GEO LISTENING
AT THE GLENDALE UNIFIED SCHOOL DISTRICT

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A 15-year old boy killed himself by leaping off the roof of his high school in Glendale, California in front of horrified classmates and teachers. *"We saw the body on the floor and it was just all blood, everywhere,"* one 11th grader said. *"Everyone was traumatized. They were crying. It was horrible — I didn't even want to look — so I just turned around"* (CBS LA 2012). The underlying causes of the suicide were not immediately clear. A friend who had witnessed the jump attributed it to bullying: *"He definitely was bullied and he didn't want to go to school"* (CBS LA 2012). The parents later sued the school district, claiming that the boy had been bullied and school officials had turned a blind eye to the bullying (Corrigan 2013).

In 2013, the Glendale Unified School District (GUSD) hired Geo Listening for a pilot project to monitor the online communications (Facebook, Instagram, YouTube, Twitter, and blogs) of about 14,000 middle and high school students in an attempt to detect bullying, threats, depression, and substance abuse. The District justified the project on the grounds of ensuring student safety as well as compliance with GUSD schools' code of conduct (Shade & Singh 2016). The pilot project was extended, renewed, and remained in place in 2017-18. GUSD had decided that it needed to take action to protect the school children. But was it the district's responsibility to monitor kids' use of social media – on and off school grounds? How much privacy did students have a right to? And even if GUSD could monitor kids' social media behavior, would that really keep them safe?

Aftermath of the Suicide at Crescenta Valley High School

Crescenta Valley High School was one of 31 schools in the Glendale Unified School District. A substitute teacher at Crescenta Valley the day of the suicide asked the question that was on the minds of all the teachers in Glendale: "*How do you know? How do you know that something like this could happen?*"   Implied of course was that if only the teachers and administrators had known, they could have prevented the jump.

In the immediate aftermath of the tragedy, the Glendale Unified School District (GUSD) put the school on lockdown, notified all parents, and provided counseling for students, teachers and staff.   Everyone at the school was affected by the suicide. One teacher needed counseling because he kept hearing the thud of the body every time he closed his eyes*.* A candlelight vigil was held to remember the young man. Teachers and counselors worked together to help – as best as possible – the Glendale community get past the tragedy.

GUSD was convinced that it needed to do something that would allow it to detect and act on problems of bullying and other potential causes of suicide and other problems that school kids faced. When GUSD hired Geo Listening, some were against the idea, but few teachers were among them. Another high school teacher said,

> *"Because so much more is expected of teachers and schools, we have to have some technology to help us. We are responsible for kids in a more parental way than in the past. Even if we don't know about a situation, we are expected to know and intervene. It is extremely invasive, but it is a necessary evil."*

## Trouble at School: Bullying, Substance Abuse and Suicide

Bullying

Over 13 million American kids were bullied at school, online, on the bus, at home, through their cell phones, and on the streets of their towns, making bullying the most common form of violence young people faced in the United States. Three million students were absent each

month because they felt unsafe at school, 77% of students were bullied mentally, verbally or physically and nearly 42% of kids had been bullied online (1 in 4 more than once). Bullying had increased from 6% of kids aged 12 to 18 in 2009 to 16% in 2011. Exhibit 1 shows for those who were victims of bullying, the different ways that they were bullied (NCES n.d.).

Exhibit 1. Bullying by Types
Source: National Center for Education Statistics (NCES)
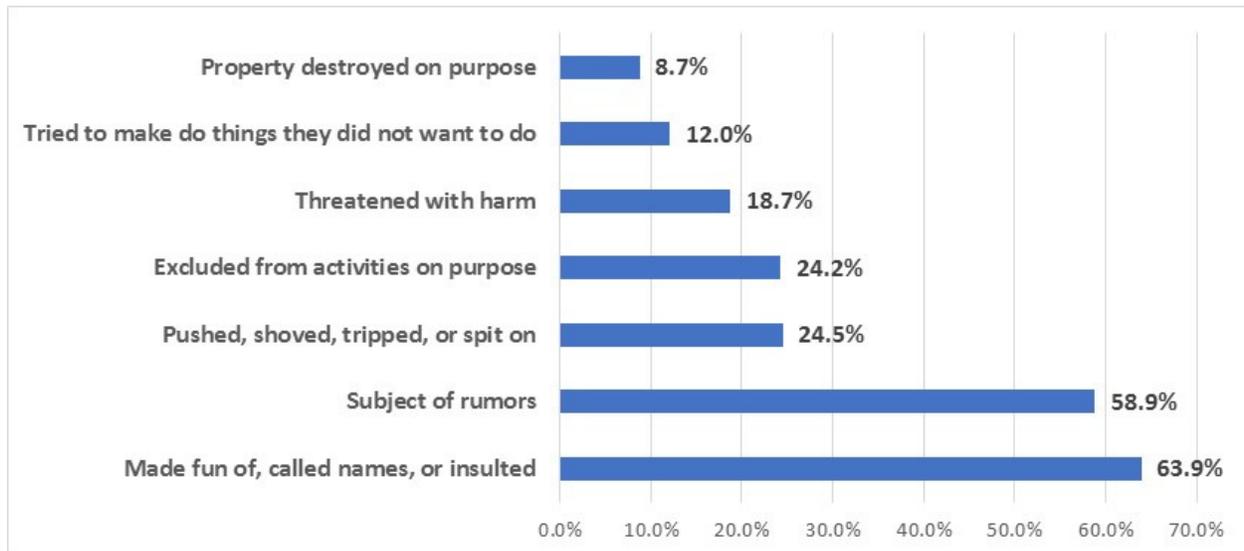
Students who reported being bullied indicated that it most commonly happened in a hallway or stairwell of the school, likely out of sight of a teacher or any adult, or in the classroom. But bullying was also frequent outside on school grounds and in the cafeteria. (See Exhibit 2.) Some kids were much more likely to be bullied than others. One study revealed that nearly 9 out of 10 lesbian, gay, bisexual and transgender (LGBT) students experienced harassment (Campus Safety 2008). 95% of teens who used social media had witnessed mean or cruel behavior toward other teens on the sites they visited. Of those who saw such behavior online, 66% said that they had seen others "join in" the cruel behavior (Chen 2017: 5).

