifying-technology-schools> (Accessed 25 September 2021)

Biometric surveillance technology is an inappropriate tool for managing school safety and discipline, such as tracking who students associate with, investigating minor misbehavior, or enforcing code of conduct violations. As schools increasingly rely on law enforcement to maintain school discipline, more students are exposed to the criminal justice system than ever before. These tactics do not make schools safer. They cause damage to the school climate and can leave kids with lifelong criminal justice consequences. Ubiquitous monitoring threatens to magnify law enforcement’s already serious impact on students.

Using FRT in schools can result in heteronomy

Nila Bala writing for the Duke Law & Technology Review 2020 (Associate Director of Criminal Justice Policy, R Street Institute. Former assistant public defender in Baltimore. Formerly clerked for Judge Keith P. Ellison of the U.S. District Court for the Southern District of Texas. JD from Yale Law School.) 2020 “The Danger of Facial Recognition in Our Children’s Classrooms” <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1354&context=dltr> (Accessed October 29 2021)

Valuing surveillance above autonomy can result in heteronomy: “the condition of being governed by someone else.” Researchers have found that heteronomous children can have difficulties with tasks that require critical thinking and become overly reliant on parents, teachers, and the state to make decisions for them. When they do make decisions, heteronomous children report making the “right” decision because they are being watched, rather than as a result of their own discernment of what decision is the correct or moral one.  For example, these children reported that lying was wrong only if they were punished.  Furthermore, they indicated that lying to adults was worse than lying to children because adults would know if they were lying. Surveillance takes away children’s ability to grow into meaningfully engaged adults by overly scrutinizing their behavior. Compounded over many individuals, surveillance takes away a discerning citizenry, which is key to a functioning democracy.

FRT disrupts the student-teacher relationship

Nila Bala writing for the Duke Law & Technology Review 2020 (Associate Director of Criminal Justice Policy, R Street Institute. Former assistant public defender in Baltimore. Formerly clerked for Judge Keith P. Ellison of the U.S. District Court for the Southern District of Texas. JD from Yale Law School.) 2020 “The Danger of Facial Recognition in Our Children’s Classrooms” <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1354&context=dltr> (Accessed October 29 2021)

If we are trying to promote pro-social behavior, such as paying attention in class, research demonstrates that creating a bond of trust between adults and children is much more effective than surveillance in encouraging children to communicate and learn freely. Trust requires relying on another’s good will, which makes us vulnerable; trust can always be broken. It is ultimately a risky endeavor to trust rather than surveil someone, but it is also the true basis of any meaningful relationship. Surveillance undermines this bond of trust by making it clear that all students are suspects and under scrutiny, which disrupts the relationship of trust between teacher and student.

FRT disproportionately affects minorities, creates more social harm

Legal fellow Maya Weinstein 2020 (Legal Fellow at National Student Legal Defense Network. Former Judicial Law Clerk at the Supreme Court of North Carolina. JD from Univ of North Carolina Chapel Hill. BA in Human Services and Criminal Justice from George Washington Univ. ) 2020 “School Surveillance: The Students' Rights Implications of Artificial Intelligence as K-12 School Security” <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6772&context=nclr> (Accessed 25 September 2021)

In the context of K-12 schools, these biases are even more problematic. Students of color are already subjected to disproportionate disciplinary action in K-12 schools, which ultimately places them at higher risk for entry into the criminal justice system via the “school-to-prison pipeline.” Inserting a flawed surveillance system into the mix could further threaten access to education for students of color, ultimately impacting their economic success and physical health.

Bias and failure on minorities means FRT will falsely accuse minority students

Legal fellow Maya Weinstein 2020 (Legal Fellow at National Student Legal Defense Network. Former Judicial Law Clerk at the Supreme Court of North Carolina. JD from Univ of North Carolina Chapel Hill. BA in Human Services and Criminal Justice from George Washington Univ. ) 2020 “School Surveillance: The Students' Rights Implications of Artificial Intelligence as K-12 School Security” <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6772&context=nclr> (Accessed 25 September 2021)

Further, facial detection readings of women’s faces are often inaccurate. Currently, “Black girls face high and disproportionate suspension rates across the country—and it’s not because they are misbehaving more frequently than other girls.” Rooted in implicit bias and stereotyping, Black girls are held to “lower academic expectations” and “make up disproportionately high shares of girls who are retained in every single grade.” Thus, it is not much of a leap to anticipate a disproportionate number of instances where Black girls are misidentified by facial recognition technology, such as a situation where a school is looking at surveillance of a fight or another conduct violation. This misidentification could result in disciplinary and negative academic consequences. If this technology is used to determine who was involved in a conduct incident or who is permitted to enter the school, students of color will be at risk of being misidentified as individuals who committed conduct violations or are otherwise prohibited from entry.

