What do Hotmail, YouTube, Google Docs, Facebook, and National Geographic have in common? They offer content and services that millions of Americans use every day to communicate, share content, and seek information. They also may be filtered under the Children’s Internet Protection Act (CIPA) (47 U.S.C. 254) and not accessible to students and adults who rely on internet access provided by public libraries and schools.

Passed in 2000, CIPA was designed to prevent minors from accessing visual images deemed obscene, child pornography, or “harmful to minors” under the law by requiring public libraries and schools receiving certain federal funding to install software filters on their Internet-accessible computers. The use of the internet is vastly different today than when the U.S. Supreme Court upheld the constitutionality of this law in 2003. Decision makers could not have predicted the ways in which the internet and devices used to access online content would revolutionize learning opportunities in and out of school. However, as the means to access and create content have evolved, filtering in public libraries and schools has increased rather than evolved in a parallel fashion. Filtered content today, particularly in schools, includes entire social media and social networking sites as well as interactive or collaborative websites—far beyond what the law requires.

Much like riding a school bus or participating in organized sports—while both present risks that should be measured—few would consider the risks of these activities to outweigh their benefits. Educational strategies to assure that children have an excellent learning environment—no matter how good they sound—must also be weighed for their benefits and risks. The use of collaborative tools and platforms as well as learning to evaluate and create online content should be assessed in the same way, particularly when used in supportive and instructive environments. Filters in 2000 seemed to be a “quick fix” to ensure an age-appropriate learning environment. But over-filtering affects not only what teachers can teach, but how they teach, and creates barriers to learning and acquiring digital literacy skills that are vital for college and career readiness as well as for full participation in the 21st century.

To assess the impact of CIPA implementation on libraries, schools, and their users, the American Library Association’s (ALA) Office for Information Technology Policy (OITP) and Office for Intellectual Freedom (OIF), with support from Google Inc., investigated:

- The effects of internet filtering in public libraries and schools;
- The effectiveness of CIPA as a policy solution to protect kids from the proscribed content; and
- The broader impact of CIPA on achieving educational and social objectives for the 21st century.

Major Findings

Drawing from extensive background research as well as presentations and discussion from a national symposium and two online forums in July 2013, this effort identified an overreach in the implementation of CIPA—far beyond the requirements and intent of the law. This mission (or implementation) creep stems from misinterpretations of the law, different perceptions of how to filter, and limitations of internet filtering software. The result? Over-filtering blocks access to legitimate, educational resources while often failing to block the illegal, obscene, or “harmful to minors” images proscribed by the law. Over-filtering affects information access and learning opportunities for both children and adults, and disproportionally impacts those who can benefit from public internet access the most: the 60 million Americans without access to either a home broadband connection or smartphone.

Implementation of CIPA in Libraries

Filtering in libraries causes some patron needs to go unmet. Studies and anecdotes recount numerous examples of blocked online resources ranging from those dealing with war and genocide to safer sex and
public health, including a website required for an online nursing exam. Given the sensitivity of health-related topics and the value of privacy, it is also difficult to gauge the frequency that adults are denied access to information as users may be less likely to request a website be unblocked or a filter turned off.

For libraries, filters are black boxes that lack objectivity and transparency. As one symposium participant summarized: CIPA places the decision of disfavored internet content in the hands of private actors—the third-party vendors, who sell and provide internet filtering software to libraries and schools. As a result, it is the vendors not librarians who are making the decision of what content is filtered. Vendors’ decisions of what content to let through and what content to censor—determined by algorithms that make up the filtering software and treated as proprietary trade secrets—are not subject to transparency or public accountability.