Exhibit 2. Bullying by Sex, Sector, and Level

Source: U.S. Department of Education 2017

		Percentage among students who reported being bullied						
	Bullied (%)	**In a classroom**	**In a hallway or stairwell**	**In a bathroom/ locker room**	**Cafeteria at school**	**Outside on school ground**	**School bus**	**Online or by text**
Sex								
Male	18.8	35.1	41.8	14.0	22.8	23.6	13.8	6.1
Female	22.8	32.4	41.6	5.6	21.7	15.8	6.8	15.9
Sector								
Public	21.3	34.0	41.1	9.6	22.3	18.8	10.4	11.2
Private	15.3	41.6	36.8	(missing)	28.4	26.1	(missing)	21.3
Level								
Primary	21.8	43.9	29.6	(missing)	22.6	26.8	(missing)	(missing)
Middle	25.9	36.0	44.2	13.6	24.4	22.6	12.5	9.1
High	18.9	31.4	40.7	7.7	20.7	14.9	8.2	13.6
Other	14.3	29.7	37.9	(missing)	33.5	25.9	(missing)	(missing)

Alcohol, Cigarettes, and Drugs

GUSD was highly concerned about school kids' abuse of alcohol, cigarettes, and drugs. Alcohol was the most commonly used drug in America by teenagers (PAMF 2015). About half of junior high and senior high school students drank alcohol on a monthly basis, and 14% of teens had been intoxicated at least once in the past year. Nearly 8% of teens who drank reported that they had had five or more alcoholic drinks (Medicine.net n.d.).

In America, nearly 9 out of 10 cigarette smokers first tried smoking before the age of 18 (CDCP 2017) and many Glendale students were lighting up their first cigarettes. Approximately 4.7 million middle and high school students were tobacco users (HHS 2017). About 5% of California kids aged 12 to 17 years used tobacco, a rate lower than found in other parts of the country (average 7.4%), but still of great concern to parents and educators (CDCP 2017, See Exhibit 3).

Exhibit 3. Tobacco use among students in 2016
Source: Centers for Disease Control and Prevention (CDCP 2017)

| Tobacco Product	Middle School Students	High School Students
Any tobacco product	7.2%	20.2%
Electronic cigarettes	4.3%	11.3%
Cigarettes	2.2%	8.0%
Cigars	2.2%	7.7%
Smokeless tobacco	2.2%	5.8%
Hookahs	2.0%	4.8%
Pipe tobacco	0.7%	1.4%
Bidis	0.3%	0.5%

Recreational use of marijuana was no longer unlawful in California starting 2018. Some educators were concerned that teens seemed to have become quite tolerant of marijuana use; only 14% of teenagers thought that marijuana presented a "great risk." 37.1% of high school seniors reported that they had used marijuana at least once, as had 10.1% of eighth graders (Kaplan 2017).

What was clearly on the rise nationwide was vaping (Kaplan 2017). Vaping could be used for nicotine, marijuana, hashish, or other substances. Young people seemed to think, incorrectly, that taking nicotine by vaping was not dangerous while smoking cigarettes was.

Exhibit 4 shows U.S. high schools seniors' use of cigarettes, alcohol leading to intoxication, and drugs in 2017 (Kaplan 2017).

Exhibit 4. Substance Abuse by % U.S. High School Seniors, 2017
Source: Kaplan (2017)
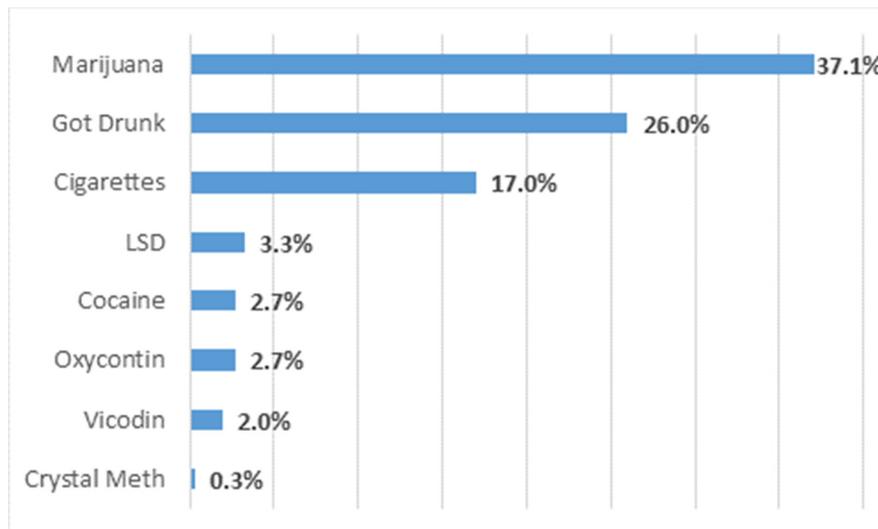
There was, however, a positive trend in youth use of cigarettes, alcohol, and drugs.   Other than marijuana, *"the rates of drug use among teenagers in our country are the lowest they've ever been,"* noted Dr. Nora Volkow of the National Institute on Drug Abuse (Kaplan 2017). In 2017, about 1/3 of kids had used some kind of illicit drug, down from the 43% of 20 years ago. 17% of students reported that they had smoked cigarettes at least once, down from 58%. 26% said they had gotten drunk, once again much lower than the 46% reported in the 1990s (Kaplan 2017).