FRT unable to identify minorities, women and disabled students –marginalizes vulnerable students

Michigan University Technology Assessment Project Report 2020 (Claire Galligan – Unv. of Michigan BA in Public Policy and minor in Economics. Former President of the Michigan Foreign Policy Council. Hannah Rosenfeld - Master of Public Policy student at Univ. of Michigan. BA in Biology from Univ of Virginia. Molly Kleinman - Program Manager of the Science, Technology, and Public Policy program at Univ of Michigan, and a lecturer at Univ of Michigan School of Education. Ph.D. in Higher Education Policy from Univ of Michigan Center for the Study of Higher & Postsecondary Education, MS in Information from Univ of Michigan School of Information. Shobita Parthasarathy - Professor of Public Policy and Women’s Studies, and Director of the Science, Technology, and Public Policy Program, at Univ of Michigan) (month not given but references material from June 2020) “Cameras in the Classroom: Facial Recognition Technology in Schools” <https://stpp.fordschool.umich.edu/sites/stpp/files/uploads/file-assets/cameras_in_the_classroom_full_report.pdf> (Accessed 10/25/2021)

Minorities, women, disabled, and gender non-confirming people are made hyper-visible to identification and surveillance methods and ultimately, further marginalized. This is because the characteristics and behaviors of these groups may fall outside those set by individuals usually defined as the norm: white, cisgender, straight, and non-disabled. For example, SROs are 2 to 4 times more likely to refer students with disabilities to law enforcement than their non-disabled peers, an effect that was compounded for disabled students of color (Alabama Appleseed, 2019). Black boys with disabilities were more likely than any other group of students to be arrested or referred to law enforcement. Further, FR will marginalize these students because it is simply less accurate at identifying them: minorities, women, disabled students, and transgender or non-binary students will consistently be unable to be identified by FR (Scheuerman et al., 2019).

FRT is perceived as neutral, but it’s biased

Nila Bala writing for the Duke Law & Technology Review 2020 (Associate Director of Criminal Justice Policy, R Street Institute. Former assistant public defender in Baltimore. Formerly clerked for Judge Keith P. Ellison of the U.S. District Court for the Southern District of Texas. JD from Yale Law School.) 2020 “The Danger of Facial Recognition in Our Children’s Classrooms” <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1354&context=dltr> (Accessed October 29 2021)

Like many technological tools, facial recognition is more likely to exaggerate existing issues of discrimination rather than solve them. Technology utilizing artificial intelligence is a tool that can amplify preexisting biases because training data—the data chosen to train artificial intelligence to perform—is subject to the biases of human beings. Additionally, these biases can be harder to address because technology is often seen as neutral and beyond human prejudice.

FRT hasn’t been studied enough to allow it into schools

Dana Vioreanu citing Assembly Member Monica P. Wallace 2021 (Vioreanu -  journalist; degree in sociology. Wallace -  an attorney and member of the NY State Legislature; J.D., from SUNY Buffalo Law School. ) Last updated: Feb 25, 2021 “New York State to Suspend Facial Recognition in Schools” <https://privacyhub.cyberghostvpn.com/privacyhub/new-york-state-to-suspend-facial-recognition-in-schools/> (Accessed 25 October 2021)

“Before spending millions of dollars on this new and unproven technology, we owe it to students, parents, and taxpayers to take a hard look at whether facial recognition software is appropriate for use in schools. I thank Governor Cuomo for signing this legislation and recognizing the need to further study the issue. There are serious concerns about misidentification, misuse and data privacy that must be considered before allowing this technology to be used in schools across the state.”

