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Safe and Responsible Use of the Internet: A Guide for Educators

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Part I. Comprehensive Approach

4. Internet Use Policy

Issues to Address Related to Internet Use Policies

Components

The Part IV this Guide sets forth a Checklist for the Development of a Comprehensive Safe and Responsible Internet Use Plan that districts or schools can use to assess the degree to which they have addressed the issues raised in this Guide. Additionally, Part IV includes recommended policy and regulation language for a District Internet Use Policy and Regulations.

Many people call the policy related to Internet use an "Acceptable Use Policy" or AUP". The term used in this Guide is Internet Use Policy because of the perspective that such policies must

address more issues than simply what is acceptable or unacceptable. Basically, the terms can be used interchangeably.

CIPA

As addressed in "Compliance with the Children's Internet Protection Act" the provisions set forth in CIPA for inclusion in an Internet Safety Plan provide an excellent framework for the development of a District Internet Use Policy. The chapters in Part II of the book follow the CIPA requirements as a framework.

Readability

The average student in 5th grade should be able to read and understand the district policy, if guidance is provided by a teacher for some of the concepts. Far too many policies are written at a language level that is too complex -- for both students and teachers.

Clarity

Restrictions on student activities should be written with sufficient clarity to allow the students and staff to have a good idea of where the boundaries between appropriate and inappropriate lie. Students need to know this information so that they can manage their own behavior. Staff need to understand the expectations so that they do not inappropriately discipline a student for engaging in activities that are appropriate under the policy, but inappropriate under their own value system. The incident related in "District Liability to Students and Other Liability Concerns" involving a lab monitor and a principal who told a student that she could not look at a site with non-traditional religious information provides an illustrative point.

Obviously, with respect to access to inappropriate material, there will always be some differences of opinion regarding the degree to which certain material should be considered appropriate or inappropriate. Secondary staff should receive instruction regarding the policy addressing the boundaries of appropriate and inappropriate with respect to Internet material.

Communication

The *NRC Report* noted:

Furthermore AUPs must be read, and young people must take them seriously. In a number of site visits, students appeared to be relatively ignorant of what their school's AUP stated. A number of teachers noted that they believed AUPs were not generally read, because they were simply one of a large number of forms that students had to bring back signed. ... Thus some explicit attention in the school ... to the AUP is warranted to underscore its importance¹.

The Internet Use Policy should be more than a form that is sent home to be signed by a parent. The "more" is addressed in the next section.

¹ National Research Council. *Youth, Pornography, and the Internet* (Dick Thornburgh & Herbert S. Lin, eds., 2002). URL: http://bob.nap.edu/html/youth_internet/, at Section 10.6.

Internet Use Policy as Foundation for Instruction

The Internet Use Policy should be viewed as providing the foundation for the instruction that students and staff will receive regarding the safe and responsible use of the Internet. The Internet Use Policy will provide the "rules." It is exceptionally important that students and staff understand the "reasons" for the "rules." If students and staff are unable to understand the rules in the context of the concerns and issues the rules are meant to address, the policy will have limited value as a tool to promote the safe and responsible use of the Internet.

The most important time to have a serious discussion with students about the provisions in the district's Internet Use Policy will be either near the end of 5th grade, as students are preparing for their new educational environment, the middle school. Alternatively, such instruction can be addressed in a special program for students entering middle school. This is the point at which the focus will shift from protection, to preparation and accountability. By coincidence, 5th grade is also the time that most students are first exposed to "sex education." It would seem logical to include in the sex education presentation a discussion about quality sexual education information and other not-so-healthy sexual material that is present on the Internet.

Creation and Implementation

Creation

As discussed in "Transition to a Comprehensive Approach," it is envisioned that the creation, modification, and periodic evaluation of the District Internet Use Policy would be the responsibility of a district-level committee with representatives of all stakeholders. The process for development or modification should include the provision of information to the various stakeholder groups, with the opportunity provided for input and feedback.

Policy or Regulations

Some districts prefer to have all provisions related to student and staff Internet use included in a policy that is reviewed and adopted by the board. If there is a need for a minor change, this can present concerns related to the process necessary for accomplishing such change.

The approach taken in the Policy and Regulation materials set forth in Part IV of this book is that of setting forth a relatively brief board policy that outlines the overall objectives and delineates responsibilities. This Policy should contain provisions that are necessary for districts to be in accord with CIPA. Then the Regulations contain the implementation details. These Regulations can be more easily modified by staff in the event of a necessary, but minor, change. Additional detail could be addressed in some form of attachments made to or guidelines that may accompany the Regulations.

An additional form is the Student Use Agreement, which contains only those provisions of the policy that address student use issues.

Signatures

Most districts go through a process of having students and parents sign the Internet Use Policy. This process is slightly different than the process used to address other student discipline issues. Most districts do not require students and parents to sign their willingness to abide by the

district's other disciplinary rules. Some districts are transitioning to an approach that provides the policy with the ability for parents to have their child "opt out" of having Internet access.

However, there are four reasons why it is advisable to obtain a parental signature on an Internet Use Agreement. These reasons are:

- Limitation of liability. The best way to prevent problems related to parental overreaction to issues of concern related to Internet use, that could lead to litigation is through the use of a warning of the possible dangers on the internet, a disclaimer of liability, and the option for parents to not allow their child to use the Internet. If an upset parent goes to visit an attorney and the attorney obtains a copy of the Internet use agreement, the parental signature on this form will likely stop an such proposed litigation. These issues are more fully discussed in "District Liability Related to Access to Inappropriate Material or People."
- Permission for disclosure of student information on the Internet. Prior to disclosing student information on the Internet, the district must have parental permission. Since such permission is absolutely necessary, it makes sense to include the provisions requesting permission for such disclosure in a full Internet Use Agreement. These issues are more fully addressed in "Disclosure of Student Personal Information."
- Copyright permission. Prior to posting student work on the Internet, it is recommended that the district receive permission (in copyright terminology this is called a "license") to post such work.
- Parental education. The district's Internet Use Policy can provide a form of education to parents about important safe and responsible Internet use issues. Ideally, the Internet Use Policy can be accompanied by recommendations and guidance from the district on addressing Internet use issues at home².

There is no reason why the process of having a parent and student sign the Internet Use Policy should be required to be an annual event. The above objectives can be met by having a parent and student sign the document upon enrollment at a particular school. This would shift the document from an enclosure in the annual set of forms, to the packet of papers signed upon enrollment.

Instructions and reminders about the provisions of the policy should be provided periodically throughout the year to the students.

Students Whose Parents Refuse

As the use of the Internet becomes more of an integral component of the educational experience for students, the refusal by a parent to allow their child to participate will create concerns. In some cases, students simply will not be able to participate in the specific instructional activities. It may be possible for the teacher to arrange for all of the Internet-related materials to be downloaded for the student to access on a computer that does not have live Internet access. The ability and inclination of teachers to do this may vary.

² Such material is under development at the Responsible Netizen Institute.

The better job the district can do in providing parent education, the more likely it is that the parent's perceptions of the dangers and risks will be addressed. This is the only long-term solution to this particular issue.