Youth Suicide

Suicide was the second leading cause of death of American youth aged 12 to 18; unintentional injury was the first (PRP n.d.). The suicide rates of U.S. adolescent boys and girls had been steadily rising since 2007 (Holmes 2017). The suicide rate for girls ages 15 to 19 doubled from 2007 to 2015, when it reached its highest point in 40 years. The suicide rate for boys ages 15 to 19 increased by 30% over the same time period (Holmes 2017; TeenHelp 2017; KidsData.org n.d.) (See Exhibits 5 and 6). Researchers found that suicide among LGBT youth was significantly higher than in the general population, and LGBT teens were among those with the highest rates of suicide attempts (Shapiro 2008). In Los Angeles County, where Glendale was located, the

youth suicide rate was about 6 per 100,000, well below the overall U.S. rate, but still
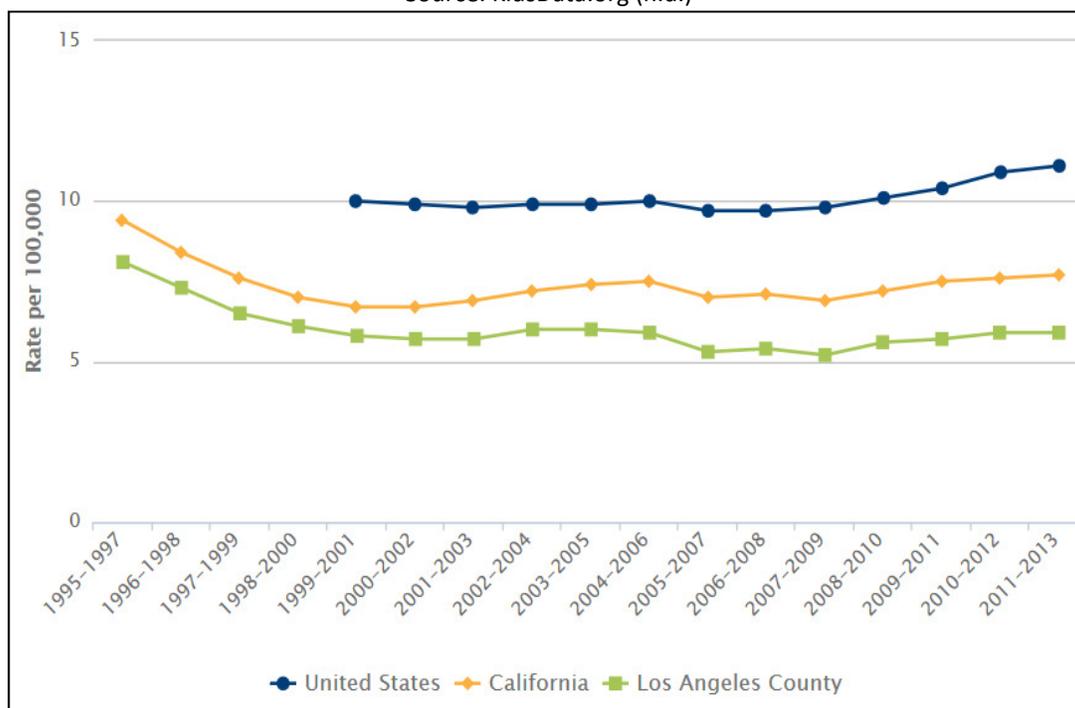
frighteningly high.

Exhibit 5. U.S. Teen Suicide Statistics by Age for 2014

Source: TeenHelp (2017)

Age	Death No.
13	132 deaths – 3.17 per 100,000
14	179 deaths – 4.23 per 100,000
15	244 deaths – 5.86 per 100,000
16	313 deaths – 7.51 per 100,000
17	359 deaths – 8.58 per 100,000
18	441 deaths – 10.44 per 100,000
Total	1,668 deaths – 6.63 per 100,000

Exhibit 6. Youth Suicide Rate

Source: KidsData.org (n.d.)

Note: Number of suicides per 100,000 youth ages 15-24.

Social Media and School Troubles

American school kids were very comfortable using the internet. In 2015, more than 75% of U.S.

teens had access to a smartphone, and more than 50% logged onto social media accounts

several times a day. The most popular sites for teens were Snapchat, Facebook, Instagram, and

Twitter. In February 2017, 79% of teen internet users went to Snapchat, 76% to Facebook, and 73% used Instagram (Carollo 2015). Ninety-three percent of U.S. teens aged 15-17 had mobile access to the internet through a phone, tablet or other device, and spent nearly 200 minutes per day on it (Statista 2017).   Exhibit 7 shows the use of social media by students. The booming of social media use had been blamed for increasing troubles at school. Students communicated with each other via mobile devices even when they were in the same classroom, cafeteria or playground.   Among the apps available to kids, some were anonymous. As the *Huffington Post* noted, anonymous apps could be easily abused:

> *"These apps allow kids to provide anonymous, unsolicited, and unmoderated feedback to other users. Anonymous apps are notorious hubs for cyberbullying because kids feel emboldened to say things they wouldn't normally.   […] Some teens may use it to send anonymous messages with their schoolyard crushes, but more often it's used to transmit all the mean things teens would never say to a friend's face"* (HuffPost 2017).