FRT is inconsistent, poor quality, jeopardizes privacy, inaccurate, biased, and useless in a violent attack situation

Victor Tangermann 2018 (Toronto-based staff writer and photo editor for Futurism.com. Graduated from McGill University with a BA in Philosophy and International Development Studies.) June 8, 2018 “Security Companies Want To Use Facial Recognition To Stop School Shootings” <https://futurism.com/security-companies-facial-recognition-stop-school-shootings> (Accessed 26 October 2021)

Many schools across the nation have already invested millions of dollars in the technology, equipping their hallways and classrooms with high-tech camera systems, or upgrading their existing closed-circuit cameras with AI software. Unfortunately, there are plenty of legitimate concerns over the effectiveness of current day facial recognition technology. Just a few:
 A lot of security cameras lack the video quality to provide an AI software with a picture clear enough to distinguish between faces and object, for example.
Because technology’s rapid advancements are far outpacing the law, security companies basically have free reign over data collection methods, and how and where that data is stored.
Predicting future face shapes, and structures of still-growing children requires highly complex calculations that the software might not be capable of.
Facial recognition software has been repeatedly shown to be less accurate for people of color. In a school setting, that might mean that students of color are more heavily disciplined than their white classmates.
Even in the case of a true positive, the system may not alert people quickly enough to intervene in time to prevent another violent attack.

FRT amplifies bias

Michigan University Technology Assessment Project Report 2020 (Claire Galligan – Unv. of Michigan BA in Public Policy and minor in Economics. Former President of the Michigan Foreign Policy Council. Hannah Rosenfeld - Master of Public Policy student at Univ. of Michigan. BA in Biology from Univ of Virginia. Molly Kleinman - Program Manager of the Science, Technology, and Public Policy program at Univ of Michigan, and a lecturer at Univ of Michigan School of Education. Ph.D. in Higher Education Policy from Univ of Michigan Center for the Study of Higher & Postsecondary Education, MS in Information from Univ of Michigan School of Information. Shobita Parthasarathy - Professor of Public Policy and Women’s Studies, and Director of the Science, Technology, and Public Policy Program, at Univ of Michigan) (month not given but references material from June 2020) “Cameras in the Classroom: Facial Recognition Technology in Schools” <https://stpp.fordschool.umich.edu/sites/stpp/files/uploads/file-assets/cameras_in_the_classroom_full_report.pdf> (Accessed 10/25/2021)

Using FR technology in schools is likely to amplify, institutionalize, and potentially weaponize existing racial biases, resulting in disproportionate surveillance and humiliation of marginalized students. It is likely to mimic the impacts of school resource officers (SROs), stop-and-frisk policies, and airport security. All of these interventions purport to be objective and neutral systems, but in practice they reflect the structural and systemic biases of the societies around them. All of these practices have had racist outcomes due to the users of the systems disproportionately targeting people of color. For example, though predictive policing is supposed to remove the bias of individual officers, in practice its deployment in predominantly Black and brown neighborhoods, its training data, and its algorithms all serve to reproduce bias on a systemic level and disproportionately harm Black and brown people, to such an extent that several cities have recently discontinued its use. These cases have also revealed that technologies that target subjects along racist lines result in negative psychological and social outcomes for these subjects. The use of metal detectors in schools decreases students’ sense of safety, for example. Because FR is a similar surveillance technology that has potential to amplify user biases, it is likely that FR systems in schools will disproportionately target students of color, harming them psychologically and socially. Finally, FR algorithms consistently show higher error rates for people of color, with white male subjects consistently enjoying the highest accuracy rates. In sum, students of color are more likely to be targeted by FR surveillance and more likely to be misidentified by FR. multiplying the negative impacts of the tool.

Using FRT leads to mission creep

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Implementing FR in schools will normalize the experience of being constantly surveilled starting at a young age. Furthermore, once implemented, it will be hard to control how administrators use FR and for what purposes. The analogical case of closed-circuit television (CCTV) reveals how surveillance technologies can undergo mission creep: CCTV systems in secondary schools in the United Kingdom (UK) were originally instituted for school security, but in practice became most often used for monitoring student behavior. Considering FR’s similarities to CCTV in terms of form and function, it is likely that FR will also undergo mission creep as administrators expand the usage of the technology outside of what was originally defined.

