FILTERING BEYOND CIPA: CONSEQUENCES OF AND ALTERNATIVES TO OVERFILTERING IN SCHOOLS

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Internet filtering is a routine practice in public schools and libraries. The Children's Internet Protection Act (CIPA) does not require that all schools and libraries install filters, only those that accept certain types of federal funds or discounts for the provision of Internet access. Although CIPA grants these institutions the flexibility to develop filtering policies appropriate to their communities, many institutions are filtering well beyond the requirements of the law. Schools, in particular, do not limit filtering to visual images as the law mandates, and routinely block access to broad swaths of information that all users are entitled to view (Chmara 2010). Increasingly, schools block access to entire social-media and social-networking sites and to any websites that are interactive or collaborative, such as blogs or wikis (AASL 2012). They also rely (mistakenly) on filtering to deal with issues of hacking, copyright infringement, and cyberbullying, denying access to certain websites and technologies.

The American Library Association's Office for Information Technology Policy and Office for Intellectual Freedom, with support from Google, Inc., recently conducted a study to investigate, in part, the broader impact of CIPA on achieving educational and social objectives for the twenty-first century. Drawing on extensive research, interviews, and input from over thirty experts and practitioners, the study *Fencing Out Knowledge: Impacts of the Children's Internet Protection Act 10 Years Later* identified an overreach in the implementation of CIPA. This overreach restricts access to information and learning opportunities for students, and disproportionately impacts those without a home broadband connection or smartphone. This article summarizes the main findings from the report and four recommendations for actions the ALA should undertake to help schools and libraries align filtering practices with the requirements of the law.

Factors Contributing to the Overimplementation of CIPA

CIPA requires schools and libraries that accept federal funds or discounts for the provision of Internet access to use software filters to block access to *visual images* deemed "obscene," "child pornography," or "harmful to minors" (CIPA 2000). Despite the narrow mandate of the law and the risk of legal challenges for blocking legitimate content, implementation of CIPA is often subject to overreaction, myth, and fear. Misperceptions abound that institutions will lose all their federal funding if they do not filter as much as possible, or that school and library officials will face criminal charges for failing to filter Web content to the fullest possible extent (Caldwell-Stone 2013).

Technical limitations also contribute to overfiltering. While filtering software today is more sophisticated than in the past and offers additional

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control in selecting the content to be filtered (Ayre 2004), filters are still unable to accurately identify obscene images. With the growth of online content generated by users, this limitation has made filtering even more challenging (Deloitte 2008). On average, software filters overblock legitimate content or underblock sexually explicit content approximately 15 to 20 percent of the time (Houghton-Jan 2010). This accuracy rate, however, pertains only to the filtering of text content, not visual images. More than a decade after the Supreme Court upheld CIPA, filters still are not able to perform the tasks required by the law.

Additionally, as multiple stakeholders are involved in or affected by Internet filtering decisions, perspectives on filtering frequently differ, resulting in wide variations in the filtered environments. For example, despite the low number of actual incidents reported by parents and students, administrators tend to believe that negative experiences with social networking occurred more frequently than indicated by the reported numbers (NSBA 2007). The influence of other stakeholders, such as technology directors, on the implementation of filters is seldom examined. In addition to overseeing and procuring Internet filters, technology directors also may assume much of the responsibility for implementing filtering policies (Fuchs 2012). On the other hand, the potential contributions of school librarians are often overlooked—even though they are highly informed in areas of student learning, teacher training, and digital-literacy instruction (ALA 2013). More than stewards of print, digital, and technology resources, librarians bring to bear a different perspective than information technology specialists, as librarians facilitate the use of resources by students, teachers, and the broader public.

I'M BEING REQUIRED TO INSTALL AN INTERNET FILTER. WHAT SHOULD I DO?

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Following are steps you can take to minimize the negative impact of filters. With or without the use of filters, schools and libraries should implement a good education and communication program that informs users about effective searching, identity protection, and managing access to unwanted materials.

1. **Exercise care in choosing filtering software.** Urge your district to select software that is transparent in its classification system and that allows the school to fine-tune the categories of blocked content. Ensure that people, not automated algorithms, regularly review and analyze the software's blocking criteria. Be aware that some vendors are affiliated with religious organizations or espouse partisan or doctrinal views. Favor vendors who do not design their software to advance their own values. Be sure that the school can switch off or opt out of viewpoint- or content-based blocking criteria that may run afoul of the First Amendment. Especially important is the use of accurate categories for illegal content such as obscenity or child pornography. Broad categories such as "pornography," which is not defined by law and is interpreted in many different ways, may sweep up much constitutionally protected material and should be avoided.

2. **Exercise care in installing and maintaining the software.** Adjust blacklist criteria to minimize the blocking of constitutionally protected speech. Establish a clear, transparent, and timely process for reviewing and revising blocking criteria as requested by users, and for unblocking constitutionally protected content school-wide. Keep track of instances where filters have interfered with teachers' ability to teach and students' ability to learn so that you can justify necessary adjustments to the blocking criteria.

3. **Develop a well-crafted policy for responsible Internet use.** Ensure that guidelines, rules, and procedures are reasonable, nondiscriminatory, viewpoint-neutral restrictions on Internet access and computer use. Once adopted, all staff and students should be trained in appropriate implementation. The policy should advise Internet users of their rights and responsibilities and should describe unacceptable behaviors, the penalties for violations, and how to appeal a decision imposing a penalty.

