

Online Publishing in NZ Schools

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The Ministry of Education has produced draft guidelines for schools on the publication of student material and images online. The *Education Gazette* outlines the new guidelines, and talks to schools about some of the issues, and pitfalls, of material on websites.

As more and more schools use the internet to publish student material on line, the issues of student safety, privacy and copyright has come under the spotlight.

Rather than students' images, school work and, in some cases, names, being available solely to parents and the wider community to read in the school newsletter or peruse at the school fair or open day, the internet can open up our schools to the whole wide world.

Given the oft-spoken desire for our schools to be ICT-savvy, that is by no means a negative development, as Elizabeth Probert, of Pakuranga College and head of an ICT professional development cluster, says.

The internet offers schools a great tool for research and a great opportunity for students to have their work published in a wider forum.

“For some time schools have been urged to publish student work,” Probert says. “To share work is one of the wonderful functions of web sites, especially for primary schools.”

Nevertheless, despite schools being well aware of parental rights, not all of them are conversant with the privacy and copyright issues surrounding web publishing.

Therefore, the Ministry of Education has produced draft guidelines for schools to raise that awareness, and assist schools to develop policies to safeguard students' moral, ownership and privacy rights.

Nicola Clissold, site manager for Te Kete Ipurangi, is one of a team of people from TKI and Learning Media that developed the guidelines.

“The issue not only arises from schools producing their own material but from the fact that they have started to contribute that material to other websites, so it is important students' rights are protected.”

Clissold says a number of principles in the Privacy Act of 1993 and Copyright Act of 1994 affect schools that want to put student images online.

According to the Privacy Act, schools cannot put students' material or images on line without first taking certain precautions, Clissold says. These include getting permission from parents or legal guardians, and for secondary schools, the students themselves, to use the material, and ensuring work is used for the relevant purpose.

For example, a school that decides to publish their newsletter online must be aware that they are opening school information to a much wider audience, which might change its purpose. Or, a

school that uses students' ID photos on the web might be breaking the privacy agreement because they are using the photos for a different purpose.

The other side of the coin is copyright. Clissold says the Copyright Act states that students own the copyright in their own artistic and literary works and have moral rights to be identified as author. Schools do not own the copyright in students' schoolwork unless it is legally transferred to the school and students need to grant schools a licence to publish their material.

Schools need to be aware of infringing copyright of material from third parties and even though it is easy to download material from other websites, they should be aware that even downloading may infringe copyright and they need to ensure they have all the required rights and licenses to publish.

Clissold says the guidelines are not designed to make life hard for schools but rather, to raise awareness and help schools avoid potential problems in the future. She says if schools develop clear policies for dealing with the issues – such as those set out in the guidelines – they will save themselves a lot of time later. “This document is intended to raise awareness and provide schools with a model for a policy to safeguard students' moral, ownership and privacy rights.”

The Ministry of Education's draft guidelines contain four main recommendations for schools.

- 1) Schools with primary students should obtain written consent of parents or legal guardians before publishing any information about a student – including photographs – or any of the student's copyright material on the internet.
- 2) Those schools with secondary students must also gain the consent of the student – if aged under 20 – as well as parents or guardians.
- 3) Consents should be sought for each student upon enrolment or for students already enrolled, when the issue of publication first arises for that student.
- 4) Schools need to exercise prudent judgement and common sense before publishing students' material online. They should check they have consent and be aware that publication has legal consequences. As publisher, the schools need to ensure the material does not infringe copyright, does not defame, is not objectionable from a human rights point of view and is not obscene.”

Privacy Act 1993

A student drawing or story alone is not personal information about a student and therefore not covered by the Act. However, if the story or drawing is accompanied by any information that identifies the student, or the content of the material is capable of identifying the student, the work becomes personal information under the Privacy Act. Photographs of students are also personal information and covered by the Privacy Act.

Schools that publish online face a range of issues. A few of these are outlined below.

Though Pakuranga College has had a school website since 1994, Elizabeth Probert says copyright and privacy concerns have only been raised recently.