Negative social effects and loss of privacy from FRT in schools

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The normalization of surveillance will result in negative psychological and social effects for students. CCTV, as well as the cases of fingerprinting in schools and India’s Aadhaar system, make subjects feel powerless as they feel that they are always being watched. This is likely to be replicated with FR in schools. Finally, limited data protections in the face of widespread surveillance puts subjects’ privacy at greater risk. This was the case with India’s Aadhaar system, where citizens’ biometric data has been subject to security breaches, and would also be a significant risk in school FR systems.

FRT harms and marginalizes minority students

Michigan University Technology Assessment Project Report 2020 (Claire Galligan – Unv. of Michigan BA in Public Policy and minor in Economics. Former President of the Michigan Foreign Policy Council. Hannah Rosenfeld - Master of Public Policy student at Univ. of Michigan. BA in Biology from Univ of Virginia. Molly Kleinman - Program Manager of the Science, Technology, and Public Policy program at Univ of Michigan, and a lecturer at Univ of Michigan School of Education. Ph.D. in Higher Education Policy from Univ of Michigan Center for the Study of Higher & Postsecondary Education, MS in Information from Univ of Michigan School of Information. Shobita Parthasarathy - Professor of Public Policy and Women’s Studies, and Director of the Science, Technology, and Public Policy Program, at Univ of Michigan) (month not given but references material from June 2020) “Cameras in the Classroom: Facial Recognition Technology in Schools” <https://stpp.fordschool.umich.edu/sites/stpp/files/uploads/file-assets/cameras_in_the_classroom_full_report.pdf> (Accessed 10/25/2021)

FR in schools is also likely to discipline young people in unexpected ways, by narrowing the definition of the “acceptable student” and punishing those who fall outside that definition. For example, CCTV systems in UK secondary schools led many students to reclassify their expressions of individuality and alter their behavior. Students reported that their style of dress seemed to influence how likely they were to be disciplined, meaning that non-criminal expressions of individuality could warrant punishment for students. Students also reported avoiding certain areas where they were likely to be surveilled, and behaving in ways less likely to draw attention. Additionally, FR is likely to further marginalize minority groups, as India’s Aadhaar system did. Aadhaar excludes citizens who have damaged fingerprints or eyes, which disproportionately impacts marginalized people including manual laborers and leprosy patients. This often means that these individuals are unable to access food rations or welfare, thus harming groups that were already disadvantaged. FR in schools is likely to similarly exclude students, given that students of color, immigrant students, students with disabilities, gender non-conforming students, and low-income students all are likely to have lower accuracy and higher flag rates both automatically due to the design of FR and by human administrators of the system. Depending on how the school is using FR, this could result in already marginalized students being incorrectly marked absent for class, prevented from checking out library books, or paying for lunch. In these ways, analogies to FR indicate that it is likely to define the “acceptable” student and discipline those who fall outside of that definition. FR systems in schools are poised to privilege some students and exclude and punish others based on expressions of individuality and characteristics outside of their control.

No consent to FRT data use - data will be misused or stolen

Michigan University Technology Assessment Project Report 2020 (Claire Galligan – Unv. of Michigan BA in Public Policy and minor in Economics. Former President of the Michigan Foreign Policy Council. Hannah Rosenfeld - Master of Public Policy student at Univ. of Michigan. BA in Biology from Univ of Virginia. Molly Kleinman - Program Manager of the Science, Technology, and Public Policy program at Univ of Michigan, and a lecturer at Univ of Michigan School of Education. Ph.D. in Higher Education Policy from Univ of Michigan Center for the Study of Higher & Postsecondary Education, MS in Information from Univ of Michigan School of Information. Shobita Parthasarathy - Professor of Public Policy and Women’s Studies, and Director of the Science, Technology, and Public Policy Program, at Univ of Michigan) (month not given but references material from June 2020) “Cameras in the Classroom: Facial Recognition Technology in Schools” <https://stpp.fordschool.umich.edu/sites/stpp/files/uploads/file-assets/cameras_in_the_classroom_full_report.pdf> (Accessed 10/25/2021)

History suggests that organizations will find ways to commodify FR data from schools, raising questions of market exploitation and student consent. It is difficult for students, teachers, and other visitors to schools to meaningfully consent to FR because they do not have alternate options to attending school, they may not understand the potential uses of FR, and they may not know what they are consenting to or how to opt out. Ultimately, it seems that instituting FR in schools opens up students to their data being commodified and either sold or stolen without their knowledge and consent. Not only does this invade student privacy and compromise their sensitive data, but it also creates a culture that teaches students that it is normal and unremarkable to give away sensitive information. For these reasons, we strongly advise against the implementation of FR in schools.

