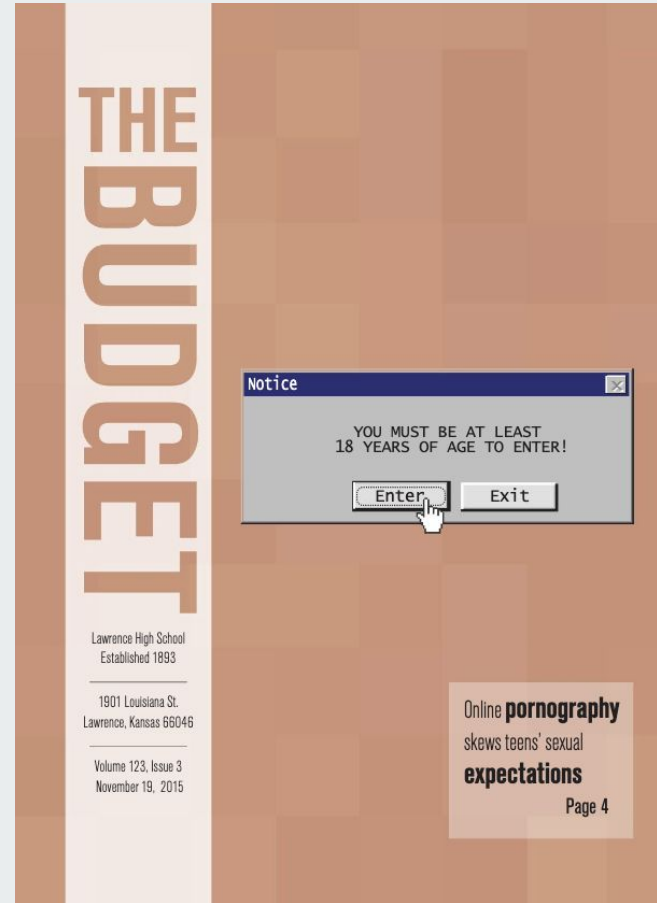




Gaggle & Free Press Rights

Jack Tell, Natasha Torkzaban,
Maya Smith, Morgan Salisbury



Progress made

We're thankful for the progress made to restore students' deleted images.

We're hopeful that this issue is largely resolved, with the realization that the images have been quarantined, not deleted.

We would just like to check in: have any images actually been restored to students yet?

To reiterate, it's clear that case law restricts the ability of schools to censor student speech. What's the timeline for returning the images?



Understanding the Kansas Student Publications Act

The Supreme Court did limit First Amendment rights in school in *Hazelwood v. Kuhlmeier*. It said schools can limit speech “disseminated under its auspices.”

However, Kansas passed a law to restore those protections to high school student journalists. ([KSA 72-7211](#)).

THE BUDGET FEATURES

STUDENT DEALERS

Anonymous students share their experience selling drugs

Editors note: While school-level data about student substance use is no longer available (see page 12-13), drugs remain readily accessible to students. *The Budget* agreed to keep the identities of these students anonymous so they would speak candidly about their experiences and so readers could better understand their motivations.

REPORTING BY DANIEL DAVIDSON AND SAMI TURNER

STUDENT A

SELLS ADDERALL, MARIJUANA, PSYCHEDELICS AND COCAINE

HOW OFTEN DO YOU DEAL?

“It depends. I normally make a deal every day. Like when finals season comes around that’s when my Adderall sales go up, they spike pretty high, especially with college kids. But my weed sales stay pretty consistent all the time.”

WHAT GOT YOU STARTED?

“I started off using and then when my doctor started prescribing me Adderall, and I hate them so... [I thought], I’ll sell ‘em. But with weed I don’t really know... It was just an opportunity because I was a heavy smoker, like smoking weed everyday. And I realized with the amount I was buying, I could buy a little excess and make some profit.”

HOW DO YOU BALANCE SELLING WITH SCHOOL?

“Normally, I would either have somebody drop by during my job or sometimes even at school, and I’ll do the sale there. Usually have

days off with no sales, and only in between job/school times at rare occasions.”

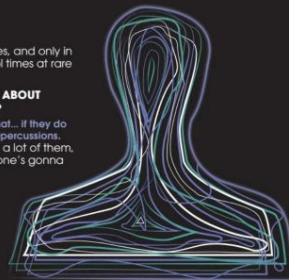
ARE YOU ANXIOUS ABOUT GETTING CAUGHT?

“My contacts know that... if they do snitch, there will be repercussions. I’m connected with a lot of them, so if I find out someone’s gonna snitch, then I know brothers. I won’t be falling for that... That works great and it makes it much harder for them to buy from anyone.”

WHAT DO YOU THINK ARE SOME UNIQUE DIFFICULTIES OF BEING A STUDENT DEALER?

“Difficulties is of course school security and technically you’re still a minor so being caught there is a lot more risk involved, especially with parents searching my room and stuff like that, but with being a dealer there is also benefits because it gives money.”

WHAT ADVICE WOULD YOU GIVE TO SOMEONE WANTING TO



GET INTO THE BUSINESS?

“Personally, I would honestly say don’t. First of all I don’t want any competition. Second of all, there’s so much risk involved and once you get in, it’s really hard to get out. You do build a rep with these people, and it’s really hard to sever those, so it keeps you in the game. But if I were to help somebody just be talkative ask around because it’s not hard to find somebody that deals...”

JUVENILE DRUG ARREST RATES

Sources: The Office of Juvenile Justice and Delinquency Prevention | 2018 arrests per 100,000 people ages 10-17



Understanding the Kansas Student Publications Act

The law says:

“The liberty of the press in student publications shall be protected.”

