

INTERNET SAFETY AND SCHOOL CULTURE: STATE EDUCATION SUPPORT FOR SCHOOLS

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I. INTRODUCTION

How do educators use the Internet for learning, while preventing students from engaging in negative behaviors online? Internet access is an increasing necessity for individual participation in an expanding global culture, yet such access carries specific privileges and responsibilities for the user. Safe and responsible Internet use—and technology use in general—is a cornerstone of a 21st century education and a daunting objective at the same time. How does a state ensure safe and responsible use among a student population of over three million

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learners?

The topic of Internet safety is a priority in New York State's educational system. In 2008, the New York State Legislature passed Section 814 of Article 17 in State Education Law, entitled "courses of study in internet safety."¹

- (1) Any school district in the state may provide, to pupils in grades kindergarten through twelve, instruction designed to promote the proper and safe use of the Internet.
- (2) The commissioner shall provide technical assistance to assist in the development of curricula for such courses of study which shall be age appropriate and developed according to the needs and abilities of pupils at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.
- (3) The commissioner shall develop age-appropriate resources and technical assistance for schools to provide to students in grades three through twelve and their parents or legal guardians concerning the safe and responsible use of the Internet. The resources shall include, but not be limited to, information regarding how child predators may use the Internet to lure and exploit children, protecting personal information, Internet scams and cyber-bullying.²

Passage of this legislation was a first step in promoting the safe and responsible use of technology for students, teachers, and administrators statewide; faithful implementation of the law at a school and district level, however, requires a school environment that is empowered to productively use technology for learning, with access to up-to-date resources.³ A building that is focused on frequent use of technology for teaching and learning—with clear guidelines for all who use technology in the school district—will promote a healthy climate in which expectations for active participation in the digital world are understood and properly managed by all. The New York State Education Department (NYSED) developed instructional support around Internet safety and State Education Law Section 814, predicated on the belief that knowledge and active use of technology (including the Internet) for teaching and learning will develop positive practices

¹ N.Y. EDUC. LAW § 814 (McKinney 2009).

² *Id.*

³ *See id.* (rationalizing student use of modern technologies by arguing that it is required to provide them with "awareness, skills, information and support to aid in the safe usage of the Internet").

between students, educators, and the digital world.⁴ Such use is also believed to reduce the likelihood of disruptive online behaviors, lack of engagement, and insufficient achievement by students.⁵ Active use, rather than blocked use, means that students and educators continuously understand the privileges and responsibilities of using technology for learning.⁶

This article will highlight specific guidance resources by NYSED to support schools and districts in the development, implementation, and evaluation of an Internet safety program. Cyberbullying and other destructive online behaviors can be prevented with a standards-based instructional program that is focused on turning on computers and teaching students how to navigate the online world—not on shutting down the equipment and closing off access.

II. POLICIES AND REGULATIONS: WHERE DO WE BEGIN?

As stated above, State Education Law defines the roles and responsibilities of both NYSED and local school districts in developing curricula and promoting safe and responsible Internet use. Implementation of the law—also the responsibility of NYSED and local school districts—requires school district flexibility to meet local needs and interests, along with a broader vision and supportive policies for transforming educational practice through technology integration.⁷ NYSED anchored its instructional support for Internet use within the context of the

⁴ N.Y. STATE EDUC. DEP'T, LEARNING STANDARDS AND INTERNET SAFETY: COMMENCEMENT 1, *available at* http://www.p12.nysed.gov/technology/internet_safety/documents/CLearningStandardsandInternetSafety.pdf.

⁵ *See id.* at 12–14 (outlining standards such as the ethical and responsible use of technology, exhibiting “digital citizenship,” and contributing “to the exchange of ideas within and beyond the learning community”).

⁶ *Cf.* U.S. DEP'T OF EDUC. OFFICE OF EDUC. TECH., TRANSFORMING AMERICAN EDUCATION LEARNING POWERED BY TECHNOLOGY: NATIONAL EDUCATION TECHNOLOGY PLAN 2010 56 (2010) [hereinafter NATIONAL EDUCATION TECHNOLOGY PLAN 2010], *available at* <http://www.ed.gov/sites/default/files/netp2010.pdf> (explaining that in order to receive certain funding, schools must restrict students' access to potentially harmful Internet content; however, the same legislation also requires schools to “teach online safety to students and to monitor their online activities”).

⁷ *See* N.Y. STATE EDUC. DEP'T OFFICE OF LEARNING TECH. POLICY & PROGRAMS, SUMMARY OF STAKEHOLDER OUTREACH 11 (2010), *available at* <http://www.regents.nysed.gov/meetings/2010Meetings/February2010/0210bra3.pdf> (explaining that approximately 800 New Yorkers participated in nine regional community forums throughout the state to discuss the new Statewide Learning Technology Plan).