SOLVENCY/ADVOCACY

Advocacy

Advocacy - Michigan University Study

Office of the Vice President for Communications at Michigan University 2020 (strategic communications and marketing group promoting the Univ. of Michigan) 10 Aug 2020 “U-M study finds facial recognition technology in schools presents many problems, recommends ban” <https://news.umich.edu/u-m-study-finds-facial-recognition-technology-in-schools-presents-many-problems-recommends-ban/> (Accessed 25 September 2021)

Facial recognition technology should be banned for use in schools, according to a new study by the University of Michigan’s Ford School of Public Policy that cites the heightened risk of racism and potential for privacy erosion.

 **[END QUOTE. THEY GO ON LATER IN THE SAME CONTEXT QUOTE:]**

Among the concerns is facial recognition, which could be used to monitor student attendance and behavior as well as contact tracing. But the report argues this technology will “exacerbate racism,” an issue of particular concern as the nation confronts structural inequality and discrimination.

Advocacy: Michigan University Study. FRT should be banned in schools

Michigan University Technology Assessment Project Report 2020 (Claire Galligan – Unv. of Michigan BA in Public Policy and minor in Economics. Former President of the Michigan Foreign Policy Council. Hannah Rosenfeld - Master of Public Policy student at Univ. of Michigan. BA in Biology from Univ of Virginia. Molly Kleinman - Program Manager of the Science, Technology, and Public Policy program at Univ of Michigan, and a lecturer at Univ of Michigan School of Education. Ph.D. in Higher Education Policy from Univ of Michigan Center for the Study of Higher & Postsecondary Education, MS in Information from Univ of Michigan School of Information. Shobita Parthasarathy - Professor of Public Policy and Women’s Studies, and Director of the Science, Technology, and Public Policy Program, at Univ of Michigan) (month not given but references material from June 2020) “Cameras in the Classroom: Facial Recognition Technology in Schools” <https://stpp.fordschool.umich.edu/sites/stpp/files/uploads/file-assets/cameras_in_the_classroom_full_report.pdf> (Accessed 10/25/2021)

Given the legacies of the technologies we have reviewed throughout this report, we find it difficult to imagine that the benefits of FR technology will outweigh the risks. Rather, we conclude the opposite: at the time of a technology’s introduction, we tend to overestimate the benefits and minimize the negative consequences. Therefore, we strongly recommend that the technology be banned for use in schools.

Advocacy: Small benefits of FRT in classrooms are outweighed by the harms

Nila Bala writing for the Duke Law & Technology Review 2020 (Associate Director of Criminal Justice Policy, R Street Institute. Former assistant public defender in Baltimore. Formerly clerked for Judge Keith P. Ellison of the U.S. District Court for the Southern District of Texas. JD from Yale Law School.) 2020 “The Danger of Facial Recognition in Our Children’s Classrooms” <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1354&context=dltr> (Accessed October 29 2021)

Putting children under the magnifying glass of facial recognition in the classroom might have some benefits, including allowing for early intervention when children do not understand the material. Nevertheless, there are other ways to achieve the same ends that better preserve privacy, such as smaller classrooms and more individualized instruction, that operate without facial recognition and constant monitoring in the classroom. To respect privacy as the right to be left alone (rather than just protecting information once collected), facial recognition must be kept outside the classroom doors.

Enforcement through Federal funding

Accounts for 8% of K-12 budgets

US Department of Education last modified 2021 (The United States Department of Education is a Cabinet-level department of the United States government.) Last modified June 15, 2021 “The Federal Role in Education” <https://www2.ed.gov/about/overview/fed/role.html> (Accessed 11 November 2021)

That means the Federal contribution to elementary and secondary education is about 8 percent, which includes funds not only from the Department of Education (ED) but also from other Federal agencies, such as the Department of Health and Human Services' Head Start program and the Department of Agriculture's School Lunch program.