Implementation of CIPA in Schools

Many schools go far beyond the legal mandate of CIPA and block broad swaths of information that all users are legally entitled to access. Beyond filtering social media and social networking sites, schools increasingly block access to anything interactive or collaborative. Another trend in schools is to mistakenly rely on filtering for managing issues of hacking, copyright infringement, and cyberbullying by denying access to websites and technology. Restricting exposure to complex and challenging websites or curtailing the use of interactive tools and platforms results in a critical missed learning opportunity to prepare students to be responsible users, consumers, and producers of online content and resources. We have yet to see the full repercussions of such over-filtering practices that limit students’ access to these tools for educational or professional pursuits, but as students’ digital footprints grow, the real-world impact of their online profiles becomes apparent. For example, many college admissions and employers already make decisions based on social media profiles. Hopefully students are prepared for such scrutiny, but without access to the wide range of internet-based resources, during formative years, students are at risk of closing doors to future opportunity.

Broader Impact of CIPA

Over-implementation of filtering under CIPA restricts the acquisition of digital and media literacy skills. Mastering these skills is vital for college, career, as well as life readiness, and it impacts an individual’s ability to participate fully in the 21st century. However, the impact of filtering on learning is not felt equally among students and in fact, internet filtering creates two classes of students: an advantaged class with unfiltered access at home and a disadvantaged class with only filtered internet access at school. This imbalance extends to the growing use of mobile devices in the classroom.

Additionally, those who rely on public libraries for some or all of their internet access are disproportionally affected by internet filtering policies. Libraries in low-income communities often serve as the primary location for youth and adults to gain free access to digital tools and training to use them effectively. At the same time, public libraries are recognized by other government agencies and programs as primary outlets to fulfill a broader policy of “digital inclusion” that aims to address issues of digital access and digital literacy together. However, libraries that choose to preserve open and equal access to the internet lose opportunities for federal funding.

Libraries as a Solution to Digital Literacy and Digital Inclusion Challenges

In addition to the important function of public libraries in closing gaps in access and addressing digital inclusion goals, school librarians are key to bridging challenges in digital literacy and increasing the capacity of educators to integrate technology into specific learning tasks and curriculum in classrooms. Their role in integrating ethical and responsible use into school internet policies is also critically important.

Internet use policies that intend to prevent access to illegal content by blocking access are not the same as those that support responsible use of internet content and resources; both empowerment and protection must be taught together through the acquisition of digital literacy skills.
Recommendations

The most urgent issue is to communicate—through education and awareness-raising campaigns—what CIPA requires under the law and the negative consequences that over-filtering creates. The messaging should also emphasize the complementary role libraries can play in addressing some of these challenges to help all users gain digital literacy skills and increase digital inclusion.

- **Increase Awareness of the Spectrum of Choices Regarding Filtering.** ALA should build support and accelerate the implementation of recommendations by ALA’s Digital Literacy Task Force to assist librarians in interpreting statutory requirements of federal filtering requirements and broaden the messaging to the wider school community and other stakeholders. ALA’s Intellectual Freedom Committee also continues its work on filtering policy and advising librarians with real-world problems in this arena.

- **Develop a Toolkit.** Working together with educational groups and associations, ALA should assemble a toolkit that provides resources for school leadership to refocus filtering and access policies. Resources could include current research, best practices from other school districts, sample policies, and templates for public meetings to describe policy changes to the broader school community.

- **Establish a Digital Repository.** ALA should create a digital repository to house existing research, surveys, and case studies on internet filtering; collect anecdotes and best practices from librarians; and curate examples of responsible use policies, digital literacy lesson plans, and other resources to support awareness campaigns and development of information resources.

- **Conduct Research.** A study could assess the hurdles and possible solutions to increase the adoption of digital media tools and platforms to support educational and learning goals. This research would benefit from the participation of different stakeholders, including school administrators, educators, librarians, and as well as industry leaders. Other research could evaluate how different filtered environments impact student learning and achievement.
About the Author

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About OITP and OIF

The Office for Information Technology Policy advocates for public policy that supports and encourages the efforts of libraries to ensure access to electronic information resources as a means of upholding the public’s right to a free and open information society.

Established December 1, 1967, the Office for Intellectual Freedom is charged with implementing ALA policies concerning the concept of intellectual freedom as embodied in the Library Bill of Rights, the Association’s basic policy on free access to libraries and library materials.

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