“We ran into problems with copyright when we wanted to add full text of useful curriculum-based articles to our library online catalogue which is accessed via our website. “We catalogue websites and periodicals (index of articles only) but wanted to add some full text but of course found we were breaking copyright quite severely by doing so.” “I do think we all need to consider 'fair use' and to consider whether we are actually stealing another person's work.”

“People ask me for permission to use the WWW Tutorials I wrote for our school and which are on our site and used by many people around the world.”

“Some ask if they can use them as a basis for their own school tutorials and I always agree to this and am pleased to have been asked.”

“But I wasn't so pleased to find another school just lifted them and used them on their own site - that's when I started to look more closely at the copyright issue.”

Probert says the school is in the early stages of developing a policy for online publishing and is considering getting parents to sign forms when they enrol their students in form three. Tahatai Coast School is another with its own website and the school's excellence in ICT has already won it a host of awards. Principal Mark Beach says the school has always been aware of issues around online publishing but particularly so in the last year.

“We have had a set of protocols that we have followed with publishing work on our website. “I was more than happy with what we did before – which was to publish student images with the first name only – until a parent became concerned that her child's photo and first name was on the website.”

That prompted the school to revisit its protocols and get parents to sign a permission release form. “Since this year, we have only published students' pictures and first names if we have their parents' permission.” Though the school hasn't experienced any privacy or copyright concerns with online publishing, Beach says the move is designed to minimise the potential for risk. “I have never heard of instances where a child's first name and picture has become an issue. All our classes have websites and email addresses and we've never had an inappropriate response. “But schools need to recognise parents do have issues over online publishing and we have to work through them.

“We have so many hits on our website and you don't know who is out there looking at the website and what their purpose is.” Beach thinks awareness of the protocols around online publishing and privacy and copyright issues is mixed. Schools that have used the internet for a while are likely to be well aware of the issues but others who are just starting out are less likely to be, so he welcomes guidelines for online publishing of student images and school work.

Like Beach, Rob Clarke, Facilitator of the Christchurch ICT Cluster (www.christchurchict.org.nz) says a lot depends on where schools are at. Clarke says there are

schools still trying to get decent access to the internet that haven't had the opportunity to worry about online publishing protocols.

“How can teachers and children even learn what the issues are when access is sometimes quite limited? Teachers themselves need to be aware of the web and it's use. It is the schools and the MOE's responsibility to develop this awareness.”

Aside from access, Clarke says child safety, intellectual property and privacy are the key issues schools should be aware of. Schools are very aware of child safety issues on the internet, he says, “but in terms of how well that has been explored in practical terms there is a big range.”

Clarke says schools need to get a feel for the sort of information they want to publish online and keep privacy and copyright issues in mind. One way they can get around privacy issues, as the Christchurch ICT Cluster has done, is to blur the images of students on their website, with, for example, a photoshop filter, so students cannot be identified.

In terms of copyright, schools could publish on an intranet, so access is managed to those in the school and surrounding community.

“Intranets are the way to go in my opinion. They provide a safe environment where children teachers can explore the issues/implications while having a wider audience to share with.”

Another school with its own intranet, as well as a website, is Raglan Area School. Principal Clive Hamill says the intranet is a great forum for students' work to be displayed for others in the school community to peruse he calls online publishing a phenomenal way of communicating with parents what is happening in the school and celebrating student achievements.

Hamill says incidents where a parent didn't want her daughter's photo on the website, but didn't mind it being on the intranet, and inappropriate accessing of children's electronic folders by other children in the school, encouraged the school to revise its protocols. Now the school has decided to get informed consent before it publishes photos on its website, and password protect the electronic folders. Another compromise is to publish a student's work on the internet, with their consent, but not their photo.

However, the main issue, according to Hamill, is education. Students need to be aware of the expectations placed upon them by web publishing. “They need to be aware of things such as copyright and the significance and hurtful nature that some of their work can have.”

The school has a contract with students, much like a drivers' licence, to ensure students use the net with integrity and responsibility. “It is more than just a disciplinary thing, but about behaviour and responsibility,” Hamill says.