How much does the Federal government give the states? 7.8% of the total $640 billion spent in the US on K-12 education (Do the math: = $49.9 billion / year)

Melanie Hanson 2021 (educator, research analyst and the senior editor for EducationData.org. Master’s degree in writing) 2 Aug 2021 “U.S. Public Education Spending Statistics” <https://educationdata.org/public-education-spending-statistics> (accessed 16 Nov 2021)

Public education spending in the United States falls short of global benchmarks and lags behind economic growth; K-12 schools spend $640.0 billion or $12,624 per pupil annually. Federal, state, and local governments budget $734.2 billion or $14,484 per pupil to fund K-12 public education. The difference between spending and funding is $94.29 billion or $1,860 per pupil. The federal government provides 7.8% of funding for public K-12 education.

Congress can set conditions on education funding it gives to the states to comply with federal policy

National Association of Charter School Authorizers copyright 2021 (NACSA is an independent voice for effective charter school policy, education reform, and strategic charter authorizing practices that lead to great public schools and improved public education across our country.) “How Federal Regulations Impact Education Policy, Education Funding, and Public Charter Schools” <https://www.qualitycharters.org/federal-policy-agenda/how-federal-policy-impacts-education/> (Accessed 11 November 2021)

Congress creates federal law, with most federal education policies advanced through the Education and Secondary Education Act (ESEA). The new bill is called the Every Student Succeeds Act, or ESSA. ESSA dictates what a state must do to receive federal education funding (including charter school funding), and also, along with additional federal law, establishes mandates to ensure FAIRNESS for all students.

Successful Enforcement Example: All 50 states complied with federal education requirements in No Child Left Behind

North Dakota Legislative Council staff for the No Child Left Behind Committee 2005 (agency of the North Dakota state legislature) September 2005 “NO CHILD LEFT BEHIND ACT OF 2001” <https://www.legis.nd.gov/files/resource/committee-memorandum/79030.pdf> (accessed 15 Nov 2021)

As did the previous law, the No Child Left Behind Act requires each state to submit an accountability plan of standards and assessments. Unlike the previous law, the No Child Left Behind Act required all states to submit their accountability plans to the United States Secretary of Education by a date certain, which was June 2003. All 50 states, together with the District of Columbia and Puerto Rico, met that deadline.

US Dept of Education sets rules States must follow to keep receiving education funds

National Association of Charter School Authorizers, copyright 2021 (NACSA is an independent voice for effective charter school policy, education reform) “How Federal Regulations Impact Education Policy, Education Funding, and Public Charter Schools” <https://www.qualitycharters.org/federal-policy-agenda/how-federal-policy-impacts-education/> (Accessed 11 November 2021)

The US Department of Education interprets federal education policies and sets regulations, rules, and/or guidance, and creates education reform. These specify how the Department will determine if a state is doing what it must to keep receiving education funding, as well as ensuring FAIRNESS by complying with all federal mandates.

DISADVANTAGE RESPONSES

A/T “Lost security” - FRT provides no safety benefit whatsoever

Rebecca Heilweil 2019 (reporter for Open Sourced, covering artificial intelligence, algorithms, and automation. She has written for Fortune, the Wall Street Journal, and the Philadelphia Inquirer, among other outlets.) December 20, 2019 “Schools are using facial recognition to try to stop shootings. Here’s why they should think twice.” <https://www.vox.com/recode/2019/12/20/21028124/schools-facial-recognition-mass-shootings> (Accessed 30 September 2021)

“Facial recognition is biased, broken, and it gets it wrong. It’s going to put a lot of students in danger, especially students of color,” warns Albert Fox Cahn, the executive director and founder of a legal nonprofit called the Surveillance Technology Oversight Project. “We know that this technology will get it wrong quite a bit, and we also have no evidence to show that it has any public safety benefit whatsoever, especially in the grandiose scenarios that proponents put forward.”

A/T “Lost security” - Only lockdowns provide real security – you have to turn schools into prisons if you want them secure

Tristan Greene 2019 (Editor of Neural and Technology Reporter at TNW. Former Case Management Representative at Asurion. Served in the US NAvy for 10 years, reaching the rank of a Petty Officer First Class.) July 23, 2019 “Why US public schools’ creepy use of surveillance AI should frighten you” <https://thenextweb.com/news/why-us-public-schools-creepy-use-of-surveillance-ai-should-frighten-you> (Accessed 25 September 2021)

The problem here is that, for this to work, schools have to become like prisons. Locking down a campus is only effective if the entire compound is secure enough to prevent ingress. Worse, in order to deny a potential shooter entry, they need to be on a banned list and the AI has to recognize their face. While this sort of system may have prevented Cruz from entering because he was no longer a student, it wouldn’t have prevented Eric Harris and Dylan Klebold from entering Columbine High School had this technology been available and in use 20 years ago.