4. **Implement a program to educate students about online behavior.** The Protecting Children in the 21st Century Act, a statutory amendment to the Children's Internet Protection Act, requires schools that receive E-Rate money to educate students about appropriate online behavior. Your program should cover interacting with other individuals on social-networking websites and in chat rooms, and cyberbullying awareness and response.

Parts excerpted with permission from "I'm Being Required to Install an Internet Filter. What Should I Do?" by Deborah Caldwell-Stone and Sarah Houghton. In Intellectual Freedom Manual, *9th ed., 104–105. (ALA 2015).*

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Educational and Social Consequences of Overfiltering

Filtering beyond CIPA's requirements results in missed opportunities to prepare students to be responsible users, consumers, and producers of online content and resources. Some school districts block access to content deemed "controversial, inappropriate, or time wasting" (ACLU 2013). Others block websites about foreign countries, such as China and Iran, or biology websites that are used in Advanced Placement curricula. Excessive filtering has the unintended consequence of curtailing research and creating barriers to learning.

By impeding the interactive process of social learning, blocking access to interactive websites and platforms impacts not only *what* teachers can teach but also *how* they teach. Restricting access in schools leaves youth on their own to use these sites outside of the classroom instead of engaging them in the use of these tools in a supportive school environment. Overblocking in schools limits students' perspectives on shaping their online presence and understanding the extent and permanence of their digital footprint, leaving students at a disadvantage when employers and colleges examine their online profiles. Overfiltering also has social consequences for students because educators cannot help students navigate ethical choices about online interactions (Gardner et al. 2011).

Findings from the ALA study confirm an early concern that CIPA would create two classes of students: an advantaged class with unfiltered Internet access at home and a disadvantaged class with only filtered access at school (McCarthy 2004). Moreover, while some students

benefit from responsible-use policies with guided instruction and experimentation with digital content and platforms, others are denied those educational opportunities. Overfiltering content effectively limits the acquisition of the digital-literacy skills required to participate fully in a globally competitive and democratic 21st-century society (Hobbs 2010). The ALA study also recognizes the role of school librarians in overcoming challenges to digital literacy and increasing the capacity of educators to integrate technology into learning tasks and curriculum in the classroom (ALA 2013).

Recommendations

This report offers four recommendations to align current practices with the requirements of the law. The ALA should:

1. Through education and awareness campaigns, increase awareness of the spectrum of filtering choices and exactly what the law requires.

2. Develop a toolkit for school leaders to help realign filtering and Internet access policies.

3. Create a digital repository of materials to house existing research, surveys, and case studies on Internet filtering. Other types of information to collect include anecdotes and best practices from librarians as well as examples of responsible-use policies and digital-literacy lesson plans.

4. Conduct long- and short-term research to explore the educational use of social media and other digital tools to support learning. Research also should assess the impact of filtering on student learning and achievement.

BANNED WEBSITES AWARENESS DAY

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Just as lists of commonly banned books help promote Banned Books Week, lists featuring blocked sites fuel conversation. In observance of Banned Websites Awareness Day 2015 (September 30), readers are invited to contribute to a crowd-sourced list of blocked sites.

AASL designates the Wednesday of Banned Books Week as Banned Websites Awareness Day (BWAD). By embedding the event in the American Library Association's long-standing censorship-awareness campaign, BWAD formally directs national attention to Internet filtering's impact on teaching and learning. BWAD aims to promote dialog among educators about digital citizenship. Teaching students to navigate the Web critically and to develop a personal cognitive Internet filter empowers them to take charge of their own learning and builds their decision-making capacity.

School librarians are encouraged to involve their learning communities in observing BWAD. For example, in Silver Creek, Colorado, students participated in a graffiti debate, wrestling with the delineation between constructive and obstructive filtering. In New York City, students sent letters of protest to their board of education members pleading for more access to Web content. In New Trier, Illinois, students conducted surveys of the student body about filtering. In New Canaan, Connecticut, where students have open access to much of the Web, access to Facebook, YouTube, and Twitter was blocked for six hours to show solidarity for students trying to learn in more restricted environments.

Just as lists of commonly banned books help promote Banned Books Week, lists featuring blocked sites fuel conversation. In observance of Banned Websites Awareness Day 2015 (September 30), readers are invited to contribute to a crowd-sourced list of blocked sites. The list can be accessed at <http://bit.ly/aaslbwadlist>, which is linked to the QR code.

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New Internet Filtering Interpretation Approved by ALA Council

On June 30, 2015 the ALA Council approved "Internet Filtering: An Interpretation of the Library Bill of Rights." The new interpretation was created by the ALA Intellectual Freedom Committee, and it took a year for the committee to complete the document. The interpretation is located at <www.ala.org/advocacy/intfreedom/librarybill/interpretations/internet-filtering/>.

The full text of the report, including the four recommendations, is available free at <http://connect.ala.org/files/cipa_report.pdf>.

More than a decade ago, Internet filters appeared to be a simple way to ensure an age-appropriate learning environment. Today, it is critical to recognize the unequal and uneven impact of filters' implementation. Because Internet users are not only consumers but also creators of content, Internet filters and access policies must be realigned with the dynamic, interactive, and social uses of the Internet if all students are to benefit fully from the technological opportunities available today and in the future. This realignment will require less blocking of online content and platforms and more digital-literacy instruction to protect and empower students both online and offline.

School librarians are key to overcoming the challenges of digital literacy. They are well positioned to shape curricula to accompany changes in Internet access policy and to help students acquire the digital-literacy skills they need to be college- and career-ready and to participate fully in today's society.

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