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**APPALACHIAN TECHNOLOGY  
IN EDUCATION CONSORTIUM**

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***INTERNET FILTERING IN  
PUBLIC SCHOOLS: ON  
OVERVIEW OF THE STRUGGLE  
BETWEEN THE ENDORSERS  
AND THE DETRACTORS***

**Roberto L. Diaz**



## ***Internet Filtering in Public Schools: An Overview of the Struggle Between the Endorsers and the Detractors***

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### ***Introduction***

Education policymakers today must walk a fine line between the need to provide children with access to the vast amount of information available on the Internet and the need to protect them from the undesirable content. The Internet is an incredible tool that provides a world of knowledge to any child wielding a mouse. It is the human mind boxed in a computer monitor, to put it simply. Unfortunately, the Internet is open to everyone—from the researcher posting his latest medical discoveries to the smut-peddler posting pictures of nude women. Many education policymakers have touted Internet filtering software programs as the solution to safeguarding children from the objectionable content found in cyberspace. These programs are also the source of a heated debate due to the claims that they infringe on the right to free speech and fail to block the content that was unwanted in the first place.

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### ***Legislative Actions***

Lawmakers sought to ban all “indecent” communications online as a whole with the introduction of the Communications Decency Act in 1996. When the U.S. Supreme Court struck down that law, the Internet was instantly deemed a “free speech” zone

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that deserved the same amount of First Amendment protection as books, newspapers, and magazines. This landmark decision sent advocates of protecting the youth from the Internet reeling; they rushed to find an alternate solution to shield children from the sexually explicit material on the web.

Since 1996, Congress has passed several pieces of legislation specifically aimed at protecting minors using the Internet. The U.S. Supreme Court's striking down of the Communications Decency Amendment was the catalyst that brought out these recent legislative acts. President Clinton signed the Child Online Protection Act (COPA) in October 1998. COPA made it unlawful for anyone to publish sexually explicit material on the Internet without also restricting access to minors. Under this law, violators could be punished with a fine and/or time in jail. But this law also buckled under the weight of the First Amendment, and was mired in a sea of court appeals arguing COPA's unconstitutionality and the arbitrariness of what is considered to be obscene and what is not objectionable. On June 22, 2000, the 3<sup>rd</sup> U.S. Circuit Court of Appeals in Philadelphia finally upheld a lower court ruling against COPA, deciding that the law was too broad and would affect harm-

*...No single technology or method [can] effectively protect children from harmful material online.*

less websites in its application.<sup>1</sup> A commission was quickly assembled after this decision to seek out another solution to the ongoing Internet filtering problem. Its final

report, released in October 2000, concluded that no single technology or method could effectively protect children from harmful material online. Determined to enact an Internet regulation that was also scrutiny-proof, the government pressed onwards in search of a solution.

The Children's Internet Protection Act (CIPA) and the Neighborhood Children's Internet Protection Act (N-CIPA) were passed in December of 2000. CIPA, which was introduced initially by Senator John McCain in 1999, went into effect on April 20, 2001 due to the ever-increasing use of computers by children at

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1. The Supreme Court recently threw out the decision by the U.S. Court of Appeals in Philadelphia and returned the case to the lower courts for more hearings on whether COPA violates free-speech rights.

public schools and libraries. The difference between CIPA and N-CIPA is that CIPA addresses the need for filtering within our schools and the need for Internet safety policies, whereas N-CIPA goes into the specifics of what should be included in Internet safety policies. If a school or library receives any federal funding (i.e., programs such as E-rate or ESEA), they must meet all the filtering requirements set forth by CIPA and N-CIPA, which essentially is to implement a filtering system that blocks out all unwanted Internet content (i.e., anything deemed “obscene”, “child pornography,” or “harmful to minors”), no later than July 1, 2002.

According to a study released in 2000 by the National Center for Education Statistics, 74 percent of the nation’s roughly 15,000 public school districts have already installed Internet filtering systems, while a study conducted last year by the *Library Journal* claims that 43 percent of libraries surveyed said they used filtering software. These trends are obviously influenced by the fact that CIPA requires schools and libraries to install such software. However, recent court developments indicate that CIPA legislation may be struck down because judges are not convinced that any filtering software can meet the intended objective of CIPA. Nevertheless, various companies have developed Internet filtering software programs in an attempt to cash in on the federal government’s rulings.