Exhibit 7. Leading social media sites used by teenagers as of February 2017
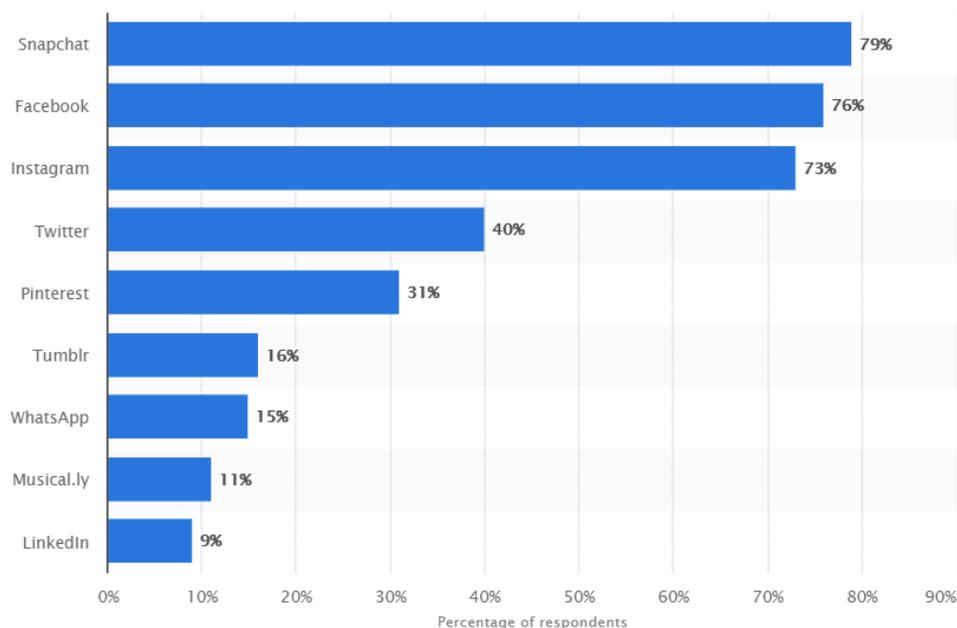
Glendale Unified School District and Geo Listening

The Glendale Unified School District was based in Glendale, California, just 9 miles from downtown Los Angeles. The school district served the city of Glendale, portions of the city of La Cañada Flintridge, and the unincorporated communities of Montrose and La Crescenta. GUSD was comprised of 31 schools serving more than 26,000 students in transitional kindergarten through 12th grade (GUSD.net).

After the Crescenta Valley High tragedy, GUSD was determined to take action. In January 2013, the District hired Geo Listening to run a pilot program to monitor public online activity of students at the Crescenta Valley High, Glendale High, and Hoover High schools. Chris Frydrych, CEO and Founder of Geo Listening, said,

> *"We wanted to create a pervasive and proactive service, so that school personnel would have more timely information to more effectively intervene on behalf of students."*

In the pilot, Geo Listening monitored and analyzed students' public social media posts and identified cases where students were in danger of harming themselves or others. After collecting information from students' posts on social media platforms such as Facebook, Instagram, YouTube and Twitter, Geo Listening prepared a report for the school district (Grieg 2013).

In October 2013, after the successful pilot test, GUSD paid Geo Listening $40,500 to monitor posts made by about 13,000 middle school and high school students at eight GUSD schools for the next school year. The agreement was extended and renewed, and was in place for the 2017-18 school year. Dr. Richard Sheehan, GUSD Superintendent of the school district, said:

> *"With modern technology, unfortunately we have to stay a step ahead of the kids. The whole purpose is student safety. Basically,* [the service] *just monitors for keywords where if a student is considering harming themselves, harming someone else"* (PSR 2017).

Geo Listening monitored both on and off campus social posts. Analysts were alerted to key words that suggested suicidal thoughts, bullying, vandalism and even the use of obscenities. Geo Listening provided GUSD officials with a daily report that categorized posts by their frequency in categories of cyber-bullying, harm, hate, despair, substance abuse, vandalism and truancy – or posts they thought violated the district schools' student codes of conduct. (See Appendix A for code of conduct and Appendix B for policy on use of technology). Postings were flagged for negative content: counter to the school code of conduct, evidence of violent threats to other students or the school, cyberbullying, or self-harm. According to Geo Listening CEO Frydrych, the daily reports submitted to the schools consisted of screen captures of flagged posts *"along with details of whether they were made on or off campus, the time and date, the user's name, if available, and a description of why the post caught the attention of analysts"* (Ceasar 2013). Geo Listening employed a small full-time staff and, said Frydrych, a global team of contract workers who only worked half-days since *"the content they read is so dark and heavy"* (Frydrych, quoted in Martinez 2013).

Scott Anderle, GUSD's Assistant Director for Student Services, received a 15 page report every day, which he sorted through searching for students who might be at risk. Every time Mr. Anderle received a report, he determined if he needed to take immediate action or instead refer the matter to the relevant school principal (for example, a post about drinking). When he found one that caused concern, he made sure the student was called to a one-on-one meeting with the appropriate administrator.

> *"What I'm looking for is students who either say they're going to hurt themselves, commit suicide, or hurt others, threaten the school, going to bring a gun to school – that type of thing. We've actually prevented a number – is it a huge number, no – but a number of incidents where kids were either thinking about killing themselves or doing something bad to the school"* (Carollo 2015).