Here's how that law protects student journalists:

- Administrators can determine length, number, and format of publications
- Review material to ensure it is consistent with “high standards of English and journalism.”
- Material that is “libelous, slanderous or obscene” OR that commands, requests, induces, encourages, commends or promotes conduct that is defined by law as a crime **isn't** protected.
- Otherwise, students are solely responsible for determining their content.

Note: Our district has historically been very protective of First Amendment rights as a matter of community values.

Understanding the Kansas Student Publications Act

Students are responsible for determining the content of their publications regardless of politics or controversy.

This matters because:

- We strive to provide honest, uncensored reporting-
- This law allows us to do reporting that we feel is important without worrying about outside influence.
- From the SPJ Code of Ethics: "be vigilant and courageous about holding those with power accountable. Give voice to the voiceless."
- "Sunlight is the best disinfectant"



Understanding the Kansas Student Publications Act

Critically: The law does not contemplate prior review of work, **BEFORE** it is ready for publication:

- This means that our unpublished notes, sources, and confidential interviews should remain private.

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Opinion

MY LIFE MATTERS

Junior explains what draws him to the Black Lives Matter movement

BY AVERY MULLALLY
GUEST EDITORIAL

I don't remember exactly when I realized my skin color could dictate how far I would make it in life.

Maybe it was on Thanksgiving when I was 7. My mother's father-in-law screamed, "I'm surprised no one has shot you yet. I would if I had a gun." Or maybe it was when I posted a picture of \$1,700 in cash on Instagram. I had worked almost 40 hours a week on top of being a high school sophomore to save for my first car. I was proud of that money. I was proud of myself. But it didn't take long for a middle-aged woman to comment, "You do realize you look like a f---ing good-for-nothing f--- like this right?" LOL! Ppl that come from money, or make their money legit... Would NEVER post dollar bills!! That post SCREAMS broke ass... Probably a drug dealer."

Now, I know what you're thinking: How dare she! She's an adult. She didn't know me. I'm a "good" kid. Chances are, if you know me personally, or even if you don't, I probably don't enter you as a drug dealer. In fact, though, money plus brown skin automatically equals drug dealer. They regard that.

But that's not me. I'm a junior who works 23 hours a week, earns A's on my report card, bought my first car, pays my own phone bill and already knows what I'd want to do after I graduate. Every day I have to prove myself. God forbid I cause a distraction and live up to the racist stereotypes

awating me as soon as I walked through the door. I have to show I'm not what people expect. I'm sure that if I sat out they will lose respect — not just for me, but for all of us. I walk on these eggheads used my first blood.

The double standard that comes with being a person of color is why I'm drawn to the Black Lives Matter movement.

People of color are held to tougher standards. Second chances are a fairy tale to most of us. So when a 16-year-old black boy makes a mistake and gets caught up with the law, he's prosecuted as an adult and subjected to maximum sentencing. A 16-year-old white boy, making the same mistake is more likely to be seen as a confused young man. The white kid gets to make mistakes, he doesn't deserve to have the rest of his life altered because he's, you know, white.

Make you think I'm dramatic. "It's 2016," you see. Racism is dead and gone."

Maybe for you. I can't begin to count how many times I've heard "It's because I'm black." It happens at work when a customer ignores my offer to help and turns to my white coworker. It happens at school when a substitute teacher speaks to me with a different tone. It happens when shopkeepers lower when I enter their stores. It's a lot. And I'm here to talk about that question.

It's not that I'm racist. I'm scared to walk with a hoodie covering my face. What I have nothing to hide. I'm only black. That's not a crime. Oppressors don't care that I'm on

the honor roll every year. They don't care that my teachers love me. They don't care that I could probably outstep their children. They don't take the time to learn my name. For them, my name is black, and black is bad.

Some white people are threatened by the Black Lives Matter movement. Why? How many white people have we poured hot tar and feathers on?

Sometimes I feel the need to define the word equality for people — white people specifically. When I'm in the streets screaming that my life matters and my arms are asking from holding up a sign, who does that threaten you? When I say my black life matters, I'm not saying yours doesn't. It's simply that our lives haven't always mattered and will never be valued by many people to this day. Can't you see that saying "All Lives Matter" is a way to muffle the Black Lives Matter movement? When lives have always mattered.

I get it. Everyone struggles. No one wants to hear that their struggle was any less of a struggle compared to the person next to them, but sometimes that's what you need to understand. What do I value? Am I contributing to a cause that will affect future generations in a positive way? Or am I OK with working others because of our differences? What is it?

I am Avery, Trinidad, Sadeia, Freddie, Alton, Phillips, Mike, London, and my life matters. #BlackLivesMatter. The neighborhood with water except for

the one on fire. Someone asks, "Why are you speaking all of the houses when only this one is on fire?" and the firefighter responds, "All houses matter." If every house would have been on fire, they would deserve the same treatment and amount of attention as the other houses. It's important to pay attention to the one that is burning down.

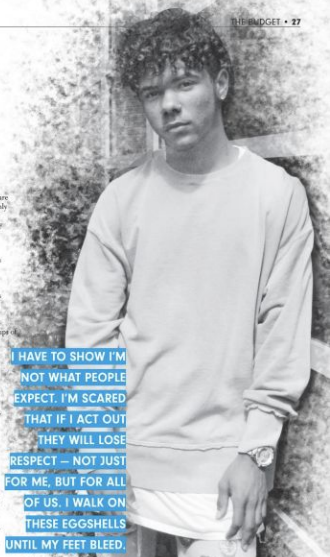
One would assume that because we poured hot tar and feathers on "I support Black Lives Matter, I don't also support Blue Lives Matter. That is the banking that surfaced after police officers were killed in Dallas. These movements are more alike than some may think. Both focus on specific groups of people being respected.

