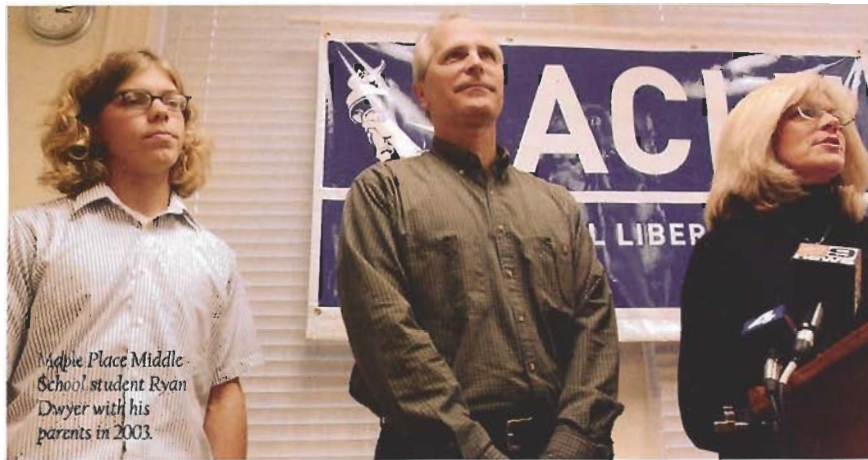


# The Blog Bog

Social networking sites, all the rage among students, are landing some school districts in legal hot water.



Maple Place Middle School student Ryan Dwyer with his parents in 2003.

The hullabaloo around social networking web sites like MySpace.com is officially impossible for school administrators to ignore. Use of such sites by teenagers, and even kids as young as 12, has ballooned in the last two years. They use them to discuss (and insult) their schools, teachers, and fellow students. And sometimes they cross the line by issuing threats.

A student at a St. Charles (IL) School District middle school recently posted a blog entry that described going to “the big dance” and ruining it with the help of his “little friend,” a reference to the violent 1983 movie *Scarface*. A concerned parent contacted the school, and police were able to locate the boy who made the post. No charges were filed against the teen, who is now receiving counseling.

Web posts containing clear threats are often easier to deal with than those that parody school staff or insult classmates. Administrators are finding themselves in the middle of a delicate balancing act, trying to properly

address parental and faculty concerns without getting involved in messy lawsuits over students’ First Amendment rights. Some, alas, have not been able to avoid the courtroom.

In November, school officials at Oceanport (NJ) School District agreed to pay former student Ryan Dwyer \$117,500 to settle a lawsuit claiming his First Amendment rights were violated when he was suspended, benched from the baseball team, and barred from a class trip for postings he made to his web site. The eighth grader wrote, “Maple Place is the worst school on the planet!” and “The principal . . . is not your friend and is a dictator.” Other students posted more offensive comments, but the court found that Dwyer could not be held responsible for other students’ posts and that his own postings, if insulting, were not grounds for punishment by the school.

This doesn’t exactly bode well for Hermitage (PA) School District, which has recently invested in a \$375-an-hour computer forensic expert to testify in its case against a Hickory High School

## BY THE NUMBERS

### Who’s Smarter Than We Are?

President Bush’s new American Competitive Initiative, announced in the State of the Union address on January 31, allocates funds for math and science education and research as a way to turn these numbers around.

#### Average mathematics scores of fourth-grade students in 1995

1. Singapore (Score: 590)
2. Japan (567)
3. Hong Kong (557)
4. Netherlands (549)
5. Hungary (521)
6. United States (518)

#### Average mathematics scores of fourth-grade students in 2003

1. Singapore (Score: 594)
2. Hong Kong (575)
3. Japan (565)
4. Netherlands (540)
5. Latvia (553)
6. England (531)
7. Hungary (529)
8. United States (518)

#### Average science scores of fourth-grade students in 1995

1. Japan (Score: 553)
2. United States (542)
3. Netherlands (530)

#### Average science scores of fourth-grade students in 2003

1. Singapore (Score: 565)
2. Japan (543)
3. Hong Kong (542)
4. England (540)
5. United States (536)

Source: *The 2003 Trends in International Mathematics and Science Study (TIMSS)* by the International Association for the Evaluation of Educational Achievement (IEA). In 2003, some 46 countries participated in TIMSS, at the fourth- or eighth-grade level or both. For more information and to find out how the scores were compiled, find the report at [www.nces.ed.gov/timss](http://www.nces.ed.gov/timss).