Board of Regents' Statewide Learning Technology Plan.⁸

A. Regents Statewide Learning Technology Plan

The Statewide Learning Technology Plan was adopted by the Board of Regents in February 2010.⁹ It begins with the Regents' vision of technology for teaching and learning:

Multiple environments will exist for teaching and learning, unbound by place, time, income, language or disability. The classroom, gymnasium, laboratory, library, theater, and museum will be a workspace for teachers and learners but will not always be a physical space. Students will access learning resources anywhere, anytime through the use of technology.¹⁰

The Plan encompasses the entire University of the State of New York ("USNY"), the statewide educational system overseen by the Board of Regents.¹¹ "USNY is the most complete, interconnected system of educational services in the United States . . . [and includes the following]:

- More than 7,000 public and private elementary and secondary schools;
- 248 public and private colleges and universities;
- 251 proprietary (for-profit) schools;
- Nearly 7,000 libraries including the New York State Library;
- 750 museums;
- The State Archives;
- Vocational rehabilitation and other services for adults with disabilities;
- Special education services for pre-school and school-age children and teenagers;
- A School for the Blind;
- A School for the Deaf;
- 25 public broadcasting facilities, including seven public television stations;
- More than 750,000 professionals practicing in 48 licensed professions, including, for example, pharmacy,

⁸ N.Y. STATE EDUC. DEP'T, N.Y. STATE BOARD OF REGENTS STATEWIDE LEARNING TECHNOLOGY PLAN (2010) [hereinafter BOARD OF REGENTS STATEWIDE LEARNING TECHNOLOGY PLAN], *available at* <http://www.regents.nysed.gov/meetings/2010Meetings/February2010/0210bra3.pdf>.

⁹ *USNY Statewide Learning Technology Plan*, N.Y. STATE EDUC. DEP'T, <http://www.p12.nysed.gov/technology/techplan/> (last updated Dec. 27, 2011).

¹⁰ BOARD OF REGENTS STATEWIDE LEARNING TECHNOLOGY PLAN, *supra* note 8.

¹¹ *Id.*

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architecture, accounting, and nursing; and

- 240,000 certified public school teachers, counselors, and administrators.”¹²

Thus, when the Board of Regents meets to discuss and establish regulations and policies for New York State’s educational system, it does so for all parts of USNY. While State Education Law Section 814 was designed for implementation in local school districts (referred to as “P–12 education”), the Statewide Learning Technology Plan casts the conversation wider to address all USNY institutions in their roles and responsibilities for providing safe and appropriate usage of the Internet.¹³ Although a cultural institution (e.g., a museum) would not be required to have a technology plan as a P–12 school district would (a requirement, in part, to qualify for Federal technology aid), the Regents’ Plan was designed to harness the collective power of USNY to focus on new and emerging technologies that support teaching and learning at all levels¹⁴—whether for young learners in an elementary school or for adult learners in a library. The Plan includes six broad goals for leveraging the power of technology for teaching and learning: digital content (development and dissemination), digital use, digital capacity and access (through a strengthened statewide infrastructure), leadership, accountability, and funding.¹⁵

In the Plan, the Board of Regents identified the following as actions that, in turn, can assist in implementation of the State Education Law:

- Provide policies, standards, and guidance on quality digital content development and delivery; accessibility; information literacy; and
- [O]ngoing, sustained professional development in pre-

¹² *About the University of the State of New York (USNY)*, N.Y. STATE EDUC. DEP’T, <http://usny.nysed.gov/about/aboutusny.html> (last updated Aug. 3, 2010).

¹³ *Compare* N.Y. EDUC. LAW § 814(1) (McKinney 2009), *with* BOARD OF REGENTS STATEWIDE LEARNING TECHNOLOGY PLAN, *supra* note 8 (showing that a comprehensive technologically-enhanced learning environment and plan will be put in place that will encompass all USNY institutions).

¹⁴ BOARD OF REGENTS STATEWIDE LEARNING TECHNOLOGY PLAN, *supra* note 8. Although both cultural institutions and schools are addressed by the Statewide Learning Technology Plan, schools also have the additional burden of abiding by existing Federal statute in regard to the technology plans that they produce and implement. *See* 20 U.S.C. §§ 6763(a), 6764(a) (2006) (providing examples of Federal statutes that regulate the production and implementation of technology plans).

¹⁵ BOARD OF REGENTS STATEWIDE LEARNING TECHNOLOGY PLAN, *supra* note 8.

service and in-service education.