Someone once told me there are two types of bad people. People who do bad things and people who watch bad things happen and do nothing about it.

There's this misconception that racism and blatant murder by police officers is in some far away land where, in reality, it's right here. Maybe not here, in your state, or your city, but it's here. You think that could never happen close to home. But the words of racism that can lead to tragedies are in every community.

You have to ask yourself: What do I value? Am I contributing to a cause that will affect future generations in a positive way? Or am I OK with working others because of our differences? What is it? I am Avery, Trinidad, Sadeia, Freddie, Alton, Phillips, Mike, London, and my life matters. #BlackLivesMatter.

I HAVE TO SHOW I'M NOT WHAT PEOPLE EXPECT. I'M SCARED THAT IF I ACT OUT THEY WILL LOSE RESPECT — NOT JUST FOR ME, BUT FOR ALL OF US. I WALK ON THESE EGGHELLS UNTIL MY FEET BLEED.



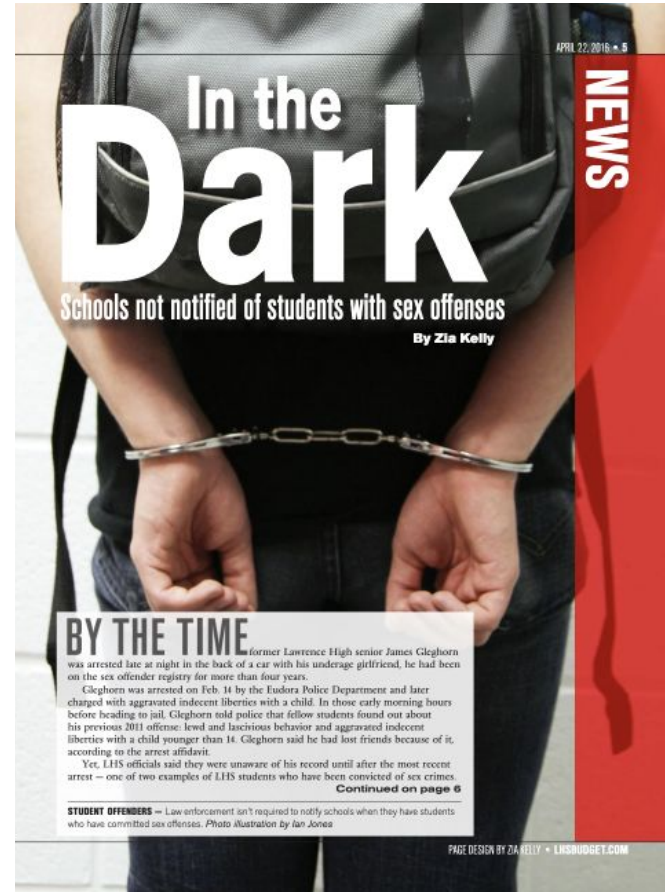
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Protecting the work product of journalists

For journalists unpublished notes are essential:

- Anonymous interviews are often necessary components of sensitive stories.
- Our notes may include confidential sources, and if those are exposed, it critically impairs our ability to continue to do good reporting.
- Our notes also often include information that is not intended to be published, and should not be exposed to the outside world.
- Without trust, potential sources won't come forward.





A real-life comparison

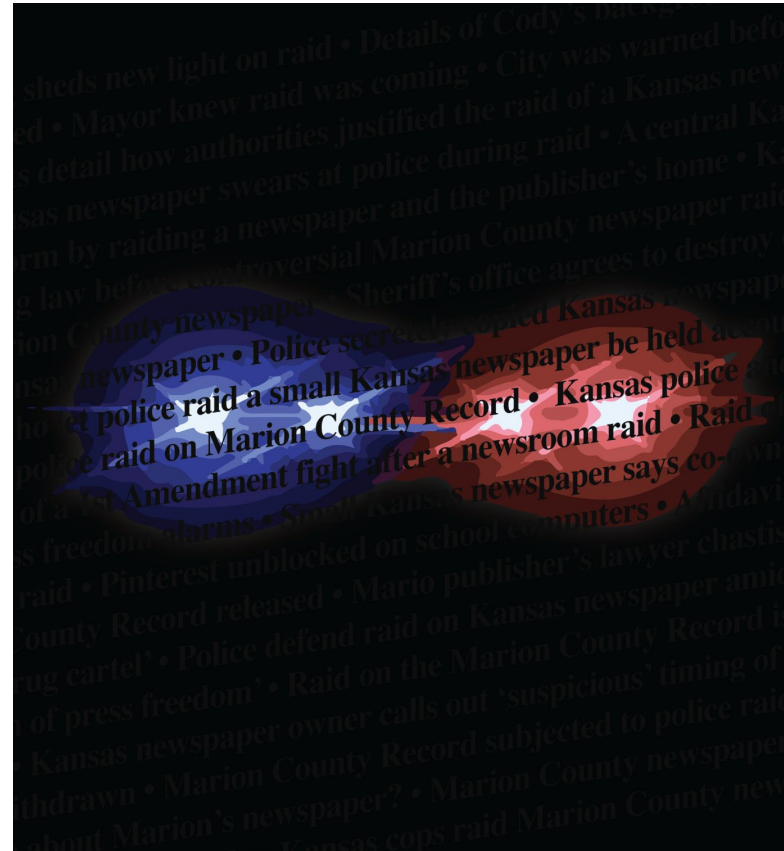
Marion County Record

We reported on the case earlier this year. Police seized computers and other technology from a Kansas newsroom, and it sparked national outrage.

