



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

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November 29, 2004

The Honorable Mark R. Warner
Governor of Virginia
State Capital Building, 3rd Floor
Richmond, Virginia 23219

Members of the General Assembly of Virginia
State Capital Building
Richmond, Virginia 23219

Dear Governor Warner and Members of the General Assembly:

Pursuant to Section 22.1-70.2 of the Code of Virginia, I am pleased to submit the 2004 Biennial Report on the *Acceptable Use Policy For the Internet*.

The code maintains the requirement that local school boards submit biennial reports to the Superintendent of Public Instruction verifying that school divisions are in compliance with the legislation as it relates to the acceptable use of the Internet in the public schools in the Commonwealth of Virginia. Section 22.1-70.2 also requires that the findings be reported to the General Assembly on a biennial basis.

If you have any questions or require additional information, please do not hesitate to contact me at (804) 225-2023.

Sincerely,

A handwritten signature in cursive script that reads "Jo Lynne DeMary".

Jo Lynne DeMary

JLD/lm/cm
Enclosure



VIRGINIA DEPARTMENT OF EDUCATION

REPORT

ACCEPTABLE USE POLICY FOR THE INTERNET

DECEMBER 2004

LAN NEUGENT
ASSISTANT SUPERINTENDENT
Technology

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EXECUTIVE SUMMARY

Virginia K-12 educators use the instructional resources found via shared educational tools, such as school and division-wide computer networks and the Internet, to extend teaching and learning. The increased use of such resources requires that administrators, teachers, library media specialists, students, and parents take steps to ensure that these tools and the resources they provide access to be appropriate for use in K-12 instruction. In response to these concerns, each Virginia school division established guidelines for the appropriate use of computer networks. These guidelines are generally called an Acceptable Internet Use Policy, or AUP. By definition, an AUP is a written agreement outlining the terms and conditions of Internet use as a tool for learning.

The purpose of an AUP is to protect children's rights and convey to each student the responsibilities that accompany the use of the Internet as an educational tool. An AUP provides expectations, establishes rights, and draws lines of responsibility for the entire school community. Many of the school divisions' AUPs combine the following additional provisions:

- A disclaimer statement
- Signature form for students
- Signature form for teachers
- Signature form for parents

All 133 school divisions:

- Submitted a copy of an Acceptable Use Policy that prohibits use of the Internet by students and employees for sending, receiving, viewing, or downloading illegal material
- Submitted an Acceptable Use Policy that in effect prevents access by students under the age of eighteen to material considered harmful to juveniles
- Submitted a letter of assurance stating that all schools were in compliance in regards to the installation of filtering technologies
- All policies contained an Acceptable Use Policy that establishes appropriate measures for persons who violate the policy

AUTHORITY FOR THE REPORT

The Office of Educational Technology, Division of Technology, Virginia Department of Education prepared this report.

House Bill 1043, enacted in the year 1999, amended the Code of Virginia by adding section 22.1-70.2 to Chapter 6 of Title 22.1 that details the power of the Superintendent of Public Instruction regarding acceptable Internet use policies. The code states that:

On or before December 1, 1999, and biennially thereafter, every division superintendent shall file with the Superintendent of Public Instruction an acceptable use policy for the international network of computer systems commonly known as the Internet.

The policy shall contain provisions, which prohibit use of the school division's computer equipment and computer systems for receiving, viewing, or downloading illegal material via the Internet; prevent access to material which is harmful to juveniles by students under the age of eighteen; and establish measures to be taken against persons who violate the policy.

House Bill 1691 enacted in the year 2001 further amended the Code of Virginia.

§ 22.1-70.2. Acceptable Internet use policies for public and private schools.

A. Every two years, each division superintendent shall file with the Superintendent of Public Instruction an acceptable use policy, approved by the local school board, for the international network of computer systems commonly known as the Internet. At a minimum, the policy shall contain provisions that (i) are designed to prohibit use by division employees and students of the division's computer equipment and communications services for sending, receiving, viewing, or downloading illegal material via the Internet; (ii) seek to prevent access by students to material that the school division deems to be harmful to juveniles as defined in § 18.2-390; (iii) select a technology for the division's computers having Internet access to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1 and obscenity as defined in § 18.2-372; and (iv) establish appropriate measures to be taken against persons who violate the policy. The policy may include such other terms, conditions, and requirements as deemed appropriate, such as requiring written parental authorization for Internet use by juveniles or differentiating acceptable uses among elementary, middle, and high school students.