- Develop and/or revise Commissioner's Regulations and Department policies to promote sustained support for the delivery of quality instruction for all learners through digital means.
- Identify and/or develop incentives for the expansion of digital learning across USNY.¹⁶

The Statewide Learning Technology Plan thus drives policy discussions and actions at the State Board of Education level.¹⁷ The Plan was developed through forums in nine regions across the state, two online surveys, and multiple meetings of statewide professional organizations and policy advisory groups.¹⁸ The Plan ultimately is not intended as a school district's technology plan,¹⁹ although one could suggest that any USNY institution which reads the Plan and chooses to adapt its goals and actions as their own is well aligned to the Board of Regents' technology initiatives. Likewise, given the Plan's development through public input and engagement, any NYSED action based on the Plan reflects technology-related priorities and needs, established by the statewide educational community.²⁰

B. National Education Technology Plan

Before delving into NYSED support for Internet safety, it is important to consider the wider context in which the principles of safe and responsible Internet usage are supported across the United States. In November 2010, the United States Department of Education released the National Education Technology Plan.²¹ As with the Board of Regents' Plan, the National Education Technology Plan was developed over time, based on public

¹⁶ *Id.*

¹⁷ *See id.* (noting that the Statewide Learning Technology Plan is an initiative that will provide statewide uniformity, just as the Board of Regents sets the overall education policy for the State); *About the University of the State of New York*, *supra* note 12.

¹⁸ BOARD OF REGENTS STATEWIDE LEARNING TECHNOLOGY PLAN, *supra* note 8.

¹⁹ *See* N.Y. EDUC. LAW § 814 (2), (3) (requiring schools to develop plans that are age appropriate and cater to issues that concern students most); BOARD OF REGENTS STATEWIDE LEARNING TECHNOLOGY PLAN, *supra* note 8 (noting that flexibility is necessary for school districts to design plans that best serve the goals of their respective local community).

²⁰ *See* BOARD OF REGENTS STATEWIDE LEARNING TECHNOLOGY PLAN, *supra* note 8 (noting that the Plan was developed using "statewide input" regarding recommended actions and goals).

²¹ NATIONAL EDUCATION TECHNOLOGY PLAN 2010, *supra* note 6.

input.²² Its goals are organized into five broad areas (learning, assessment, teaching, infrastructure, and productivity) that signal the centrality of the instructional program in technology implementation.²³ At the Federal and State levels, the investment and support for technology is not about the purchase and acquisition of technology resources per se, but about the consideration of how such resources would meaningfully impact teaching and learning.²⁴

Several examples from the National Education Technology Plan urge a school's instructional program to focus on Internet safety, cyberbullying, and related negative online practices. For example, the National Education Technology Plan contains a discussion entitled "Balancing Connectivity and Student Safety on the Internet," which acknowledges the following:

The Children's Internet Protection Act (CIPA) requires any school that funds Internet access or internal network connections with E-Rate money to implement filters that block students' access to content that may be harmful to minors, including obscenity and pornography. CIPA also requires schools receiving E-Rate discounts to teach online safety to students and to monitor their online activities.

Ensuring student safety on the Internet is a critical concern, but many filters designed to protect students also block access to legitimate learning content and such tools as blogs, wikis, and social networks that have the potential to support student learning and engagement. More flexible, intelligent filtering systems can give teachers (to whom CIPA restrictions do not apply) access to educationally valuable content. On the other end of the spectrum, some schools and districts filter students' online activities with proxy servers that meet CIPA requirements but are easy to get around, minimizing their utility for managing and monitoring students' online activity.²⁵

The policies established at the federal and state levels through new technology plans set the stage for schools to specifically target and embed safe and responsible Internet usage in their instructional programs.²⁶ Such policies can begin with a proactive

²² *Id.* at 5.

²³ *Id.* at iii.

²⁴ *See id.* at xii (stating that the technology is available now, but educators need to learn how to use it more efficiently).

²⁵ *Id.* at 56.

²⁶ *See id.* at 54–55 (discussing the access use of mobile devices and providing examples on how the Internet can be an effective teaching tool when the correct usage policies are put in place).

approach on two fronts: safe and responsible use for improved teaching and learning, and improved teaching and learning about safe and responsible use.²⁷ These are not mutually independent practices; taken together, they could promote a school climate that encourages frequent and active technology use, supports it with sufficient resources, and measures it for effectiveness of desired outcomes and learning achievement.²⁸ To this end, NYSED developed an Internet Safety Resource Toolkit to facilitate school- and district-based technology planning and program development.²⁹

III. NYSED INTERNET SAFETY RESOURCE TOOLKIT

NYSED's initial implementation of State Education Law Section 814 through the Statewide Learning Technology Plan centers on the Internet Safety Resource Toolkit, which was created and vetted with input from several educators representing local school districts, Board of Cooperative Educational Services (BOCES), professional organizations, and educational networks.³⁰ The Toolkit and other resources associated with Internet safety are available at the NYSED Web site.³¹ NYSED's general guidance and information around Internet safety includes Web links for resources on cyberethics, Internet filtering, and other areas of interest to students, teachers, administrators, and technology directors.³² Below are descriptions of four key NYSED resources to promote an environment that supports technology use and proactive

²⁷ See NATIONAL EDUCATION TECHNOLOGY PLAN 2010, *supra* note 6, at 37–39 (stating the necessary steps to reach this goal, while emphasizing the importance of protection of information and effective learning about the technological tools).

²⁸ See *id.* at 34–35 (expanding on the goal of increased technology use and discussing the role feedback plays to make its use more efficient).