The police eventually returned all the materials, and the police chief resigned following the incident. **The city has been sued** and will likely have to pay damages.

This was a clear violation of the Kansas Shield Law in the professional world. These issues are critical.

Protecting journalists' rights isn't just about preventing censorship. It's also critical to protect the reporting process.



Kansas Reporter's Shield Law

KSA 60-480

We believe this law applies to us because the Budget is “an online journal in the regular business of newsgathering and disseminating news or information to the public”

This law protects journalists’ notes and sources from being revealed.

The Student Press Law Center has made it clear to us that this law should apply to student journalists in Kansas, and it should protect us from having our work scanned.

THE BUDGET NEWS

CULTURE OF GUNS

Access to guns an issue in incidents, students respond with mix of concerns

BY ZORA LITTON-BARKER
STAFF WRITER

Each of the three times that guns made their way to Lawrence High this year, students found them guns at home.

These incidents — twice in February and another in the fall — have pointed to the issue of the ease of accessibility of weapons and the culture around guns.

“We have to seriously address this as a society — parents and students should not have to worry about guns being brought into our schools,” parent Norman Sperry said. “I don’t know the circumstances surrounding the incidence of the students who brought guns into our school, but I think it’s a reflection of our society as a whole. We live in a gun culture that does not command the level of respect that we need to induce for all firearms, or even human life for that matter. Guns are not an accessory; they are not an optional support device, and they are not a trinket. They are lethal weapons.”

According to the Gillfield Law Center, about 44 million American children and minors are living in homes with at least one loaded and unlocked

firearm. Three out of four of the guns brought to LHS in February were loaded. One, which was inside a student’s backpack, had a round in the chamber.

The group Be SMART emphasizes the importance of keeping firearms out of reach to prevent accidents. Be SMART presented at the Community Conversation held at LHS in the wake of the most recent incident.

“Every year, 90 children 17 and under get access to a firearm and unintentionally discharge it, injuring or killing themselves or others,” the SMART representative Debra Boatright said. “The ‘A’ is for ask to ask about unsecured guns in the home.”

Boatright encouraged parents to ask other parents about guns in the home just as they might inquire about curfew or alcohol.

One message was clear from the community meeting: Parents and teachers are safety risks, such as firearms and social pressures, require more regular and in-depth discussions.

“There’s certain topics that we discuss with students once,” school psychologist Sylvia Trevino-Mack said. “Now we’re talking that one time in their high school careers is not enough.”

Junior Caden Renter is in regular contact with guns, but said it hasn’t

changed his attitude.

“I’m pretty familiar with guns — I mean, I don’t own one or a regular thing,” Renter said. “I do a lot of hunting. I don’t really think guns have had very much of an impact really on what I think about the incident. I mean, I still think it’s pretty messed up to have guns at school, just because I am from outside of school doesn’t mean I think that that’s acceptable at all.”

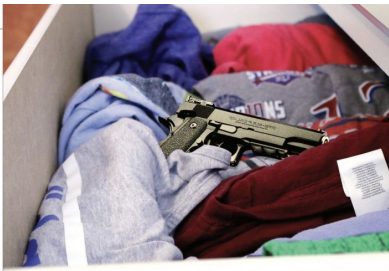
Senators Corvino Vintello says these incidents may stem from students’ belief in the need for self-protection.

“I believe most of the incidents in which students brought weapons to school were in hopes of defending themselves against other students with weapons,” Vintello said.

Renter has a different take. “I guess I would disagree with a lot of people that firing more guns causes more gun-related incidents,” Renter said.

Vintello said recent incidents have made him nervous about guns going to school.

“School is hard enough for high schoolers,” he said. “We should be worried about that stuff like stress and our social lives, not literally being that and killed in our classrooms.” Vintello said. “Some of my friends and I were



even uncomfortable just going to school with so many gun-related incidents happening recently.”

Supervisor Erin Doyle also expressed apprehensions.

“It’s a concern,” Doyle said. “I mean, really, it’s crazy to think that we are even in danger of witnessing or experiencing gun violence in school that

we are walking down the street.” Vintello’s viewpoint is matched by lawmakers at the other end of gun reform in America. His concern lies in Sandy Hook, Connecticut, where 26 elementary school students and staff members were killed in a gunman in 2012. His family members had only five miles away.

“It’s like all of all of these events, including last week’s,” Vintello said.

PHOTO ILLUSTRATION BY SAMUEL TURNER

TIMELINE

Events involving firearms at both high schools during the past year

2018	2019
<p>APRIL 9 Firearm found in student's backpack at the time</p>	<p>APRIL 9 Firearm found inside of a student's backpack at the time</p>
<p>SEPT. 10 Firearm found on school grounds</p>	<p>SEPT. 20 Firearm found inside of a student's backpack at the time</p>
<p>FEB. 6 Firearm found in student's backpack at LHS</p>	<p>FEB. 12 Firearm found on student's LHS</p>
<p>FEB. 13 LHS school reports a bag/box from a Fire Dept. officer in which they said the Fire Dept. student brought to school the reporting officer at LHS</p>	<p>FEB. 14 Firearm brought from home confirmed at LHS after a staff member reported hearing it destroyed</p>
<p>FEB. 21 LHS took down part of the morning due to an other incident at 2014 and Louisiana</p>	<p>FEB. 21 Lawrence Community Connection to discuss public safety</p>

6 | MARCH 21, 2019 | PAGE DESIGN BY ANNA PARNELL

PAGE DESIGN BY ANNA PARNELL | MARCH 21, 2019 | 7

Student press rights supported in the courts

The Kansas Student Publications Act has been tested in court, and it held up well.