A/T “Lost security” - Alternatives are better, and cost less

Carolyn Thompson 2018 (Buffalo, N.Y. correspondent at the Associated Press. She is a native of Buffalo and a graduate of the State University of New York at Geneseo. ) July 23, 2018 “Schools eye facial recognition technology to boost security”<https://apnews.com/article/growing-up-digital-north-america-us-news-ap-top-news-shootings-44c1e832981042feaddff48ee1d337fb> (Accessed 26 October 2021)

Lockport parent Belinda Cooper would have preferred metal detectors in her 15-year-old daughter’s school. “It would have been cheaper for the school district, and you can guarantee no guns or knives will be brought in,” she said.

A/T “Lost security / school shootings” – No evidence FRT will stop a school shooting

Maya Weinstein 2020 (Legal Fellow at National Student Legal Defense Network. Former Judicial Law Clerk at the Supreme Court of North Carolina. JD from the Univ. of North Carolina Chapel Hill. BA in Human Services and Criminal Justice Cum laude from George Washington Univ. ) 2020 “School Surveillance: The Students' Rights Implications of Artificial Intelligence as K-12 School Security” <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6772&context=nclr> (Accessed 25 September 2021)

The lofty promises of AI surveillance companies remain unverified; it is not yet certain that these technologies are effective in preventing school shootings. For example, while facial recognition companies are marketing their products as resources to stop prohibited people from entering campus, most school shootings have been committed by students who were permitted to be on campus. Thus, while the technology may work well in a vacuum, the application to the types of shootings that occur at K-12 schools lacks indications of efficacy.

A/T “Provides extra warning time” - A few seconds at best

Ava Kofman citing Rachel Levinson-Waldman 2018 (Kofman-reports on technology. She joined ProPublica in January 2019, after working as a contributing reporter at The Intercept, where she covered algorithms, artificial intelligence and surveillance technology. Waldman - a security and policing expert at the Brennan Center for Justice) May 30 2018 “Face Recognition is now Being Used in Schools, but it Won’t Stop Mass Shootings” <https://theintercept.com/2018/05/30/face-recognition-schools-school-shootings/> (Accessed 3 October 2021)

The object recognition system seems similarly pointless, she said. Most shooters don’t brandish their guns before opening fire; and by the time they do, an object-detection algorithm that could specify the exact type of weapon they’re firing would not be of much use. As Jim Shultz, a Lockport parent, pointed out to the Buffalo News, the technology would give a school, at best, only a few extra seconds in response time to a shooting. What’s more, most shootings typically end within seconds — so that face or weapon recognition would provide about as much real-time value as a 911 call. Lockport schools, Shultz added, have already instituted preventative — albeit less flashy — measures, such as keeping doors locked and requiring visitors to check in.

A/T “FRT prevents wandering minds” – Hurts child development, harms outweigh benefits

Nila Bala writing for the Duke Law & Technology Review 2020 (Associate Director of Criminal Justice Policy, R Street Institute. Former assistant public defender in Baltimore. Formerly clerked for Judge Keith P. Ellison of the U.S. District Court for the Southern District of Texas. JD from Yale Law School.) 2020 “The Danger of Facial Recognition in Our Children’s Classrooms” <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1354&context=dltr> (Accessed October 29 2021)

As facial recognition technology improves, privacy fears expand accordingly. These fears include legitimate concerns about how data will be collected, categorized, and stored. But there is also a separate issue related to the effects of using facial recognition to surveil classroom engagement on children’s still-developing minds. So far, the technology has generally been described in a beneficial manner—as motivating the wandering minds of students to stay focused and providing teachers with valuable feedback about how well students are learning. Surveillance of children, however, can have a profound effect on their development and on their privacy expectations later in life. Additionally, facial recognition in classrooms can stigmatize differing abilities to focus and might even amplify the school-to-prison pipeline. Ultimately, surveillance has adverse consequences: by monitoring children in their place of learning, we undermine a free society.