²⁹ N.Y. State Educ. Dep't, *Internet Safety*, EDTECH, http://www.p12.nysed.gov/technology/internet_safety/ (last updated Oct. 17, 2011) [hereinafter *Internet Safety*].

³⁰ See *NYS Educational Law—Section 814: Courses of Study in Internet Safety*, EDTECH, http://www.p12.nysed.gov/technology/internet_safety/sec814.html (last visited Sept. 11, 2012); *Informational Brief on Social Networking Policy*, EDTECH, http://www.p12.nysed.gov/technology/internet_safety/InformationalBriefonEducationalnetworking.html (last visited Sept. 15, 2012) (explaining the purpose of section 814, and discussing how educational networking can be used to develop responsible use of the Internet).

³¹ *Internet Safety*, *supra* note 29.

³² *Id.*

discussion around Internet safety.

A. *Internet Safety Program Evaluation Rubric*

In 2011, NYSED developed a rubric to assist school administrators and teachers in reviewing their instructional programs focused on Internet safety.³³ The rubric defines the degree to which schools and districts have integrated Internet safety principles and adaptation of an Acceptable Use Policy (AUP) into a standards-based instructional program.³⁴ This program evaluation rubric contains eleven essential elements for a quality Internet safety program, with shared responsibilities for students, teachers and administrators, and districts.³⁵ Each element has a four-point rating scale for a school or district: exemplary, proficient, basic, and insufficient.³⁶ The rubric contains examples of what to look for in evaluating the quality of Internet safety instruction in the school's general educational program.³⁷ The rubric is not a mandated reporting requirement to NYSED: there are no accountability measures, funding opportunities, or other incentives directly tied to its use.³⁸ The rubric's purpose, instead, is to provide a resource to help districts assess the quality and depth of Internet safety in their instructional programs, and to make local determinations regarding how to strengthen or expand upon such programs.³⁹

The rubric defines four essential elements as student responsibilities: acceptable and effective use, cyberethics, netiquette, and protecting personal information.⁴⁰ For example, *acceptable and effective use* means that students "identify what constitutes unacceptable and illegal content, and students are able to evaluate the quality of site contents and choose sites that

³³ *New York State Education Department Internet Safety Program Evaluation*, N.Y. STATE EDUC. DEPT., http://www.p12.nysed.gov/technology/internet_safety/documents/InternetSafetyProgramEvaluationRubric.pdf.

³⁴ *Id.* at 2.

³⁵ *Id.* at 3–6.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *See id.* at 2 (discussing how the rubric is merely a tool to assist schools in achieving sufficient Internet safety programs at a local level).

³⁹ *New York State Education Department Internet Safety Program Evaluation*, *supra* note 33, at 2.

⁴⁰ *Id.* at 3–4.

have reliable and factual content.”⁴¹ This is evident, for example, when students practice effective search strategies, and are able to judge or weigh the quality and quantity of information on a Web site. *Cyberethics* as an element means that “[s]tudents understand the social, ethical, legal, and human issues surrounding the use of technology in school and apply those principles in practice.”⁴² To this end, cyberbullying reporting procedures and academic integrity policies are firmly established and visible to support students’ Internet use.⁴³ *Netiquette* means that “[s]tudents adhere to standards within AUP and the Code of Conduct when communicating with other online users.”⁴⁴ Examples to look for would include clearly articulated standards for Internet-based student communication. Such standards would include references that “students refrain from making damaging or false statements about others online,” and “avoid[ing] profane or impolite language online.”⁴⁵ The final element, *protecting personal information*, describes how “[p]ersonally identifiable information concerning students is not disclosed or used in any way on the Internet or local network.”⁴⁶ Examples to look for include evidence that “students do not meet in person anyone they have met only online,” that students can identify and report online fraud, that they protect their passwords, and keep their online accounts secure from public access.⁴⁷ Taken together, these four elements guide expectations for students who go online at school—and arguably in any location.

Administrators and teachers share responsibilities for an additional four essential elements: curriculum, instructional alignment, assessment, and professional development.⁴⁸ The first element, *curriculum*, is key for NYSED’s vision of implementing Internet safety instruction: “[e]ducators develop a meaningful, standards-based Internet Safety Curriculum integrated across all subject content areas with P–12 articulation.”⁴⁹ A school or

⁴¹ *Id.* at 3.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *New York State Education Department Internet Safety Program Evaluation*, *supra* note 33, at 3.

⁴⁶ *Id.* at 4.

⁴⁷ *Id.*

⁴⁸ *Id.* at 4–5.

⁴⁹ *Id.* at 4.