Students vs. Shawnee Mission School District

In 2018, a Shawnee Mission North administrator took a camera from a student covering a protest.

The ACLU argued that the district prevented students from engaging in protected First Amendment activities.

THE BUDGET | Opinion

Opinion



SPEAK UP

Students were right to report concerns

BY NIKKI AQHUI
OPINION EDITOR

I never thought I would need to spread word to students that it is important to leave your guns at home.

But last month, two students brought firearms to Lawrence High School.

This should be a gun-free zone — and not just because the law says so. But also because too many things can go wrong. We are a student body made up of 1,600 teenagers walking around, and there is immaturity and impulsivity lurking in every corner.

The root of the problem here seems to be either ignorance or disregard for the school safety policies since the district has emphasized that there were no threats. However, it is clear to me that many students have no idea how to handle a situation when they learn a student could be pointing other students and faculty in danger.

Here, if you want to have a safe school where you and your peers feel comfort-

able returning five days a week, everyone has to be on board with doing whatever it takes to make this the safest place possible. Even if that means you have to "quit."

If you know someone is carrying a weapon, no matter who it may be, you need to tell faculty or an SRO as soon as possible. They are here for your education and protection. There is no student that is exempt from the gun-free zone policy, and you can't cross your fingers and hope they aren't a threat.

If you are unsure what the best way to tell faculty about a situation like this is, you aren't alone. Pull a teacher or SRO aside where other students can't hear and tell them exactly what the concern is. Doing this will avoid panic.

Feeling open to talking to an administrator, faculty member or SRO is not just limited to when a firearm is involved. If you hear something drastic or have a bad feeling about something, tell someone. It does more good than you may think.

We deserve to be in a safe school and should be thankful to the students who spoke up.



GRAPHIC BY FREEMAN SPRAY AND EMILY KRUSE

Student comments on communication issues during taser incident

BY NADIA SANBURN
ASSISTANT ONLINE EDITOR

It was a Friday night when I found out that a fellow student had brought a taser to my school.

Surprisingly, more than 24 hours had passed since the event, and I hadn't heard anything about a taser. A friend texted me with the message sent out by district communications director Julie Boyle, saying, "This is the smallest that my mom got." That was the first I had heard about it. More than a day since the weapon had been confiscated.

The first emotion that I felt was surprise. Why hadn't I heard about this earlier? Apparently, because the district had no intention of telling us. As the Lawrence Journal World reported, the district hadn't meant to put out a report at all. It viewed the taser as not a threat to the student body, therefore, found

it unnecessary to inform parents and students. In fact, the district only shared information about the event after being pushed to do so by the Lawrence Journal World.

"According to the Journal World article, USD497," dispensed the characterization of a taser as a weapon."

The Journal World, after more research, found that isn't true according to the state's Weapons Free Schools Act. Also, USD497 school board policy says the same thing.

Soon after the Journal World began reporting on this, the district sent out a message to parents informing them of the taser. It's unclear whether or not the district would've told the LHS community what had happened, if not for the investigative journalism done by the Journal World.

This situation appalls me. With the tense climate currently at LHS, students

"Why hadn't I heard about this earlier?"

—Nadia Sanburn, assistant online editor

should have been informed about the confiscated taser, and not have had to rely on rumors from the student body and the article put out by the Lawrence Journal World.

LHS students and parents are unsettled by the frequency of weapons being brought to school, and it is important to have a steady flow of information, even with a minuscule chance of conflict. This also could have been a chance for the district to communicate about types of weapons not allowed at school, but instead of

not inform the LHS community.

Parents should have been informed about the taser much sooner, instead of an entire day later. It makes it difficult to pose an immediate threat to students, but it is the district's duty to inform us of potential danger, however small.

Student press rights supported in the courts

It *didn't matter* that the district owned the cameras. Or that the action didn't stop the students from eventually publishing their work.

The ACLU successfully argued that students had been restrained from taking part in protected First Amendment activity.

Similarly, the district ownership of our Google Drive doesn't give it the ability to review our journalistic products.

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GUN SAFETY

Kansas campuses to allow concealed carry



State law exemption expiring in 2017 will permit concealed weapons in college buildings

By **Kate Kelly**

Kansas college students will soon be getting a 14-month case study about the Second Amendment.

A 2013 state law allows concealed carry of guns in public buildings. However, when the law was passed, universities were granted a four-year exemption to accept their buildings or adjust their weapon policies.

As of July 1, 2015, the exemption will be over and anyone over the age of 21 will be able to carry concealed weapons into campus buildings, including classrooms and residence halls.

Kansas will among the states that allow guns on college campuses, and among six states that allow people to carry weapons without a permit.

"Self-protection is not a right that we believe should be checked at the admissions office, as universities do not exist in a bubble but rather in the real world," said Edith Terrell, the Kansas state director for Students for Concealed Carry, a national organization devoted to promoting the legalization of concealed carry of guns onto college campuses.

However, despite the de-

vice of supporters, including in the state legislature, many remain unconvinced guns the law will be added with more guns on campus.