B. The superintendent shall take such steps as he deems appropriate to implement and enforce the division's policy.

C. On or before December 1, 2000, and biennially thereafter, the Superintendent of Public Instruction shall submit a report to the Chairmen of the House Committee on Education, the House Committee on Science and Technology, and the Senate Committee on Education and Health which summarizes the acceptable use policies filed with the Superintendent pursuant to this section and the status thereof.

D. In addition to the foregoing requirements regarding public school Internet use policies, the principal or other chief administrator of any private school that satisfies the compulsory school attendance law pursuant to § 22.1-254 and accepts federal funds for Internet access shall select a technology for its computers having Internet access to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1 and obscenity as defined in § 18.2-372.

Section 22.1-70.2 C directs the Superintendent of Public Instruction to submit a report, on or before December 1, 2000, and biennially thereafter, that summarizes the school division acceptable use policies filed with the superintendent.

ACTIVITIES DURING THE REPORTING PERIOD

- A. Each school division superintendent was notified via Supts. Memo No. 153 (October 19, 2001) of the legislative requirement to draft an Acceptable Use Policy (AUP) which defined the filtering technology which was installed on all Internet accessible computers. The revised policy was to be submitted to the Superintendent of Public Instruction by December 1, 2001.
- B. The Division of Technology provided technical assistance to school divisions with the drafting of an AUP in the following manner:
1. Access to a web-based AUP handbook that provides a description of the components of an AUP, links to resources on the development of an AUP, sample templates, and links to AUP of Virginia school divisions on the Internet.
 2. Regional and in-service workshops for teachers and administrators on the development of an AUP; presentations on how to develop and implement an AUP using the Department of Education's Staff Development Telecast, broadcast statewide on Virginia's Public Television Stations; presentations by school division technology specialists at the Educational Technology Leadership Conference; and presentations at meetings of professional organizations. Information was also provided concerning filtering technologies. This web site is updated annually.
 3. A Department of Education Staff Development Telecast was broadcast statewide on Virginia's Public Television Stations to communicate the requirements for both federal and state legislative requirements regarding filtering technologies, the Children's Internet Safety Protection Act, and legislative impact on E-Rate applications.
 4. Information was also communicated to school divisions via to the Department of Education's web pages regarding compliance to the mandate for the installation of filtering technologies.
 5. The Board of Education requires that school divisions include in their technology plan an acceptable use policy.
 6. Copies of the a book entitled Internet and Computer Ethics for Kids (and Parents and Teachers Who Haven't Got A Clue) by Winn Schwartau was distributed during technical assistance visits to school divisions.

DATA COLLECTION

All 133-school divisions in the Commonwealth were required to submit an Acceptable Use Policy to the Assistant Superintendent for Technology as a part of the requirements for alignment with the Virginia Educational Technology Plan, 2003-09.

An examination of each AUP disclosed that school divisions had taken measures to identify appropriate uses of computer networks, establish rules of online behavior, define access privileges, and establish penalties for violations of the policy and network security prior to enactment of HB 1043.

In accordance with HB1043, each school division's AUP contained the following provisions:

- Prohibits the use by division employees and students of the division's computer equipment communications services from sending, receiving, and reviewing, or downloading illegal materials via the Internet; and
- Consequences for violation of the policy.

In accordance with HB1691, each school division submitted a letter of assurance to the superintendent of public education that the division had included the following provisions:

- ...select a technology for the division's computers having Internet access to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1 and obscenity as defined in § 18.2-372;
- and (iv) establish appropriate measures to be taken against persons who violate the policy.

APPENDIX

- A. Glossary
- B. Copy of the Legislation

GLOSSARY

ACCEPTABLE USE POLICY – describes students’ and staff members’ responsibilities when using school computers.

DISCLAIMER - a statement absolving the school division, under specific circumstances, from responsibility related to unauthorized use of the school’s computer network.

FILTER – mechanical tools designed to block Internet content. Some filters block keywords; some try to block individual sites; and some try to block both.

INTRANET – an internal Internet designed to be used within the confines of a school. What distinguishes an intranet from the freely accessible Internet is that intranets are private.

SIGNATURE FORM - a form signed by teachers, parents, and students indicating their intent to abide by the school division’s AUP.

Code of Virginia

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B. The superintendent shall take such steps as he deems appropriate to implement and enforce the division's policy.

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D. In addition to the foregoing requirements regarding public school Internet use policies, the principal or other chief administrator of any private school that satisfies the compulsory school attendance law pursuant to § 22.1-254 and accepts federal funds for Internet access shall select a technology for its computers having Internet access to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1 and obscenity as defined in § 18.2-372.