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district could establish a curriculum committee to review the articulation and alignment of Internet safety in every subject.⁵⁰ Teachers in each subject area could work with school librarians and learning technology specialists to develop instructional units on Internet safety.⁵¹ *Instructional alignment* means that “[e]ducators integrate principles of Internet safety within each standard area and appropriately evaluate student understanding of performance indicators,” which are the expectations for what students should know and be able to do as a result of instruction.⁵² Examples include lesson plans and activities that address the legal, ethical, and safety issues of Internet use; productive, positive, and safe Internet search techniques; and a review and evaluation of Web resources for authenticity and validity.⁵³ For the element of *assessment*, “[s]tudent Internet [s]afety learning is assessed by classroom teachers, utilizing data analysis and [s]tandards.”⁵⁴ Teachers assess Internet safety principles when, for example, they determine that notes, information, and files from Web sites are properly cited and legally obtained, stored, and shared.⁵⁵ Lastly, “[s]tudent achievement is increased through improvements in teacher knowledge and skill via sustained professional development.”⁵⁶ When teachers manage and update their own professional learning about Internet safety, they are more likely to share their learning with students. *Professional development* occurs through a range of activities: testing and evaluating new and existing technology products and policies, joining and contributing to a professional organization, creating and sharing person Web-based resources, and sharing teaching practices at conferences and in digital or print publications.⁵⁷ In other words, the more teachers discuss and share their own practices and questions about Internet safety, the more likely they will be able to provide sufficient instruction to their students in this area.

Districts are responsible for developing and implementing adequate, appropriate policies for Internet safety, and access to

⁵⁰ *Id.*

⁵¹ *New York State Education Department Internet Safety Program Evaluation, supra* note 33, at 4.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.* at 5.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

adequate, appropriate technologies to support safe and responsible Internet usage every day.⁵⁸ District responsibilities include development and maintenance of an Acceptable Use Policy; Internet filtering and monitoring; and confidentiality of student information.⁵⁹ The *Acceptable Use Policy* is a critical document; NYSED recommends that the AUP “provide[] clear guidance on acceptable use for safe, appropriate and meaningful access to Internet resources with consequences for unacceptable use.”⁶⁰ This element is effectively implemented when the district has established proper regulations and policies for Internet misuse, progressive levels of response for use violations, periodic audits of compliance with the AUP, and updates to the AUP as needed.⁶¹ *Internet filtering and monitoring* is recommended to be “in place with opportunities for teachers and students to bypass for educational purposes.”⁶² For example, students could gain access to educational games (such as virtual simulations) for mastering challenging concepts, while they are protected from inappropriate content ranging from viruses to pornography. *Protecting confidentiality of student information* is apparent when “[p]ersonally identifiable information concerning students is protected and appropriately used on Internet or local network by the district.”⁶³ For example, districts should protect the online use of all students’ contact information, including any personal images. Districts should also ensure verification and authority to release student information on a Web site for any purpose. A school- or district-wide committee (such as a technology committee) should periodically review all Web practices and procedures, updating technology use policies as needed.

Each of these elements carries an equal weight in the rubric. Since each element lacks a specific point value or score, they should be considered together as equally important and interdependent in order to be effective (and apparent) in an

⁵⁸ See N.Y. EDUC. LAW § 814 (1) (McKinney 2009) (allowing school districts to teach students about “proper and safe use of the [I]nternet”); See *New York State Education Department Internet Safety Program Evaluation*, *supra* note 33, at 2 (providing a rubric for school districts to use to evaluate their Internet safety policies and practices).

⁵⁹ *New York State Education Department Internet Safety Program Evaluation*, *supra* note 33, at 6.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

instructional program. The rubric can be used for a community discussion about the need for an online presence, a healthy relationship between Internet users and the Internet, and a respect for technology use to strengthen instruction.

B. Learning Standards & Internet Safety

As schools complete their evaluation of existing Internet safety programs, specific support is needed to ensure curricular and instructional alignment of Internet safety principles across all courses and subjects.⁶⁴ NYSED aligned the New York State Learning Standards at the elementary (prekindergarten to grade four), intermediate (grades five through eight), and commencement (grades nine through twelve) levels to include components of Internet Safe Usage across all learning standards.⁶⁵ In New York State, the learning standards are organized into seven areas: the Arts (Dance, Music, Theater, and Visual Arts); Career Development and Occupational Studies; English Language Arts; Health, Physical Education, and Family and Consumer Sciences; Languages Other Than English; Mathematics, Science, and Technology; and Social Studies.⁶⁶ Alignment between these standards and Internet safety principles also includes the new Common Core State Standards for English Language Arts and Literacy and for Mathematics (adopted by the Board of Regents in January 2011), the International Society for Technology in Education's (ISTE) National Education Technology Standards for Students (NET_S), and the American Association of School Librarians (AASL) Standards for the 21st Century Learner.⁶⁷

Thus, Internet safety is recognized as a foundation in a

⁶⁴ N.Y. State Educ. Dep't, *Learning Standards and Internet Safety*, EdTECH, http://www.p12.nysed.gov/technology/internet_safety/LearningStandardsandInternetSafety.html (last updated Dec. 14, 2010) [hereinafter *Learning Standards and Internet Safety*].

⁶⁵ *Id.*

⁶⁶ N.Y. State Educ. Dep't, *Learning Standards of New York State*, C & I, <http://www.p12.nysed.gov/ciai/standards.html> (last updated Jan. 23, 2012).