Geo Listening's employees and their computers scoured public posts made by students and alerted GUSD administrators when they found something that needed the school's attention (Ramasastry 2013). The company trawled the web for social-media postings of Glendale

students aged 13 and up. There was also an anonymous report button in a mobile app that students or parents could use to call something to Geo Listening's attention. In the 2013-14 school year, Geo Listening provided GUSD with 20 reports referring to despair or potential suicide, 4 reports related to self-harm or cutting, 150 reports about bullying, 340 about substance abuse, and 382, the majority, about students being vulgar or profane (Corrigan 2014).   Mary Boger, former GUSD president, remarked that given the information received from Geo Listening, the money ($40,500) was "*well spent.*"

In order to be in compliance with the Family Education Rights and Privacy Act (FERPA), GUSD could not provide Geo Listening with any information about its students. Nor could GUSD provide any feedback to Geo Listening about any student detected by Geo Listening's monitoring. Geo Listening, therefore, did not "track" a student's progress, nor did it, according to CEO Frydrych, continue to watch a student who had previously been identified in its own reports (Carollo 2015). As Geo Listening never had access to a list of GUSD students, it used "*deductive reasoning*" to link public accounts to students who were in Glendale (Shade & Singh 2016).   Exhibit 8 summarizes Geo Listening's model.

Geo Listening CEO Frydrych said,

> "*You'll never hear me say that we can prevent school shootings and violence and suicide, but we firmly believe that if you can disrupt anyone's bad day, it can be better the next day. Or at least it resets the clock*" (Carollo 2015).

Exhibit 8. Geo Listening's Service Model

Source: Geo Listening brochure,
https://geolistening.com/wp-content/uploads/2014/08/Geo-Listening-8-13-14-WEB.pdf
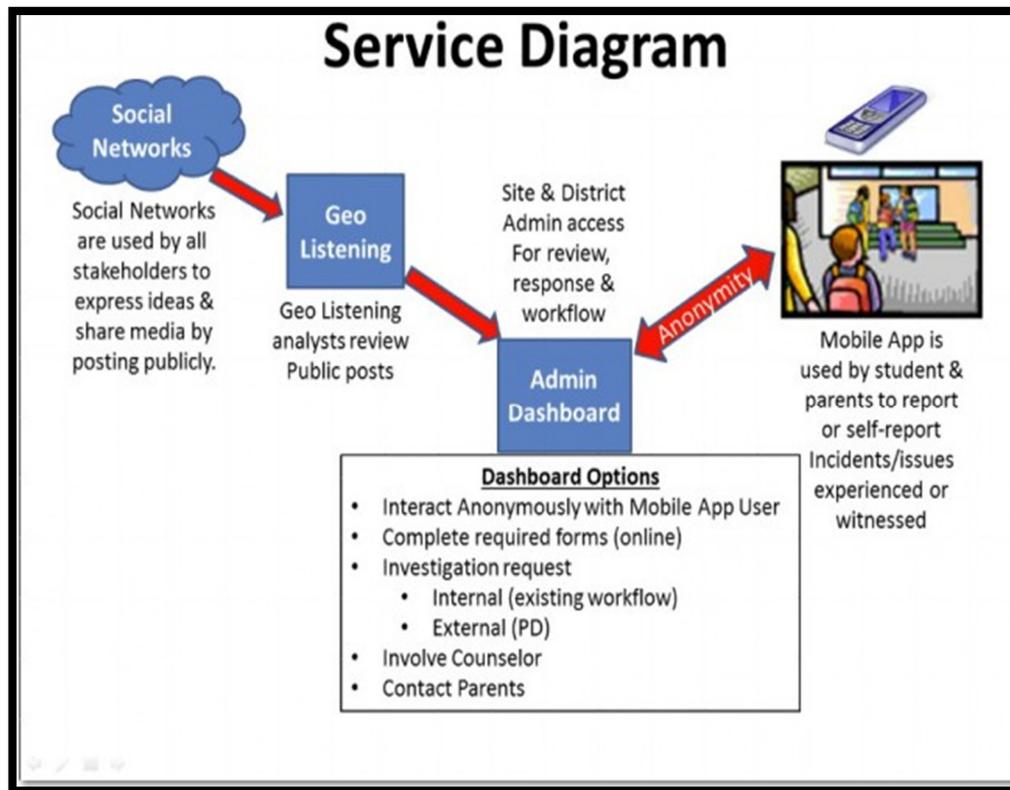
Reactions to the Monitoring Program

There were different reactions to the monitoring program by students, parents, community members, and public officials. Most reactions seemed to be positive; the school was proactively trying to keep its students safe. Some parents wondered if the money spent on monitoring should instead go to educational programs (Chen 2017). Other negative reactions were generally of four types:

1) GUSD was violating students' right to free speech.

2) GUSD was violating students' right to privacy.

3) GUSD was monitoring without consent.

4) GUSD was on a slippery slope …

Right to Free Speech

Lawyers looked to the U.S. Supreme court case *Tinker v. Des Moines Independent School District* to clarify what rights students had to free speech on campus. The court in *Tinker* concluded that public school officials could discipline a student whose speech caused *"a material and substantial interference with the learning environment and orderly work of the school"* (Sheridan 2015: 57). Regarding off-campus speech and use of the internet, things were less clear. There were few legal precedents. According to one legal scholar:

> *"It is unclear whether schools may legally surveil students' internet posts in order to protect the school population from a substantial disruption to its educational goals"* (Mendola 2015: 171).

Others noted that the very act of monitoring students' online speech could have the effect of curtailing free speech,

> *"As students would know that their posts were monitored and consequently could choose not to express their thoughts on the internet"* (Shade and Singh 2016: 179).

