

# equal measure:

## shielding students and enabling access

Safety is the motive behind most school policies regarding filtering and limitations of the internet. But what happens when these policies are proven ineffective, even detrimental, to learning and safety of the students they claim to protect? **By Margo Pierce**

**“IF ONE LIFE IS SAVED,**  
then it’s worth it.”

That is the clichéd argument frequently used to justify banning electronic communications, websites, and other forms of technology in schools. The common belief is that these prohibitions will prevent, among other things, the sexual assault of minors or suicides related to cyberbullying.

But that argument can be turned on its head and also applied to unfettered access. The “one life” saved could be that of the young student who reaches out through e-mail to a teacher for help when pondering suicide, or the child who is found via Facebook after a killer tornado. All of these issues—positive and negative—were stirred up late last year in Missouri when the state legislature attempted a contentious ban on social networking between students and teachers. The resulting dustup illustrated the true nature of online safety: It’s complicated.

In 2001, the federal Children’s Internet Protection Act (CIPA) tied funding for reduced-rate internet access for schools and libraries to a number of mandates. One was the implementation of a safety policy that would “address concerns about access to offensive content over the internet on

school and library computers.” There has been confusion over what exactly would qualify as “technology protection measures,” but these policies were developed and implemented before the advent of nearly ubiquitous social media.

Social media sites like Facebook and Twitter are certainly riding strong waves of popularity at the moment, and already they have caused significant changes in the ways and means by which students and adults communicate with one another. In response, some schools and communities are creating new policies and measures directly targeting its use—both in and out of school. That has some thought leaders in the field troubled.

“While social networking is the technology of the moment, it may not be the technology of the moment in two years or five years or a decade,” says Keith R. Krueger, CEO of the Consortium for School Networking (CoSN). “If you’re going to try to regulate or legislate a technology, you’re going to have to constantly be updating that law.”

Krueger recognizes that, in the heat of an emotional reaction to a child being harmed, it’s difficult for policymakers to thoughtfully and methodically review rules. However, when circumstances allow cooler heads to

prevail, he proposes all policymakers undertake a careful consideration of how to truly protect students while avoiding unintended consequences that can undermine educational goals.

“As long as there’s been technology, the concern is, ‘How are we protecting kids?’” Krueger says. “The typical way that we’ve approached that is that we use technology to filter or protect, create a technology bubble around kids.”

He cites Missouri’s Amy Hestir Student Protection Act as an example of a safety policy gone wrong. In July 2011, the state enacted the law, which modified a number of statutes designed to protect children from sex offenders. It was named after a woman who testified before the Missouri General Assembly, the state legislature, about sex abuse she experienced at the hands of a teacher when she was a teenager in the 1980s.

The law included a ban on teachers communicating via any “non-work-related internet site [e.g., Facebook] that allows exclusive access with a current or former student.” Passed unanimously by the legislature, the ban didn’t cause much of a stir until the American Civil Liberties Union (ACLU) of



You Tube

STOP

Google

Yah

Eastern Missouri sued the state on behalf of the Missouri State Teachers Association. An injunction based on a First Amendment challenge temporarily barred enforcement of that provision of the law.

“Missouri is a lesson in [what happens] when we don’t get ahead of the curve and we’re reacting,” Krueger says. “Silly things can be passed with good intentions which may have unintended consequences.”

Since then the law has been repealed, but a new law passed in its place requires the state’s 522 school districts to implement their own internet policies—including rules for the use of social media—by this March.

Currently, the most popular vehicle for internet access guidelines in schools is the Acceptable Use Policy (AUP). The typical AUP has two goals related to information and communications technologies: shielding students from harmful material and enabling access to beneficial internet resources. Given

MacArthur Foundation Project on Participatory Learning: Policy and Leadership.

“People use the analogy of how we make kids water-safe,” Bosco says. “You don’t make kids water-safe by trying to eliminate swimming pools. You make kids water-safe by teaching them how to swim. Each of us has to make the decision of do we want to avail ourselves of the opportunities [technology] provides and, by so doing, take on the task of contending with the problems, or do we want to pretend that it doesn’t exist and not use it and deprive ourselves?”

Another approach, Bosco says, is to decide “we are responsible to see that young people know how to use the tools of their culture in a responsible, safe, intelligent way.”

CoSN has prepared a wealth of material

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of time, ‘We need to minimize risk. Some bad things are going to hap-

pen, but we’re going to do everything we can to minimize that. And we’re going to remind people when bad things happen of what we’ve already done.”

### Common Sense

The dramatic limitation that Missouri placed on teachers’ speech via the internet is one of those “silly things” Krueger refers to, only with serious legal implications. The suspension of rights guaranteed to both adults and children in the US Constitution is perfectly acceptable to many people in the name of child safety. That attitude isn’t going to change any time soon, according to Shannon Holden, assistant principal of **Republic Middle School** in Republic, MO, who adds he considers himself a realist on



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the parameters of CIPA, these policies tend to focus on the former rather than the latter.

CIPA requires that school districts’ “protection measures” address “(a) access by minors to inappropriate matter on the internet; (b) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; (c) unauthorized access, including so-called ‘hacking,’ and other unlawful activities by minors online; (d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (e) measures restricting minors’ access to materials harmful to them.”

### Opportunity and Concern

But an effective policy addresses both goals, according to Jim Bosco, principal investigator for the CoSN/John D. and Catherine T.

to help schools address their AUP policies. Called Acceptable Use Policies in the Web 2.0 and Mobile Era, the effort was the starting point for a meeting convened in Washington, DC, last December, which brought together educators, IT professionals, school board members, and elected officials to develop a framework to help educators and policymakers create thoughtful AUPs. The resources developed at the meeting were scheduled to be released at CoSN’s annual conference in early March.