Senate Gale Malins will be attending KU next year, and is concerned about what effects the concealed carry laws will have on campus safety.

"That [concealed carry] would certainly make me feel a lot more scared because you never know who is going to use their gun in an irresponsible manner," he said.

According to The Center for the Study of Law & Society, 42 percent of 114 professors attended a postersecondary insurance lecture. The remaining 68 percent may be subject to similar laws, as campus carry laws are being discussed and passed in state legislatures across the nation.

With the national discussion about concealed carry, the KU Senate has begun an internal discussion to see if the national exemption to grant

shootings. In 2013 alone, there have been 49 mass shootings on school campuses according to shootingtracker.com.

"I'm not saying about the change here concerns that go beyond school shootings."

"Most people recognize that if someone who doesn't really care about their own well-being decides to walk into a classroom and shoot a lot of people there's not a lot we can really do about that."

So in many ways that's not really what we're talking about," said University of Kansas Senate chair

and executive vice president professor Michael Williams. "We're talking about the carry, day, and the possibility that your attitude, your ability to think, what you think, is changed because of the presence of guns."

To prepare for the 2017 gun laws to take effect, the KU Senate has begun an internal discussion to see if the national exemption to grant

subcommittee devoted to the issue.

One of the first tasks of the subcommittee, Williams said, is identifying concerns about allowing concealed weapons into public buildings.

Several sources, they found, pertain specifically to the college environment, about everything from classrooms to student life.

The laws will primarily affect classroom buildings and dorms. Having armed students in the classroom is a worry among KU professors, Williams said.

"Professors are very worried that it will have a very negative effect on the ability to discuss controversial things in the classroom to all other students who disagree with each other and with the professor," he said. "If you disagree with somebody and that person has a gun you may not be inclined to express yourself or express your own opinions."

Williams also said that drinking a common college activity, mixed with weapons could pose serious risks. There could, he said, be a bullet, which could injure someone. The Senate also recognizes the heightened risk of suicide

for stressed-out college students and worries that having guns available could lead to more suicides.

In a study done by the Harvard School of Health, suicides are significantly more likely to be attempted in households with guns.

Despite possible risks, many believe arming student and faculty will make campuses more secure.

"I feel like it's more safe for everyone," senior Jeremiah Burke said. "A lot of things happen on college campuses — anything from age to sexual harassment, to sexual assault, to gun violence."

Seniors founded the organization's branch during this time at Pittsburg State University and has since advocated at the campus and state level to loosen gun control policies on college campuses.

"We worked on one campus to educate students on the current laws and to dispel common myths and misconceptions that often surround firearms," he said.

"We also advocated for our cause at the state Capitol in order to counter efforts by various student organizations from across the

state who were opposing the legislation with the sponsors claim that the student bodies they represented opposed campus carry.

Seniors said most campus shootings have taken place on campuses that prohibit weapons, so colleges should allow people to carry guns to protect themselves.

However, one of the most recent school shootings — both on the I-49 region and Texas community colleges — happened in states that allow guns on their campuses.

Williams said that although there were armed students on the campus, they weren't necessarily prepared to take their weapons out at the time the shootings occurred.

Although the KU campus police denied comment for the story, Williams said they're concerned about active-shooter situations. The police department completed an active-shooter training on campus last year, but the way they are trained to confront a shooter could result in more than the shooter being hurt.

When called into an active-shooting environment, police are trained to shoot at anyone holding a gun. So if a student who carried a gun had it pulled out, the police may not know who to target.

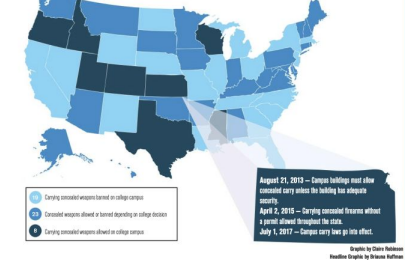
"When the police go into a classroom, they don't know who the bad guy is," Williams said.

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Continued on next page

HOW OTHER STATES' GUN LAWS COMPARE

Kansas has, in recent years, loosened its gun control policies. Here's how it measures up nationwide.



August 21, 2013 — Campus buildings need allow concealed carry unless the building has active shooter.
April 2, 2015 — Carrying concealed firearms without a permit allowed throughout the state.
July 1, 2017 — Campus carry laws go into effect.

Graphic by Dana Reardon
Infographic by Dana Reardon

Privacy Protection Act of 1980

Federal law prohibits the search of newsrooms by law enforcement and other government officials:

- It's another protection given to journalists to safeguard the reporting process.
- Congress has recognized that there is a privacy interest in the journalism work product.
- This law makes it illegal to search files, notes or any reporting material, which Gaggle is constantly doing.





Realities of CIPA (Children's Internet Protection Act)

It's clear to us that CIPA, which was created more than **two decades ago**, was not meant to require such invasive and proactive monitoring.

- CIPA was created to prevent children from accessing harmful online material (mainly pornography)
- It didn't contemplate at all the idea of scanning student work.
- "Not having control over documents doesn't constitute a violation of CIPA, any more than not having control over pen and paper makes spiral bound notebooks a violation of CIPA." [—Mark Wagner, EdTechLife](#)





Realities of CIPA

[From three United States Senators: Elizabeth Warren, Richard Blumenthal, and Edward J. Markey in a 2021 letter to the CEO of Gaggle:](#)

“We are concerned these products may extend far beyond the direction in federal laws to monitor online activity to protect children from exploitation and abuse. The Children’s Internet Protection Act (CIPA), which Congress passed in 2000, requires schools and libraries that receive federal funding to filter and monitor online activity to prevent children from accessing material that is “harmful to minors.” Many education agencies use this law to justify the use of technologies such as yours. However, while your company claims to protect students from harmful content, we are concerned that your company’s products may extend beyond the intent of CIPA to serve to surveil student activity or reinforce biases.”