It was generally agreed that schools could curtail students' free speech online – or punish them for the speech – when (a) the speech had already caused a serious disruption to student learning or the operation of the school, or (b) a disruption was reasonably anticipated (Sheridan 2015). For example, if there were an online posting or tweet about a bomb or threat of violence, the school could act right away to curtail a student's speech. On the other hand, a student's right should be protected to make off-campus postings about the school, a teacher, or a principal as long as these postings did not seriously disrupt learning or school operations.

The gathering of public information found online did not violate free-speech protections, noted Peter Scheer of the First Amendment Coalition, a California nonprofit, but disciplining students for posts made outside of school could infringe on their free-speech rights (Sheridan 2015). Nonetheless, in situations where students wrote about hurting themselves, threatened to harm others or used hate speech toward a particular person, intervention for student safety would be considered reasonable (Sheridan 2015).

Right to Privacy

The 4th Amendment to the U.S. Constitution guaranteed the right to freedom from unreasonable searches and seizures without a court-ordered warrant issued for probable cause of a crime having been committed.

GUSD and Geo Listening were adamant that the only social media posts they monitored were the "public" posts of students. Students could make private posts, and these would not be detected. Therefore, the argument was, the information was public. *"This is not an invasion of privacy,"* GUSD school board member Christine Walters said. *"This is just taking public information and using it for our students' well-being"* (Corrigan 2014).

Geo Listening likewise claimed that it did not violate anyone's privacy rights because it only monitored public accounts or received an anonymous heads-up from someone who wanted to report a post or behavior. By policy, Geo Listening allowed any student attending a school where it was monitoring to request the information it had collected on the student, and to amend that information (Carollo 2015).

In spite of Facebook CEO Mark Zuckerberg's famous – or perhaps infamous – comment that *"Privacy is dead"* (Kirkpatrick 2010), an American had a right to privacy when society recognized that right as reasonable per the 4th Amendment (Sheridan 2015).

Americans, of course, could voluntarily give up their rights to privacy.   *"What a person knowingly exposes to the public is not subject to Fourth Amendment protection"* (Sheridan 2015: 70). For example, on Facebook one could set and change settings from 'private' to 'available to friends only' to 'available to friends of friends' to 'open to the public.' A message posted on a Facebook page with 'open to the public' settings would not be entitled to 4th Amendment privacy protection.   But in some cases even postings made only to 'Friends' could be accessed, for example:

> *"Where the user's Facebook privacy settings allow viewership by 'friends,' the government may also access the user's messages through a cooperating third party who is a 'friend' without violating the Fourth Amendment"* (Sheridan 2015: 70).

What was a reasonable expectation of privacy online? Many people – not only teens but adults also – did not read carefully the consent forms they clicked, and some never verified privacy settings. Many believed they were acting and speaking privately when their posts could readily be accessed by strangers.

Consent to Being Monitored

In 2013, a junior at Hoover High School in Glendale was scrolling through Facebook when he found an article posted by a friend of his. The article said that a private company hired by GUSD had been monitoring students' online activity for more than a year. *"I heard rumors that GUSD was doing a little bit of monitoring – but nothing as official as this,"* the student said. *"Our principal hasn't said anything about it"* (Ceasar 2013). The school district in 2013 had neither sought nor received consent from either students or their parents – nor had anybody informed parents of the monitoring. GUSD did not believe that consent was required. Under federal law, parental consent was required for anyone to gather information on an internet user aged 13 or younger, according to the Children's Online Privacy Protection Act (FTC.gov n.d.). CEO Frydrych told CNN that only students ages 13 or older were part of Geo Listening's sweep — otherwise parental permission would be required (Martinez 2013). How Geo Listening tuned out somebody under age 13 was not made clear.

Parents were surprised to learn that their children's posts were being monitored, and from some there was an outcry about the violation (Corrigan 2015). Some school children objected to the monitoring, while others seemed not to mind. One student wrote on Twitter, *"What else does GUSD want to do, put cameras in our rooms?"* Another student wrote: *"GUSD should be smarter and start spending money on educational purposes rather than trying to stalk students"* (Corrigan 2013). A high school sophomore did not object to the Geo Listening program, and

commented that it was students' *"choice if they want to make* [their accounts] *public or private"* (Corrigan 2013).

The American Civil Liberties Union (ACLU) warned students that schools could see what students posted online, but the schools were supposed to tell parents that monitoring was going on (see Exhibit 9).

Exhibit 9. ACLU Notice to Students about Social Media Activity

Source: ACLU, https://www.aclunc.org/our-work/know-your-rights/student-social-media-rights

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Can my school search for my social media activity without telling me?

SOMETIMES. If your school starts a social media monitoring program, your school district must let you and your parents know, allow you to see the information it has collected about your social media activity, and delete it when you leave the district or turn 18.

If your school does not have a monitoring program, you do not have the right to know what information teachers and officials find through their own searching on social media. Remember, anything you post publicly can be seen by anybody, including police officers, teachers, officials, and other students.

The Slippery Slope

Finally, some argued that GUSD was on a slippery slope toward an Orwellian state where the government – not the parents – watched everything students did, spying on them even when they were away from school. Brendan Hamme, an ACLU attorney, said,

> *"The district is walking a fine line with its social media surveillance. The program is sweeping and far afield of what is necessary to ensure student safety"* (Ortiz 2013).

While Geo Listening was monitoring posts about student safety, it was also collecting complaints about schools and principals and teachers, and compliance with school rules.   At what point was the public school infringing on the rights of parents to monitor and discipline their children? Parents, schools, and even the police had different roles and responsibilities. One scholar concluded that purely off-campus speech by students, when it raised concerns, *"is more appropriately handled by parents and possibly law enforcement"* than by schools (Sheridan 2015: 75).

