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## HOUSE BILL NO. 1317

Offered January 26, 1998

A BILL to amend the Code of Virginia by adding in Chapter 13 of Title 22.1 an article numbered 1.2, consisting of sections numbered 22.1-212.5 through 22.1-212.9, relating to education; school-based access to information infrastructure.

Patrons—Marshall, Albo, Cox, Hargrove, Parrish, Purkey, Reid and Rollison

Referred to Committee on Science and Technology

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 13 of Title 22.1 an article numbered 1.2, consisting of sections numbered 22.1-212.5 through 22.1-212.9, as follows:**

*Article 2.1.*

*Public Elementary and Secondary School Access to Information Infrastructure.*

§ 22.1-212.5. *Statement of purpose.*

A. It is the intent of the General Assembly to ensure that the Commonwealth's public elementary and secondary schools furnish educational and research environments conducive to the health, safety and welfare of the children they serve.

B. It is the further intent of the General Assembly to promote public school information infrastructure access in a manner that furnishes the Commonwealth's children the maximum benefits of this powerful, revolutionary medium while protecting them from its potentially harmful aspects, such as materials harmful to juveniles, obscene materials and child pornography.

§ 22.1-212.6. *Definitions.*

For the purpose of this article:

"Child pornography" shall mean the materials described in § 18.2-374.1:1.

"Harmful to juveniles" shall have the same meaning as that contained in § 18.2-390.

"Information infrastructure" means telecommunications, cable, and computer networks and includes the Internet, the World Wide Web, Usenet, bulletin board systems, on-line systems, and telephone networks, and shall also include interactive computer services as defined in 47 U.S.C. § 230 (e).

"Obscene" shall have the same meaning as that contained in § 18.2-372.

§ 22.1-212.7. *Student access to information infrastructure.*

A. No student in any public elementary or secondary school shall be permitted to utilize any information infrastructure service via any such school's computer system unless such student (i) has received express, written permission from his parent or guardian to do so and (ii) is accompanied and supervised at all times in such utilization by a teacher, school librarian or other responsible adult.

B. For the purposes of obtaining the permission of a parent or guardian as prescribed by subsection A, each school shall utilize an authorization form containing (i) a description of each information infrastructure service offered for student use and (ii) a separate signature line or check box adjacent to each such description by which parents or guardians shall indicate which services students are authorized to use. Schools may also condition students' use of such services upon first obtaining written liability releases from students' parents or guardians.

§ 22.1-212.8. *Public schools to obtain computer hardware and software.*

A. Except as provided in subsection B, every public elementary or secondary school furnishing student access to information infrastructure services shall, in connection therewith, immediately obtain and implement the use of computer hardware or software inhibiting, to the extent technically feasible, access to materials harmful to juveniles, obscene materials, child pornography and other materials inconsistent with public schools' educational mission.

B. Every public elementary or secondary school furnishing students in grades K-8 access to information infrastructure services, shall obtain hardware or software for use in limiting such students' information infrastructure access, to the extent technically feasible, to preselected uniform resource locators, or URLs, newsgroups, or files within newsgroups determined to be consistent with public schools' educational mission, and which do not contain materials harmful to minors, obscene materials, or child pornography. Such schools may also obtain the hardware and software prescribed in subsection A, but are not required to do so.

§ 22.1-212.9. *State Board of Education to develop guidelines.*

On or before September 1, 1998, (i) the State Board of Education shall develop and distribute to all public elementary or secondary schools within its jurisdiction, written guidelines for school-sponsored student access to information infrastructure services consistent with the provisions of this article, and

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**60** *(ii) all public elementary or secondary schools shall be in compliance with the provisions of this article*  
**61** *on and after November 1, 1998.*