⁶⁷ *Learning Standards and Internet Safety*, *supra* note 64; Int'l Soc'y for Tech. in Educ., *National Education Technology Standards for Students*, NETS, <http://www.iste.org/standards/nets-for-students.aspx> (last visited Sept. 15, 2012); AM. ASS'N OF SCH. LIBRARIANS, STANDARDS FOR THE 21ST-CENTURY LEARNER (2007), available at http://www.ala.org/aasl/sites/ala.org/aasl/files/content/guidelinesandstandards/learningstandards/AASL_LearningStandards_2007.pdf.

standards-based instructional program—not as a stand-alone practice separated from specific subject area knowledge and skill. In general, such instructional alignment can assist school administrators and educators with Internet Safety teaching and learning across a standards-based curriculum.⁶⁸ A particular goal of this alignment is to target specific areas of responsibility for Internet safety by all educators—not just those in a specific subject, such as Technology Education.⁶⁹ Internet safety principles can be found within the performance indicators of each standard area at each grade level from prekindergarten through grade twelve.⁷⁰

For example, at the elementary level, Internet safety may be taught in the Family and Consumer Sciences Learning Standard 2 (A Safe and Healthy Environment).⁷¹ A performance indicator in this standard states that students should “know some conditions necessary for a safe and healthy home and school environment and recognize the various ways individuals contribute to that environment.”⁷² This performance indicator could be measured, for example, when students both identify and practice safe search techniques—and what to do when inappropriate content is accessed. At the intermediate level, Internet safety is found (for example) in Career Development and Occupational Studies Learning Standard 3a (Universal Foundation Skills).⁷³ A performance indicator in this standard states that students should “demonstrate an understanding of the relationship between individuals and society and interact with others in a positive manner.”⁷⁴ This performance indicator is a clear example of teaching positive online interactions and

⁶⁸ *Learning Standards and Internet Safety*, *supra* note 64.

⁶⁹ *See id.* (“[I]t is important to provide standards-based instruction on using the Internet at the local level, and a foundational component of such instruction is an alignment of Learning Standards to the principles and practices of Internet Safe Usage.”).

⁷⁰ *See id.* (providing detailed Internet safety and learning standards for each grade level in New York state).

⁷¹ N.Y. STATE EDUC. DEP’T, LEARNING STANDARDS AND INTERNET SAFETY—ELEMENTARY 3, *available at* http://www.p12.nysed.gov/technology/internet_safety/documents/E_LearningStandardsandInternetSafety.pdf.

⁷² *Id.*

⁷³ N.Y. STATE EDUC. DEP’T, LEARNING STANDARDS AND INTERNET SAFETY—INTERMEDIATE 3, *available at* http://www.p12.nysed.gov/technology/internet_safety/documents/I_LearningStandardsandInternetSafety.pdf.

⁷⁴ *Id.*

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reducing incidents of cyberbullying.⁷⁵ One measure of its achievement is that no incidents of cyberbullying are reported by the school or district in a given school year.⁷⁶ At the commencement level, Internet safety is highlighted in The Arts Commencement-General Education Standard 2, in which “[s]tudents will be knowledgeable about and make use of the materials and resources available for participation in the arts in various roles.”⁷⁷ A sample performance indicator for the Visual Arts requests that “[s]tudents use the computer and electronic media to express their visual ideas and demonstrate a variety of approaches to artistic creation.”⁷⁸ As humans increasingly create and share art in multiple media (e.g., music, movies, writing, drawing) online, the intersection between free speech in producing art and open access for consuming art continues to be an important and continuous teachable moment; it has increased urgency in a digital world of instant content creation and dissemination.

With just these three examples of standards and performance indicators, Internet safety becomes the domain and responsibility of multiple subject-area teachers. Internet safety also becomes no different than any other type of instruction in healthy and positive behaviors. Since incidents of violent and disruptive behaviors online can begin in the physical world, and vice versa, instruction should continuously focus on how to promote healthy and safe spaces for learning, work, and play – regardless of the setting or time. Online interactions often mirror, or are affected by face-to-face interactions.⁷⁹ The learning standards were designed to be indicators of student achievement regardless of

⁷⁵ See Sherry Runk, *FACT SHEET: CYBERBULLYING* (2006), available at <http://nyscenterforschoolsafety.org/files/filesystem/factsheet1.pdf> (informing educators that modeling positive behavior and teaching effective problem solving skills are two ways to stop cyberbullying).

⁷⁶ N.Y. STATE EDUC. DEP’T, THE NEW YORK STATE DIGNITY FOR ALL STUDENTS ACT (DIGNITY ACT): A RESOURCE AND PROMISING PRACTICES GUIDE FOR SCHOOL ADMINISTRATORS & FACULTY 31 (2012) [hereinafter GUIDANCE ON BULLYING AND CYBERBULLYING], available at http://www.p12.nysed.gov/dignityact/documents/DignityForAllStudentsActGuidance_POSTING.pdf and <http://p1232.nysed.gov/dignityact/rgsection7.html>.