In practical terms, many parents were unable to monitor what their children did and said online, and school children were far more sophisticated internet users than their parents were. *"Parents […] are not able to effectively listen to the conversation where it's happening now,"* Frydrych said (Martinez 2013).

A Glendale grandfather, at a school board meeting, spoke out against Big Brother spying on kids and warned the school board of the slippery slope it was on. He called to his grandchildren to protest the Geo Listening programs (YouTube). Chris Frydrych, CEO of Geo Listening, replied, *"Honestly, we're not spying on kids. Can we focus back on the problem: The problem is we're not listening effectively . . . and we're shifting that"* (Martinez 2013).

Students mocked the effort on Twitter, saying that GUSD officials *"would not even understand what I tweet most of the time, they should hire a high school slang analyst"* (#shoutout2GUSD).

Geo Listening publicized its ability to read and understand the special slang that teens used on social media. Hate, for example, could be spelled "h8." For example, Frydrych's firm learned how youths inhaled drugs such as liquid hashish through vaporizers (or "vapes") which were devices like smokeless electronic cigarettes. Were it not for Geo Listening, a Glendale teacher would not have known that a student was inhaling hashish in class because of the lack of smoke.

According to Yalda T. Uhls, a researcher at the Children's Digital Media Center at UCLA, and a parent of two, *"Students could lose trust in adults once they find out their posts are being tracked"* (Corrigan 2013). While she admired the effort to prevent cyberbullying, she was concerned that schools might be going too far.

A junior at Hoover High said*,*

> *"We all know social media is not a private place, not really a safe place. But it's not the same as being in school. It's students' expression of their own thoughts and feelings to their friends. For the school to intrude in that area, I understand they can do it, but I don't think it's right"* (Ortiz 2013).

"We should be monitoring GUSD instead," one Twitter user wrote after an instructor was arrested on charges of sexual abuse (Sengupta 2013).

Others were truly concerned that the environment of learning would be destroyed if students lost trust in their schools. ACLU's Brendan Hamme concluded,

> *"We believe that social media monitoring does not foster a hospitable school environment. It breeds an environment of distrust between youth and teachers and administrators. And there are far more efficacious ways of getting to the cause of the issue than spying on students"* (Carollo 2015).

When polled, 98% of students indicated that they wanted teachers to intervene when they saw online evidence that somebody was being bullied or needed assistance (American SPCC 2017). A Hoover High School boy remarked*, "I don't mind being monitored and neither does my*

mother." A female classmate of his added, *"If there was a red flag […] I would want somebody to come in"* (Ramasastry 2013}.

Legislators in the state capital took notice of the Geo Listening monitoring program and citizens' reactions to it. It was not long before the State considered regulation.

The State of California's Response to Geo Listening

In January 2014, California Assembly Member Mike Gatto, a Democrat from Glendale, introduced a bill that was signed into law by California Governor Jerry Brown in 2014. The new law (see Appendix C) required a school district to notify parents before it monitored social media posts, and prohibited schools and 3rd parties from keeping student information for more than a year or sharing it with outside parties. The law, however, did not require the school district to obtain consent from parents. Nonetheless, California had the most comprehensive law in the nation on the topic (Carollo 2015). Geo Listening, which cooperated with the writing of the law, was also the entity that would be controlled by it.

> *"The specificity of the legislation makes it clear that Geo Listening's form of contract was the target. The bill […] echoed the general phrasing and outcry around student data privacy, by specifying that vendors are not allowed to use the data for any other purposes than those specifically stated in the contract and for the contracted period"* (Burch, LaFave & Smith 2017: 28).

The law required that before monitoring students' social media activity, a school needed to inform students and their parents, allow for comments in meeting open to the public, and only collect information that was directly related to the safety of the school and school children. In addition, schools and 3rd party vendors needed to be sure that all information was destroyed within a year of a student leaving school or turning 18 (Burch, LaFave & Smith 2017). Because there was no way to know accurately who had left school or turned 18, in practice it meant that no information could be kept for more than a year. Third parties were also prohibited from sharing the collected data with any other party, and certainly could not sell it (Carollo 2015).

Should GUSD Monitor Students' Use of Social Media?

Dick Sheehan, the school district's superintendent, said that GUSD's decision to hire Geo Listening to monitor school kids' use of social media was about "*making sure kids are protected*" (Siner 2013). Critics said that the Geo Listening monitoring program had a chilling effect on free speech and was an invasion of privacy (Siner 2013), was done without parents' or students' consent, and put GUSD on a slippery slope toward an Orwellian future.

The Glendale Unified School District justified its monitoring project on the grounds of student safety and compliance with Glendale schools' code of conduct. Was it the district's responsibility to monitor kids' use of social media? Where did schools' responsibilities infringe upon parents'? And what about students' expectations of free speech and privacy, especially when they were off campus? Finally, even if GUSD could monitor students, would doing so really keep them safe?

