

004420636

HOUSE BILL NO. 291

House Amendments in [] — February 12, 2000

A *BILL to amend and reenact § 22.1-70.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-212.2:01, relating to public school-based access to information infrastructure.*

 Patron—Black

Referred to Committee on Science and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-70.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-212.2:01 as follows:

§ 22.1-70.2. Power and duty of superintendent regarding acceptable Internet use policies.

A. On or before December 1, 1999, and biennially thereafter, every 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 which (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 which the school division deems to be harmful to juveniles, and (iii) 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 *and to meet the requirements of § 22.1-212.2:01*, which may include, but are not limited to, the use of software programs designed to block access by (i) division employees and students to illegal material or (ii) students to material which is harmful to juveniles or (iii) both.

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.

§ 22.1-212.2:01. *Public school access to information infrastructure.*

A. *Beginning with the 2000-2001 school year, every public school furnishing student access to information infrastructure services shall, in connection therewith and consistent with the acceptable use policy required by § 22.1-70.2, obtain and implement computer technology or execute an agreement with a network service provider inhibiting, to the extent technically feasible, student access to materials harmful to juveniles, obscene materials, and child pornography. [In carrying out this provision, each local school board shall ensure that such technology, to the extent technically feasible, does not inhibit student access to material that is protected by the First Amendment and educationally suitable. The cost of complying with this section in the public schools shall be borne by the Commonwealth.] Local school boards shall report annually to the Superintendent of Public Instruction regarding their compliance with the requirements of this section.*

B. *For the purpose of this section:*

"Child pornography" means sexually explicit visual material, as defined in 18.2-374.1, that utilizes or has as a subject a person less than eighteen years of age.

"Harmful to juveniles" has the meaning set forth in § 18.2-390.

"Information infrastructure" means telecommunications, cable, and computer networks and includes the Internet, the Worldwide 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 (f).

"Obscene" has the meaning set forth in § 18.2-372.

ENGROSSED

HB291E