⁷⁷ N.Y. STATE EDUC. DEP’T, LEARNING STANDARDS AND INTERNET SAFETY—COMMENCEMENT, *supra* note 4, at 2.

⁷⁸ *Id.*

⁷⁹ See Juliana Raskauskas & Ann D. Stoltz, *Involvement in Traditional and Electronic Bullying Among Adolescents*, 43 DEVELOPMENTAL PSYCHOL. 564, 568 (2007) (finding a link between traditional bullying and cyberbullying).

time and place, and common expectations for all learners in their preparation for college and careers.

C. *Guidance on Bullying & Cyberbullying*

NYSED developed an additional guidance document that “provides educators with policy, program, and legal considerations that need to be addressed when dealing with the issues of bullying, cyberbullying, and general [I]nternet safety.”⁸⁰ This guidance is divided into sections on school and district practice and policies (with a focus on school culture, the Code of Conduct, and peer mediation); off campus cyberbullying; the Children’s Internet Protection Act (CIPA); Internet safety policies; and an analysis of anti-bullying legislation and reporting requirements. Additional assistance is available through NYSED’s Student Support Services unit within the Office of P–12 Education.⁸¹

NYSED recognizes that “[A] school’s culture may be the single most important factor in preventing, limiting, and/or dealing with bullying and cyberbullying incidents. Educators need to work diligently to create school cultures that value and teach respect for all. The most positive school cultures are culturally sensitive and model positive behavioral interactions.”⁸² To this end, NYSED developed *Educating the Whole Child, Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State*, in partnership with the New York State Office of Mental Health.⁸³ Adopted by the Board of Regents in July 2011, this document provides detailed guidance on the cognitive and affective competence of all students, in support of their academic pursuits and goals.⁸⁴

Research underlying social and emotional development and learning (SEDL) suggests that a child who is anxious, afraid, preoccupied, depressed, or alienated is a child whose courage or ability to learn is impaired. There are clinical and educational

⁸⁰ GUIDANCE ON BULLYING AND CYBERBULLYING, *supra* note 76, at 31.

⁸¹ *Id.* at 30–37.

⁸² *Id.* at 31.

⁸³ N.Y. STATE EDUC. DEP’T, EDUCATING THE WHOLE CHILD ENGAGING THE WHOLE SCHOOL: GUIDELINES AND RESOURCES FOR SOCIAL AND EMOTIONAL DEVELOPMENT AND LEARNING (SEDL) IN NEW YORK STATE 54 (2011), *available at* <http://www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf>.

⁸⁴ *Id.* at 2.

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methods available to help children focus their attention even when other thoughts or feelings intrude SEDL begins at home and is further facilitated through *seven approaches* in different combinations determined locally:

- Continual outreach to and inclusion of families and the surrounding community;
- Attention to school climate and to relationships among and between students and adults;
- Age-appropriate skill acquisition through character education, social-emotional learning and standards-based instruction;
- After school, out-of-school, extracurricular, service learning programs and mentoring;
- Alignment of district and school support personnel, policies, and practices—in special and general education—to assist all students;
- Cross-systems collaboration with community-based child and family services for students in greater need;
- Appropriate ongoing development of professional and support staff and partners.⁸⁵

Recognition of positive school climate has become such a central educational issue that the New York State Legislature passed the Dignity for All Students Act in 2010, with an implementation date of July 1, 2012.⁸⁶ Known as “The Dignity Act,” this law “seeks to provide the State’s public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function.”⁸⁷

A general summary of the Dignity Act and its effect on school districts is provided on the NYSED Web site. This legislation amended State Education Law by creating a new Article 2—Dignity for All Students. The Dignity Act also amended Section 801-a of New York State Education Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity to include: an awareness and sensitivity in the relations of people, including but not limited to, different races,

⁸⁵ *Id.* at 5.

⁸⁶ N.Y. State Educ. Dep’t, *The Dignity Act*, NYSED.GOV, <http://www.p12.nysed.gov/dignityact/> (last updated Sept 28, 2012).

⁸⁷ *Id.*

weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender identity or expression, and sexes. The Dignity Act further amended Section 2801 of the Education Law by requiring Boards of Education to include language addressing The Dignity Act in their codes of conduct. Additionally, under the Dignity Act, schools will be responsible for collecting and reporting data regarding material incidents of discrimination and harassment by using the annual summary of violent and disruptive incidents form.⁸⁸

On July 9, 2012, Governor Andrew M. Cuomo signed into law a further amendment to Education Law that prohibits bullying and cyberbullying in schools.⁸⁹ The amendment further expands upon the Dignity Act by requiring schools to “act in cases of cyberbullying, which may occur on or off campus, when it creates or would create a substantial risk to the school environment, substantially interferes with a student’s educational performance or mental, emotional or physical well-being, or causes a student to fear for his or her physical safety. . . [and] put in place protocols to deal with cyberbullying, harassment, bullying and discrimination. . . . The law sets training requirements for current school employees, as well as for new teachers and administrators applying for a certificate or license, on the identification and mitigation of harassment, bullying, cyberbullying and discrimination.”⁹⁰ The amendment has an implementation date of July 1, 2013.

