Learning Gateways

by Michelle Parrini

Lesson Overview

This teaching strategy extends students' understanding of lawmaking, the First Amendment, and school policy-making. Students will engage in mock planning, research, and evaluation activities designed to help a school become compliant with the Children's Internet Protection Act (CIPA). Go to www.insightsmagazine.org for a listing of relevant standards addressed by this issue of *Insights*.

Objectives

As a result of the lesson, students will:

- Understand how federal laws are implemented at the local level.

- Learn the parameters of the Child Internet Protection Act.

- Refine their knowledge of the First Amendment and categories of speech.

- Gain a critical understanding of how Internet safety measures work, including advantages and disadvantages.

- Learn how school policies are created in the context of Internet use.

Target Group: Secondary students

Time Needed: 2–3 classes over several weeks

Materials Needed: Student Handout (go to www.insightsmagazine.org). For lesson extension and/or advanced classes, provide each student with a copy of the "Law Review" department article (pp. 20–21, 27), which analyzes CIPA and the Supreme Court's review of its constitutionality.

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Procedures

Part I

1. Assign students in small groups to research CIPA, focusing on the sections of the law that apply to public schools. Ask students to determine the need that the law addresses and what schools are required to do in order to be eligible for federal funds. Other questions to consider include

- From what types of material must young people be protected under the Act?

- How are schools to decide if additional materials may be inappropriate for minors?

- Which issues must be included in a school's Internet safety policy?

- How might failure to comply with the law affect a school?

2. After groups share their research, discuss the key requirements of CIPA, writing them on the board. Students should understand that in order to receive federal funds for Internet services, schools must

(a) install "technology protection measures" to limit student access to visual materials harmful to minors, obscene materials, and child pornography.

(b) determine locally whether particular Internet materials not covered under the Act are inappropriate for students.

(c) develop Internet safety policies.

(d) hold a public hearing about the safety policy.

3. Review the U.S. Supreme Court cases on pornography and obscenity (see sidebar). Ask students to identify which legal precedents may have been considered in the development of CIPA and how the precedents are reflected in particular sections of the Act. Explain that congressional committees conduct research in areas of case law and the U.S. Code, when new legislation is being developed. Discuss the strengths and weaknesses of allowing local communities to decide whether Internet materials not covered under CIPA may be "inappropriate" for students to access at school. Do students believe individual communities should be able to determine what is inappropriate? Why?

Part II

1. Brainstorm ways that students use the Internet in schools. Students should understand that Internet policies typically specify that student use of the Internet at school must serve educational purposes.

2. Assign small groups to investigate and then develop an Internet safety protection measure. Be sure that a variety of measures are researched. Review the materials that need to be restricted if schools wish to comply with CIPA. Groups should prepare oral and written reports describing how their measure works, which of the CIPA-restricted materials it will block, and its advantages and disadvantages.

3. After the oral reports are delivered, distribute the written reports to all students. Ask students to review and discuss the reports in their small groups. Each group should choose an option for your school. Groups should prepare a recommendation to present to the class, including a rationale—i.e., an explanation of how their recommendation will best enable the school to com-

ply with CIPA and also meet the educational needs of students. Students who are not presenting should role-play school board and community members by asking questions.

4. During reports, list and take a vote on the recommended options and their key features. Ask students to play the role of school board members charged with ensuring compliance with CIPA and meeting the educational needs of students at your school. Which option do they believe will best meet both criteria?

5. Analyze the vote results. Discuss what makes the most commonly mentioned features of the recommendations desirable. Ask students if they believe that one of the measures alone will ensure that students are not exposed to the materials CIPA seeks to restrict. If not, what additional options might a school board consider using?

Part III

1. Brainstorm the common elements and characteristics of a good, written public policy, regardless of its purpose. Students need to consider clarity, rules, procedures, and provision to give ade-

quate notice about the policy to those who will be affected by it.

2. Ask the small groups to craft a section of a school district Internet safety policy. Review the components required under CIPA. Groups should first investigate the legal issues applicable to their section. Policy and procedures for each section should reflect applicable legal issues and the dual charges of a school board to ensure compliance with CIPA and meet the educational needs of students (see Student Handout on Web).

3. After sections are merged into one document, review the entire policy with the class. Ask students to compose an introductory section that explains the rationale of the policy.

4. Compare the Internet safety policy created by your students with your school district's policy or that of a neighboring district. How are they similar? How are they different?

5. Conclude the lesson by asking students to consider broad questions about the First Amendment, the Internet, and the goals of schools.

U.S. Supreme Court Cases

In *Ginsberg v. New York*, 390 U.S. 629 (1968), the Court held that a statute prohibiting the distribution of sexually explicit materials to minors was constitutional, and that minors have more restricted rights to make decisions about what they read than adults. In *Miller v. California*, 413 U.S. 15 (1973), the Court held that obscenity was not protected by the First Amendment. The Court established a test with the following three criteria to determine if a work was obscene: (1) the average person, applying contemporary community standards (determined locally) would find that the work, taken as a whole, appeals to prurient interests; (2) the work depicts or describes, in a patently offensive way, sexual conduct specifically defined to be offensive and "hard core" by the applicable state law; and (3) the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. In *New York v. Ferber*, 438 U.S. 747 (1982), the Court upheld a New York statute banning child pornography, holding that preventing the sexual exploitation of minors was a compelling "government objective of surpassing importance."