“Even our strong allies of using technology in education will race to a simple solution around banning technology or blaming the technology if that’s the only option they’re given,” Krueger says, “which is why it’s absolutely incumbent upon superintendents and school boards, principals, and teachers who are technology advocates to say ahead

the issue, not a pessimist.

“It seems to me that public opinion is really in the negative, and the people who are the decision-makers and the lawmakers are very conscious of the legalities and exposing themselves to litigation through opening up avenues for students to use social media,” Holden says.

In 2011, the high school in Holden’s district faced a book ban instigated by a community member identified only as “a patron” of the school library. He actually considers this a positive development because it started a process of reviewing books in the library. The end result was a rating system for the collection and rules that require parental consent for students to check out certain restricted books.

But when it comes to formulating a plan to make social media sites more





Scan the QR code above to view additional remarks.

# CREATING AN ACCEPTABLE POLICY

**New Canaan Public Schools'** (CT) Acceptable Use Policy is unique in that it allows a wide range of technologies and websites for learning purposes. *T.H.E. Journal* recently asked Jim Bosco, principal investigator for the CoSN/John D. and Catherine T. MacArthur Foundation Project on Participatory Learning: Policy and Leadership, to offer his views on excerpts from the AUP. To download New Canaan's complete policy and read Bosco's additional remarks, visit [thejournal.com/aup](http://thejournal.com/aup) or scan the QR code on this page.

**“To ensure that our students become proficient in the information and communication technologies (ICT) competencies essential for success in a 21st century learning environment, the New Canaan Public Schools provide a variety of resources in support of our instructional and administrative programs. Students and staff may also, at times, use their own personal information and communication technologies for educational purposes. Therefore, it is incumbent upon all members of the school community to use technology responsibly, ethically and respectful for the work of others.**

**“The premise that all individuals are authors and distributors of content is an underlying basis of 21st century learning. District and school use of ICT resources to distribute intellectual property, images, videos and information shall be related to school curriculum and instruction, school-authorized activities, and other information relating to school and district goals. It is our intent that such broadcasts and publications be educationally relevant to the goals of the school district while providing for the safety and security of all students and staff.**

**“To provide ready access for all users, age-appropriate material, an internet environment that is safe and appropriate for the maturity level and need of student users, and to proactively maintain and secure increasingly complex ICT resources and systems the district, as the owner of the ICT resources, reserves the right to monitor and review the use of these ICT resources and will do so as needed to ensure that the systems are being used for district-related educational purposes and to maximize utilization of the systems for such.”**

**Jim Bosco** 1/12/12 4:15 PM  
**Comment:** At three pages, I like the brevity of the policy. Legal counsel may want a more detailed statement, but I believe the one- to three-page document can provide all the essentials.

**Jim Bosco** 2/3/12 1:10 PM  
**Comment:** One might go further and state the imperative for schools to equip students with the skills to use information resources critical for their career and civic lives.

**Jim Bosco** 2/3/12 1:10 PM  
**Comment:** There are unprecedented opportunities for students to be content creators. New Canaan deals with this issue in a very direct way and provides a sense of the pedagogical philosophy that undergirds their support for students as producers and publishers.

**Jim Bosco** 1/12/12 3:42 PM  
**Comment:** One size does not fit all. The policy could spell out that internet filtering needs to be more stringent for elementary students. Yet even at that level it is important to promote responsible internet use.

accessible to students, not even educators can agree on the right course of action.

Saying he speaks only for himself, Holden says he suspects many administrators to be in favor of more permissive AUPs. “If you asked a school administrator privately or off the record if they would be in favor of opening things up and giving people a chance to learn digital citizenship, they probably would say that’s a great idea,” he says.

However, the burden of assuring any particular policy is followed may ultimately fall to administrators, making them more reserved in their official stances.

In Missouri, schools have had to learn quickly how to review their daily use of the internet because the new law requiring districts to set AUPs for social media use faced its deadline this March. A major source of guidance for the districts has been the two major insurance companies that cover most of the school districts in the state, according to Tony Rothert, legal director of the ACLU of Eastern Missouri. Rothert says those

businesses have committed to consulting with IT professionals and educators, but his organization still plans to monitor district AUPs for infringement of free speech rights.

Rothert was instrumental last fall in getting the injunction. It was not until then that he became aware of how teachers use social networking, e-mail, and the internet to communicate with students.

“What was most cogent was teachers have a role in children’s lives outside the classroom; that’s especially true for children who are vulnerable and don’t have adults in their lives who they can talk to or support them,” he says. “I talked to several teachers who were able to relay stories [about] getting a message through Facebook on a Friday night from a suicidal student, or a student who was at home and being abused and was able to reach out through the internet for help.”

When drafting their new social media policies, Rothert hopes that districts will follow the same “common sense” guidelines already in place governing other areas of

student and teacher behavior. “Teachers already know, and there are already policies about, what is and isn’t appropriate,” he says. “Transferring the same common-sense limitations over to the electronic realm is really the best thing to do.” [the](#)

**Margo Pierce** is a Cincinnati-based freelance writer.

## LINKS

- American Civil Liberties Union of Eastern Missouri**  
aclu-em.org
- Children’s Internet Protection Act**  
fcc.gov/guides/childrens-internet-protection-act
- Consortium for School Networking**  
cosn.org
- CoSN/John D. and Catherine T. MacArthur Foundation Project on Participatory Learning: Policy and Leadership**  
cosn.org. Choose Initiatives/Participatory Learning from the main menu.