Photo: AP Images

senior who sued the district after he was suspended for 10 days and placed in an alternative educational program for posting a fictitious online profile on MySpace that made fun of the school's principal.

At issue is where a school's authority ends. Many schools have blocked access to sites like MySpace on school property. But what happens when kids go home? Legally, administrators have little power to regulate student blogs

## Administrators do not have the power to regulate student blogs written and posted at home.

written and posted at home on their own computers unless it causes "substantial disorder in the classroom," says Kevin Bankston, a lawyer with the Electronic Frontier Foundation (EFF),

a nonprofit group that works to protect digital rights. But does insulting a principal or teasing a student in a blog meet the level of "substantial disorder?" In the case of Oceanport, the court said no and the district paid the price.

So what is a school administrator to do? Bankston suggests you stop short of banning students from writing about the school on personal blogs off campus or trying to regulate such speech. "If a student is posting a threat or admits to breaking laws, then it's OK for administrators to act on it. But the school has no right to censor off-campus speech," says Bankston. "Schools should focus on educating kids about how to safely and respectfully use these technologies. The answer is communication, not punishment." So keep on top of what's out there. Take specific concerns seriously, but try not to let personal issues between school staff and students turn into expensive lawsuits that, in the end, no one really wins.

—Lee Ann Murphy

## Dos & Don'ts

*Mastering the legal implications of student blogs is simpler than it seems.*

**DO** Bar access to social networking sites and student blogs on school premises.

**DON'T** Implement a policy that censors student speech on blogs not associated with the school and posted off campus, and don't forbid students from having accounts on these sites unless they are legally too young to do so.

**DO** Send a letter home to parents. They're often unaware that kids as young as 12 are using these sites illegally (MySpace.com doesn't allow users under age 14).

**DON'T** Inflict strict punishments for speech posted on personal blogs off school premises (but if it involves a threat or violation of law, then alert the authorities).

**DO** Start an open dialogue with schools and students about the difference between what is technically legal and what is socially appropriate. And include a discussion of safety as well. Many students don't realize they could attract sexual predators by posting personal information online.

The EFF offers information on student bloggers' rights and responsibilities that could help you develop your own dialogue to have with students and parents. Visit the FAQ section of the web site at [www.eff.org/bloggers/lg/faq-students.php](http://www.eff.org/bloggers/lg/faq-students.php).

## THREE BIG DEALS

▶ Through a partnership with Learning.com, Arizona will become the first state in the nation to formally measure elementary and middle school students' proficiency with information and communication technology. With a contract that includes professional development and setup fees, the Arizona Department of Education plans to administer assessment of at least 25,000 fifth- and eighth-grade students by June 30, 2006.

▶ In only eight business days, school districts in Wyoming gathered, cleaned, and submitted data on every teacher, course, and student in the state to the Wyoming Department of Education. This action represents the first time a state education agency ever implemented an official district-wide data collection using technologies based on the Schools Interoperability Framework (SIF) specifications. The next-generation solution utilizes the products and services of ESP Solutions Group and Edustructures, LLC.

▶ TrueNorthLogic has contracted with the California Department of Education (CDE) to provide the technology framework for supporting, training, and maintaining the EdTechProfile site, one of four CDE State Education Technology Service (SETS) projects. TrueNorthLogic is responsible for providing a non-proprietary and vendor-neutral solution to support a statewide education program available to 750,000-plus users in more than 14,000 schools and 1,400 districts.