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Appendix A
Excerpts from Standards of Student Conduct

Source: CRESCENTA VALLEY HIGH SCHOOL PARENT/GUARDIAN & STUDENT POLICIES AND PROCEDURES HANDBOOK, https://www.gusd.net/cms/lib/CA01000648/Centricity/Domain/132/2017-2018%20Parent%20and%20Student%20Handbook.pdf

Students enrolling at Crescenta Valley High School may rightfully expect a school climate which gives them the opportunity to learn. To achieve this goal, appropriate conditions must be maintained in the classrooms, on the campus at all school sponsored functions. Students are expected to exercise self-discipline and display acceptable forms of behavior while at school, on their way to school, on their way from school, and at school sponsored events. An atmosphere of reasonable, firm, and positive discipline can help develop acceptable behavior, concern for others, and mutual respect. In order to ensure the safety of students on our campus, students chosen at random will be wanded with a metal detector. On regular occasions, trained drug dogs will randomly check classrooms, locker areas and student parking for drugs, alcohol, or gun powder. Student conduct at CVHS is expected to conform to district and school rules and regulations. […]

Bullying
Bullying is defined as any severe or pervasive physical or verbal act or conduct that includes sexual harassment, hate violence, intentional harassment, threats, or intimidation, or communication made in writing or through means of an electronic/Internet/web-based related act directed against school district personnel or pupils, committed by a pupil or group of pupils that has the effect or can reasonably be predicted to have the effect of one or more of the following:
● Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
● Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
● Causing a reasonable pupil to experience substantial interference with his or her academic performance.
● Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, video, or images on the Internet, social media, or any technologies including, but not limited to, using a telephone, computer, or any wireless device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. […] Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. […]

Dress Code Policy
This dress policy has been developed to make sure that all students are provided with a safe learning environment. The law allows schools to regulate the dress of students and to ban those items that are disruptive or detrimental to the learning process. Attire may also be banned if it is sexually suggestive or obscene, related to gang activity, advocates the use of drugs, alcohol or tobacco or is dangerous or unsafe. […]

Drugs
It is illegal for any student to possess for sale, obtain for use, or be under the influence of alcohol, illegal drugs, or substances. Note: GUSD Student Support Services authorizes and funds random drug dog searches at CVHS. Breathalyzers are also used randomly or as needed at school functions. Students who attend any school sponsored event may be randomly tested before, during or after entry.

Appendix A, cont.
Excerpts from Standards of Student Conduct

Cell Phones
Students shall be permitted to have in their possession a cell phone on campus during the school day, while attending school-sponsored activities, or while under the supervision and control of a school District employee. Cell phones may be used in the event of a school-related emergency as determined by the principal. Although such devices may be brought onto a school campus, they are to be turned off and students are prohibited from using them during instructional time (i.e. in the classroom, during an assembly, etc.) unless given permission by a teacher and/or administrator. […]

Fighting
Fighting is prohibited at school and at any school sponsored event. […]

General Personal Abuse
Personal abuse toward other students and toward school staff include, but are not limited to, the following:
● Disobedience and discourtesy.
● Abusive language: making reference to another person in less than dignified terms including profanity and obscenity.
● Sexual harassment.
● Threats to individuals or their property.
[…]

Smoking
Possession of tobacco in any form (e.g., cigarettes, chewing tobacco, cigars, e-cigs, vapes, etc.) and other related items (e.g., lighters/matches) on campus is illegal, and such items may be confiscated by any school officials. Smoking is not permitted on any part of the campus or sidewalks around the perimeter of the school or across the street from CVHS (within 1000 feet from school). Smoking or possession of tobacco products is also not permitted at any school-sponsored off-campus activities. […]

Weapons
In order to help provide a safe school environment, the Glendale Unified School District has approved the random use of metal detectors to search individuals on campus and at school activities. The possession of any knives, including Swiss-army type pocket knives, stun guns, firearms, pepper spray or any other type of weapon is prohibited by law.

Appendix B
Glendale Unified School District Board Policy on Student Use of Technology

The Board of Education recognizes that technology provides staff and students ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. In addition, the use of electronic resources, such as the Internet and e-mail, foster workplace skills that may be transferable to new technologies.

The Board of Education intends that technological resources provided by the district be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. All students using these resources shall receive instruction in their proper and appropriate use. Teachers, administrators, and/or library media specialists are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

Before using on-line services, the students and parent/guardian shall sign an Electronic Information Services Acceptable Use Agreement indicating that the student understands and agrees to abide by specified user obligations and responsibilities.

The district reserves the right to monitor student use of technology within the jurisdiction of the district without advance notice or consent. Students shall be informed that their use of district technology, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the district for the purpose of ensuring proper use. Students have no reasonable expectation of privacy in use of the district technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, district policy, or school rules.

The Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any district student in accordance with Education Code 49073.6 and BP/AR 5125 - Student Records.

Whenever a student is found to have violated Board policy or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced.

The Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors.

Appendix B, cont.
Glendale Unified School District Board Policy on Student Use of Technology

The district's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."

3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting one's own personal identification information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Legal References: Education Code 51006; 51007; 60011; 60013; 60017.1; 60044,
Penal Code 632
United States Code, Title 20, 6801-7005
Policy Adopted: 10/01/1996
Policy Amended: 08/14/2001; 10/15/2002; 04/11/2017
(Formerly BP 6165)

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Appendix C

California Education Code, Title II, Div. 4, Part 27, Ch. 6.5, Article 5, Section 49073.6
Effective Jan. 1, 2015

The law requires a school that considers a program to gather any information from social media of any enrolled pupil to first notify pupils and their parents or guardians about the proposed program, and to provide an opportunity for public comment at a public meeting before the adoption of the program. The law requires a school to, among other things, gather and maintain only information that pertains directly to school safety or to pupil safety, provide a pupil with access to any information about the pupil obtained from social media, and destroy the information gathered from social media and maintained in its records, and prohibits a 3rd party from using the information for purposes other than to satisfy the terms of the contract, selling or sharing the information with any person or entity.

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Journal of Case Research and Inquiry

Peer-Reviewed Cases, Notes and Articles

A publication of the Western Casewriters Association

Vol. 3
December 2017