United States Senate
WASHINGTON, DC 20540

September 29, 2021

Jeff Patterson
Founder and CEO
Gaggle
3550 Quorum Drive, Suite 700
Dallas, TX, 75234

Dear Addressee:

We are writing regarding your company’s use of artificial intelligence and algorithmic systems to monitor students’ online activity. Your company and other education technology companies have developed software that are advertised to protect student safety, but may instead be surveilling students inappropriately, compounding racial disparities in school discipline, and draining resources from more effective student supports. A new report from the Center for Democracy and Technology revealed that the recent expansion of remote learning increased the use of online monitoring software to track student activity, with 91% of teachers stating that their schools now use at least some type of monitoring software.¹ We are seeking information on: (1) the steps your company is taking to ensure that the products you are developing for use in schools are not unfairly targeting students and perpetuating discriminatory biases; and (2) how you are ensuring that your company, and school districts using your products, preserve student privacy and follow relevant federal laws.

As the country began to respond to the COVID-19 pandemic, state education agencies and school districts were forced to make a rapid transition to online learning.² This disruption in traditional classroom learning caused many school districts to search for and purchase new technologies to support a remote learning environment.³ The upward trend of digital education platforms is likely to outlast the pandemic.⁴ A Fall 2020 survey found that one in five school districts indicated they had adopted or were planning to adopt virtual school as part of their

¹ Center for Democracy and Technology, “Student Activity Monitoring Software: Research Insights and Recommendations,” September, 2021, pp. 2, <https://cdt.org/wp-content/uploads/2021/09/Student-Activity-Monitoring-Software-Research-Insights-and-Recommendations.pdf>.

² United Nations Educational, Scientific, and Cultural Organization, “Education: From disruption to recovery,” <https://en.unesco.org/2021/educationrecovery>; World Economic Forum, “The COVID-19 pandemic has changed education forever. This is how,” <https://www.weforum.org/agenda/2020/04/how-covid-19-has-changed-education-global-report/#online-digital-learning>.

³ New York Times, “Online Schools Are Here to Stay, Even After the Pandemic,” <https://www.nytimes.com/2021/04/11/technology/remote-learning-online-school.html>.

⁴ Washington Post, “How the pandemic is reshaping education,” https://www.washingtonpost.com/education/2021/01/15/pandemic-school-year-changes/?hpid=hp_international_story_25.



Realities of CIPA

From three United States Senators: Elizabeth Warren, Richard Blumenthal, and Edward J. Markey in a 2021 letter to the CEO of Gaggle:

“Because of the lack of transparency, many students and families are unaware that nearly all of their children’s online behavior is being tracked. **When students and families are aware, they are often unable to opt out because school-issued devices are given to students with the software already installed, and many students rely on these devices for remote or at-home learning. While some students are able to avoid constant monitoring of their online activity by using personal devices, this is a luxury that not all students and families are able to afford.**”

United States Senate
WASHINGTON, DC 20540

September 29, 2021

Jeff Patterson
Founder and CEO
Gaggle
3550 Quorum Drive, Suite 700
Dallas, TX, 75254

Dear Addressed:

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² United Nations Educational, Scientific, and Cultural Organization, “Education: From disruption to recovery.” <https://en.unesco.org/2021/education-recovery-world-economic-forum>. “The COVID-19 pandemic has changed education forever. This is how,” Colby Li and Fran L. Iann, April 29, 2020. <https://www.nytimes.com/2020/04/29/opinion/covid-19-education-global-special.html>.

³ New York Times, “Online Schools Are Here to Stay, Even After the Pandemic,” Natasha Singer, April 11, 2021. <https://www.nytimes.com/2021/04/11/technology/online-learning-online-school.html>.

⁴ Washington Post, “How the pandemic is reshaping education,” Thoma St. George, Valerie Strauss, Laura Morkko, Joe Heim, and Hannah Natanson, March 15, 2021. https://www.washingtonpost.com/education/2021/03/15/pandemic-school-systems-change/2021-03-15/?hpid=hp_interstitial_story_main&utm_term=.25.

Examples of work that Gaggle could impact

Teachers say lack of info hurts safety

By Nikki Aqai, Managing Editor • September 20, 2018

Questions about how to ensure teacher safety are among the unresolved issues as teachers and the district remain at odds over teacher contracts. Both sides are waiting to meet with a mediator after reaching...



[This story](#) that the Budget wrote in 2018 explored if the district was meeting legal obligations to notify teachers who had students with violent histories in their classrooms.

- It mentioned topics like sexual assault and violence, so it seems likely that it would **be flagged by Gaggle**.
- It included **anonymous interviews** from teachers, who were critical of the district's handling of the issue.



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Examples of work that Gaggle would prevent

- If we wrote that story today, it is very possible that district admin could be legally required to **view our notes and anonymous interviews**, which would both compromise our integrity as journalists and our ability to provide anonymous sourcing.
- It would cause massive **conflicts of interest** regarding the admin-teacher relationship.
- This story won the Quill and Scroll International Writing, Photo and Multimedia Contest as a News story. Doing this **outstanding work** was only possible because of our assurance of the privacy of our notes and sources.