NYSED has partnered with several state agencies, professional associations, and educational organizations to implement the new law and the subsequent bullying and cyberbullying amendment.⁹¹ Such partnerships, based on the NYSED summary above, are focused on guiding the development of state and local district regulations and policies to support the Dignity Act; providing resources to align the district’s instructional program to the Dignity Act’s principles; and providing professional

⁸⁸ *Id.*

⁸⁹ Governor’s Press office, *Governor Cuomo Signs Legislation to Help Protect Students from Cyberbullying*, NY.gov, <http://www.governor.ny.gov/press/07092012cyberbullying> (July 9, 2012) and <http://open.nysenate.gov/legislation/bill/S7740-2011>.

⁹⁰ *Id.*

⁹¹ N.Y. State Educ. Dep’t, *The Dignity Act Task Force*, NYSED.GOV, <http://www.p12.nysed.gov/dignityact/taskforce.html> (last updated May 30, 2012).

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development opportunities and continued outreach on the Dignity Act statewide for all audiences.⁹²

D. Informational Brief on Social Networking in Education

Prepared in partnership between the New York Comprehensive Center and NYSED, the *Informational Brief on School Networking in Education* provides a brief synopsis about the implementation of educational networking (or, using social networking sites for educational purposes) in local school districts.⁹³ “[I]t recommends that educational networking pilot program could be [launched]in select schools and districts.⁹⁴ “Educational networking may be a tool to improve academic performance, engagement, and student leadership—and to address the principles of safe and responsible use of the Internet for teaching and learning.”⁹⁵

The benefits described for educational networking in schools include an earlier recognition of student needs through immediate and frequent assessment; the establishment of a classroom community online; increased student engagement and achievement; information management of student, teacher, and course content; and information access for students who may be marginalized by a traditional school system.⁹⁶ Some of the concerns for educational networking include legality and privacy concerns for educators and students; the potential for unequal student access to such networks; and a lack of technological resources and capacity within the school.⁹⁷ The document concludes with recommendations for implementing educational networking in a school, including strategies for crafting an AUP to include educational networking, and case studies of practices

⁹² *See id.* (discussing the composition of the Dignity Act Task Force, and its role in developing strategies and recommendations for implementation of the Act).

⁹³ N.Y. State Educ. Dep’t, *Informational Brief on Social Networking Policy*, NYSED.GOV, http://www.p12.nysed.gov/technology/internet_safety/InformationalBriefonEducationalnetworking.html (last updated May 24, 2011).

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ N.Y. Comprehensive Ctr., INFORMATIONAL BRIEF ON SOCIAL NETWORKING IN EDUCATION (2011), *available at* http://www.p12.nysed.gov/technology/internet_safety/documents/InformationalBriefonSocialNetworkinginEducation.pdf.

⁹⁷ *Id.*

in other schools.⁹⁸

IV. CONCLUSION

Safe and responsible Internet usage is an ongoing need for students and educators. Many important lessons are needed across all learning standard areas. A few good places to begin include teaching students how to balance between personal and professional online accounts, and about “information literacy” in general—an understanding of the way in which information flows through society, and how it is stored, accessed, and used. For example, teaching students how their digital activities and practices today (including postings on social networking sites) could come back to harm them tomorrow. Also, teaching students how to cultivate an online presence that shows effective and productive communications with others. A simple check of software and hardware security settings can also focus students on the background and context of their online activities, and ensure that the right message is being conveyed to the appropriate audience.

A major reason for the necessity (and urgency) of an Internet safety instructional program is the simple fact that online learning in general challenges the relevance of traditional classrooms. For example, traditional reading and writing literacies become even more necessary when the very definition of literacy itself must evolve to embrace new learning environments. In addition to shorthand, emoticons, and other symbols of the digital world, students (and teachers) need to recognize and master multiple forms of expression and communication—and be versed in how to navigate between them. Multiple new environments and spaces for information production and consumption present new challenges and opportunities for learning. Digital photos, videos, audio files, tags, social bookmarking, and hyperlinks (to name a few examples) are new or expanding formats for demonstrating literacy and personal expression. Therefore, these formats must be openly used for teaching and learning.

Additionally, a new challenge is presented in the diversity of the types of online networks available: a goal for learning is to ensure that students do not participate solely in groups or online

⁹⁸ *Id.*

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spaces addressing personal interests, but that students can branch out to identify and assess information from diverse sources. The goal is to avoid student clusters in like-minded groups that narrow perspectives and do not promote the generation and sharing of diverse ideas. As articulated in the Internet safety rubric, professional development for the adults in school is more urgent than ever. Teacher modeling of safe, efficient, effective interconnected technology use is required.

The prevention of cyberbullying and other negative online behaviors begins with sustained instruction in safe and responsible Internet usage.