Internet filtering is the process of denying access to any material on the Internet deemed inappropriate by the computer owner. Sites are usually blocked according to the following criteria: nudity, adult content, sex, violence, drug use, bad language, crude or vulgar language/gestures, discrimination, denigration of others’ race, religion, gender, nationality and/or orientation, crime, tastelessness, and high risk. An easy way to think of filtering programs is to imagine that your computer is your establishment and the filtering program is your bouncer. When you request a website, the bouncer will check the site against a database—a “blacklist” if you will—of sites not allowed into your computer. If you try to access a site that has been blocked, you will be presented with a screen that says you cannot enter the site. And just as any owner of an establishment would be very cautious not to hire a bouncer who restricts clientele to the detriment of the operation, one must be careful to choose a filtering product that will not

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block harmless Internet websites that offer valuable information for students.

## ***Why the Debate?***

Why would anyone be opposed to protecting schoolchildren from the violence and hatred that runs rampant on the Internet? One must learn how the various filtering software programs function to get a better understanding of the opponents of Internet filtering. In other words, the bouncer in our example will invariably end up making broad generalizations in choosing “whom to let in.” This is because filtering software databases are often built around a predetermined list of words that the program is setup to block (i. e., “XXX”, “breast”, or anything with the letters “s-e-x” consecutively). While the predetermined list may cover a lot of inappropriate material on the web, sites with breast cancer or safe sex information will be caught in the net as well. These programs are usually very expensive, and many school officials contend that the costs of Internet filtering outweigh the benefits.

Some people oppose Internet filtering because they believe it is unconstitutional. Filters can unintentionally censor material that has academic worth, a fact that led the American Library Association (ALA) to file a lawsuit that is currently challenging the status of CIPA.<sup>2</sup> This situation becomes far more troubling when filtering programs appear to block legitimate sites based on moral

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or political value judgments (i. e., information about feminism or gay and lesbian issues, or the site for the National Institute on Drug

Abuse), making them corrosive to our nation’s free speech values. Several large filtering software companies have strong ties to conservative religious organizations, which could ultimately lead to schools using a filtering system that prevents students from accessing certain websites in accordance with certain religious values. “Seven companies have blocking categories where the description for the category provides strong evidence that the com-

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<sup>2</sup> As of May 31, 2002, a three-judge panel in Philadelphia decided to overturn the provisions of CIPA that require Internet filtering in libraries (CIPA still applies for public schools).

pany is blocking based on religious or other inappropriate bias... Numerous reports on filtering products have revealed that such products consistently over-block and thereby prevent access to perfectly appropriate material. The reasons for such over-blocking—which could include technical inadequacies, process inadequacies, and bias—are not easily discernable, due to the lack of access to necessary information.” (<http://netizen.uoregon.edu/publications.html>)

This brings up a situation in which we need not only a mechanism to monitor what is available to students via the Internet at school, but also a mechanism that monitors those monitors. A system needs to be developed to ensure that these filtering systems do not block access to comprehensive teen health and sexual education websites that have been reviewed and deemed accurate and appropriate by health care and educational professionals. Another problem is that filtering software companies often increase their prices to take advantage of the fact that any school that receives federal funding is required to purchase their product. The ALA does not oppose filtering per se, but it recommends that local schools and libraries should have the freedom to choose what their communities and constituencies accept as appropriate for the children using their computers, as opposed to leaving it to the software company’s discretion. Considering all the censorship battles libraries have had to wage in the past, it is understandable to see why they are at the forefront of the anti-filtering campaign. Libraries are beacons of unadulterated information for public consumption, and to many librarians, any kind of filter infringes on the public’s right to free, uncensored information. More information on the American Library Association and their struggle against Internet filtering is available at [www.ala.org](http://www.ala.org).