Other anonymous re
[story 1](#) and [story 2](#)



The journalism process: a hypothetical

I wrote this story in November following the incident with a weapon on campus.

During that reporting, I talked to several teachers about how they felt school administration handled the situation.

Of course, they all agreed that Dr. Rials handled it very well. ***But imagine if they didn't:***

- Administration could have read that reporting if Gaggle flagged all the mentions of violence and guns.
- They could have potentially read criticism of themselves that was meant to be confidential. This compromises the ability of sources to speak candidly with our reporters.

This is why these laws exist: to protect the journalism process.





First Amendment experts are concerned

From Student Press Law Center senior legal counsel Mike Hiestand when we spoke to him last week:

“I’m ***very concerned*** with what I’m hearing about their implementation of Gaggle in the context of student media, and this is something that ***we take very seriously.***”

SPLC has made their support of our concerns clear, so we are firm in believing change is required. It’s also clear that this could quickly become a nationwide issue, and we would like to be an example of transparently working together with our district toward a solution.

Moving forward - Journalism

- We believe the law is clear that no district administrator or third-party vendor should be accessing journalism material in our Shared Google Drive.
- The best solution is to immediately remove the journalism Google Drive from Gaggle scans to avoid further damage.
- We would like a response by Friday including a specific timeline for moving forward.

THE BUDGET Opinion

SUPPORT THE VICTIMS

After sexual assault, student says school can do a better job to support victims while implementing education to teach students about consent

Editors note: This editorial is being published anonymously due to the sensitive nature of the subject and the student's request for privacy.

I am a Lawrence High School student, and I am a survivor of sexual assault and rape. Although I wish I could say otherwise, LHS has failed to provide safety and protection for me and many of my peers in the face of sexual abuse. At our school exists a culture of silence and stigmatization in both faculty and students that empowers young predators and threatens potential and past victims.

Why do students like me feel afraid when they walk into LHS? They feel afraid because, more likely than not, their abusers are in the school with them every day. Many victims spend their days in class with, in activities with and being forced to interact with the individuals who have assaulted them.

I was sexually assaulted by another student in my grade when I was 16. They were drunk, alone and staying at my neighbor's house. I'm going to spare you of the disgusting details that occurred that night, but to make things clear, understand that the person who I considered a relatively close friend pinned me down and molested me without my consent.

Teachers and administrators have failed my classmates and myself in creating an understanding of assault and consent. Health class never prepared

me for a situation like this. I didn't even know this event to be assault until I painfully realized it later. I soon began to recognize other moments in my life when I had been forced into non-consensual contact, sexually assaulted and even raped.

I'm not the only one who's gone through something like this. Ask any student at LHS if they know of someone who has been sexually assaulted by another student, and the answer will almost always be yes.

It took time and help from others to understand what had happened to me, and why it made me feel violated and helpless. But other students should not have to go through assault to understand it, and they should not have to feel unsafe in their own schools.

I was helped by many people here at LHS, and I'm so fortunate to have the resources I did, but the reality is that this shouldn't have happened in the first place. Administrators need to ensure students are better educated on the realities of sexual abuse and violence while we are in the classroom.

The first solution to these problems is better explicit and thorough education on consent and why it's important in our student body. Our understanding of consent, as students, must come from somewhere more substantial than awkward and frankly immature, discussions in freshman health class. This is a lesson that should be repeated yearly and with an intense focus, especially as students become older and

RESOURCES

The Sexual Trauma & Abuse Care Center
staccocenter.org
(781) 843-9900

National Sexual Assault Hotline:
1-800-656-4673

Willow Damette Violence Center:
(781) 863-3313

At Lawrence High School
Counselors are in Student Services, School psychologists are in Student Services and in the 100 hallway.

Active consent defined

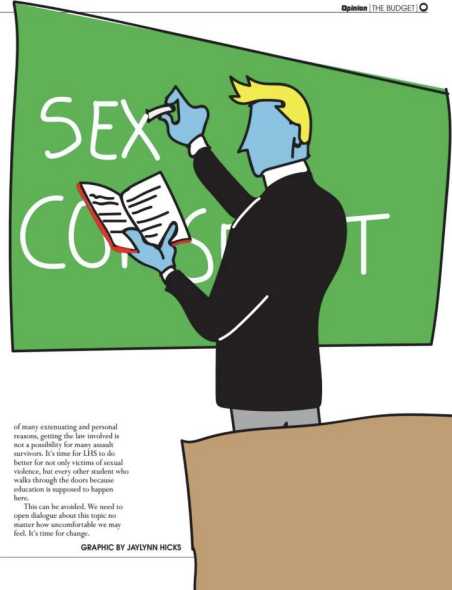
Active consent means affirmative, honest, conscious, voluntary, sober and ongoing agreement to participate in sexual activity. Each person involved is responsible for ensuring that there is active consent to each sexual act.

—New Mexico Coalition of Sexual Assault Programs

more likely to have sexual encounters. More comprehensive consent education programs can be found online than are delivered to students at LHS.

A better consent education can help potential victims identify warning signs and protect themselves from assault, while also teaching potential young predators about boundaries, permission and coercion.

I attend school every day with students who have assaulted me, and there is little to nothing I can do about it, beyond filing a police report. Because



of many extenuating and personal reasons, getting the law involved is not a possibility for many assault survivors. It's time for LHS to do better for not only victims of sexual violence, but every other student who walks through the doors because education is supposed to happen here.

This can be avoided. We need to open dialogue about this topic no matter how uncomfortable we may feel. It's time for change.

GRAPHIC BY JARLYNN HICKS

Questions?