As we mentioned earlier, a major problem with blocking software is that it filters out genuinely worthwhile information. Hence, no filtering software will ever be 100 percent effective and free of hidden costs. Apparently, the quick-fix solution to guard children from inappropriate material is not out there. What is out there is the right combination of measures and promoted education on the ills of the Internet to shield children from them.<sup>3</sup> Inter-

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<sup>3</sup> The National Telecommunications and Information Administration (NTIA) recently announced a notice and comment proceeding to evaluate the effectiveness of Internet safety policies for children. They will use this information as a basis for recommendations to Congress for better protection measures.

net advocates feel that parents could be very helpful in this area if they discussed with their children the values and risks of free access to the information found on the Internet. One of the strategies that local schools and libraries use is to focus more on teaching students to use the Internet in accordance with their personal family values and not to rely so much on filtering tools. Another one is allowing parents to view their children's Internet usage while at school. The ultimate solution, undoubtedly, is to educate the kids to the point where they themselves become their own filters. The students must understand that there are clear penalties for abuse of Internet privileges. Teachers should not assume that Internet filters absolve them of responsibility, but rather they must still teach the students responsible use of the Internet. As Richard Thornbrough of the National Research Council put it: "Swimming pools can be dangerous for children. To protect them, one can install locks, put up fences and deploy pool alarms. All of these measures are helpful, but by far the most important thing that one can do for one's children is to teach them to swim."

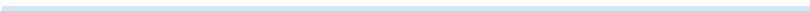
### ***Internet Filtering Software Programs***

There are many filtering products on the market today so before choosing one, it is important to look at what one's particular needs. The two basic categories of filtering products are server-based and client-based. The server-based filtering list resides on the network server, and the client-based list resides on the end-user computer. Most Internet filtering solutions rely on a database of identified and categorized websites that are updated on a regular basis to keep up with the thousand of new pages that are added to the Internet daily. Administrators will want to choose a product that gives them the flexibility to choose what categories to filter and create settings for multiple groups. The following are among the more popular products:

- *N2H2*—This program is the "industry standard" for the K-12 market—serving approximately 25,000 schools. N2H2's database of over 16 million URL's is updated daily. ([www.n2h2.com](http://www.n2h2.com))
  - *CYBERSitter*—CYBERSitter will allow the administrator to control access to over 20 categories of subject
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matter. It will also keep a log of the child's online activity, including any attempts to access blocked sites. ([www.solidoak.com](http://www.solidoak.com))

- *Cyber Patrol*—This program gives administrators the most control over when the child can go online. It allows administrators to manually block or unblock sites that deal with sex education. ([www.cyberpatrol.com](http://www.cyberpatrol.com))
  - *Squid Guard*—Several schools have been forced to drop the e-rate program because the cost of some of the above software programs end up exceeding the amount of funds they receive. Squid Guard is a filtering program that will have you in compliance with the filtering laws at no cost to the user. ([www.squidguard.org](http://www.squidguard.org))
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## **Web Sites for Information on Internet Filtering**

*GetNetWise*—Started by public interest organizations in conjunction with various Internet industry corporations. They offer assistance to families looking to have “safe, constructive, and educational online experiences.” ([www.getnetwise.org](http://www.getnetwise.org))

*SafeKids*—User-friendly site that provides “ready-to-print” layouts of Internet use guidelines for both children and parents. It gives a good overview of the possible dangers that children can encounter while surfing the Internet. ([www.safekids.com](http://www.safekids.com))

*FilteringInfo.org*—Provides the latest information on Internet filtering legislation. It gives the visitor the option of subscribing to their electronic newsletter to receive updates. Full PDF versions of relevant Internet filtering legislation literature are available here for downloading as well. ([www.filteringinfo.org](http://www.filteringinfo.org))

*American Library Association (ALA)*—Home page of the ALA. It contains the latest information on the status of the ALA’s court appeal regarding CIPA. ([www.ala.org](http://www.ala.org))

*Responsible Netizen*—Home of an initiative brought forth by the Center for Advanced Technology in Education (CATE) at the University of Oregon. Its purpose is to implement new strategies (other than filtering programs) for safe and effective use of the Internet by children. ([netizen.uoregon.edu](http://netizen.uoregon.edu))

*Center for Media Education*—Home of a nonprofit organization that works towards providing a healthy and safe environment in the world of computers for children. Their research focuses mostly on the ills of the Internet and how to safeguard the children from them as the “digital age ball” continues rolling. ([www.cme.org](http://www.cme.org))

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*E-Rate Central*—Excellent resource for states, schools, and libraries to facilitate the preparation of successful “E-Rate” applications. The site also provides current information on filtering laws that have been enacted or struck down. ([www.e-ratecentral.org](http://www.e-ratecentral.org))

*Department of Education’s Internet Safety*—Provides information and access to government publications on Internet Safety. ([www.ed.gov/technology/safety.html](http://www.ed.gov/technology/safety.html))

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