



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

11/9/2017 4:38:56 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Education**
RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**
RULE NAME **Safe and Acceptable Use of the Internet by Students and Educators (Policy 2460)** **041**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, December 11, 2017 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**Lori Whitt, Assistant Director
WVDE Office of Technology Integration & Support
Capitol Building 6, Room 825
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-041



Rule Id: 16650



Document: 50001



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

11/9/2017 4:38:56 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY **Education**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**

RULE NAME **Safe and Acceptable Use of the Internet by Students and Educators (Policy 2460)** **041**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Policy 2460 sets forth requirements to maintain compliance with Universal Service Funds for Schools and Libraries (E-rate) guidelines regarding issues of child safety and acceptable use of the Internet. A review of the policy during the 2016-2017 school year revealed certain areas where additional clarification is needed regarding state-level expectations for child safety and acceptable use of the Internet.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-041



Rule Id: 16650



Document: 50001



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

11/9/2017 4:38:56 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 – FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Education**
RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**
RULE NAME **Safe and Acceptable Use of the Internet by Students and Educators (Policy 2460)** **041**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

PRIMARY CONTACT

Office of Technology Integration and Support
West Virginia Department of Education
1900 Kanawha Blvd., East, Capitol Building 6
Charleston, West Virginia 25305

SECONDARY CONTACT

Virginia Harris
West Virginia Board of Education
1900 Kanawha Blvd., East, Capitol Building 6
Charleston, West Virginia 25305

Mary C Tuckwiller – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-041



Rule Id: 16650



Document: 50001



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

11/9/2017 4:38:56 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 – FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Education**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**

RULE NAME **Safe and Acceptable Use of the Internet by Students and Educators (Policy 2460)** **041**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

State government will incur no impact on costs or revenues as this policy provides direction to purpose and use of electronic resources, technologies and the internet.

Mary C Tuckwiller – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-041



Rule Id: 16650



Document: 50001



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

11/9/2017 4:38:56 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 – FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Education**
RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**
RULE NAME **Safe and Acceptable Use of the Internet by Students and Educators (Policy 2460)** **041**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-041



Rule Id: 16650



Document: 50001



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

11/9/2017 4:38:56 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 – FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Education**
RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**
RULE NAME **Safe and Acceptable Use of the Internet by Students and Educators (Policy 2460)** **041**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

No fees will be incurred.

Mary C Tuckwiller – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-041



Rule Id: 16650



Document: 50001



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

11/9/2017 4:38:56 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 – FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Education**
RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**
RULE NAME **Safe and Acceptable Use of the Internet by Students and Educators (Policy 2460)** **041**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND/OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

No fees will be incurred.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-041



Rule Id: 16650



Document: 50001



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

11/9/2017 4:38:56 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 12 – BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY	Education		
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Safe and Acceptable Use of the Internet by Students and Educators (Policy 2460)		126-041

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Revisions to Policy 2460 are being recommended to ensure state level expectations are clear and unequivocal with respect to child safety and acceptable use of the Internet. Revisions, which are found throughout, address outdated verbiage and gaps in the existing policy due to changes in the broader culture and advancements in technology. Revisions to Section 4.4 help to clarify Digital/Network Code of Conduct; Section 4.5 clarifies Digital Security; and Section 5.8 details Educator, Service Personnel and Staff Responsibilities. Elimination of section 5.5 reflects the closure of the entities known as RESA. Applicable duties were move under the direction of the WVDE. Other minor revisions are needed to renumber certain sections, make technical and grammatical corrections, clarify terms, and provide clarity about which WVDE offices and personnel are responsible. To ensure that the policy will not need to be updated for office name changes in the event of future reorganizations, office names have been removed entirely and references have been made to staff bearing responsibility for certain functions as part of their work for the WVDE. Throughout, references to county are replaced with district.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-041



Rule Id: 16650



Document: 50001

EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: Policy 2460: Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet

Background:

Policy 2460 sets forth requirements to maintain compliance with Universal Service Funds for Schools and Libraries (E-rate) guidelines regarding issues of child safety and acceptable use of the Internet. A review of the policy during the 2016-2017 school year revealed certain areas where additional clarification is needed regarding state-level expectations for child safety and acceptable use of the Internet. No other State Board policies will be affected by the proposed revisions.

Proposals:

Revisions to Policy 2460 are being recommended to ensure state level expectations are clear and unequivocal with respect to child safety and acceptable use of the Internet. Revisions, which are found throughout, address outdated verbiage and gaps in the existing policy due to changes in the broader culture and advancements in technology. Revisions to Section 4.4 help to clarify Digital/Network Code of Conduct; Section 4.5 clarifies Digital Security; and Section 5.8 details Educator, Service Personnel and Staff Responsibilities. Elimination of section 5.5 reflects the closure of the entities known as RESA. Applicable duties were move under the direction of the WVDE.

Other minor revisions are needed to renumber certain sections, make technical and grammatical corrections, clarify terms, and provide clarity about which WVDE offices and personnel are responsible. To ensure that the policy will not need to be updated for office name changes in the event of future reorganizations, office names have been removed entirely and references have been made to staff bearing responsibility for certain functions as part of their work for the WVDE. Throughout, references to "county" must be replaced with "district".

Impact:

Adopting the proposed revisions will ensure that all stakeholders have a shared understanding of state-level expectations with respect to responsibilities for following guidelines regarding issues of child safety and acceptable use of the Internet. Enacting these changes will promote the update local policies and practices throughout the state to be more in line with current technologies and best practices.

Response to Comments:

List of Stakeholders

The WVDE AUP Review Committee and other stakeholders internal and external to the department have reviewed the proposed revisions to this policy.

Internal WVDE Stakeholders

Michele Blatt, Assistant Superintendent
Support & Accountability, WVDE

W. Clayton Burch, Associate Superintendent
WVDE

Andy Whisman, Executive Director
Office of Research, Accountability & Data Governance

Brenda Morris, Executive Director
Office of Technology Integration & Support

Joey Wiseman, Executive Director
Office of Middle/Secondary Learning

Monica DellaMea, Executive Director
Office of Early Learning

Rebecca Butler, Assistant Director
Office of Middle/Secondary Learning

Lori Whitt, Assistant Director
Office of Technology Integration & Support

Georgia Hughes-Webb, Data Governance Manager
Office of Research, Accountability & Data Governance

Robert Surface, Manager
Office of Research, Accountability, & Data Governance

Robert McCoy, Coordinator
Office of Infrastructure & Network Operations

Allegra Kazemzadeh, Coordinator
Office of Middle/Secondary Learning

Janet Bock-Hager, Coordinator
Office of Early Learning

Julia Legg, Coordinator

Office of Technology Integration & Support

Jeffrey Pitchford, Data Governance Specialist
Office of Research, Accountability, & Data Governance

Tim Conzett, Senior Administrator
Office of Data Management & Information Systems

External Stakeholders

Chris Urban, Technology Director
Monongalia County Schools

Jason Jackson, Technology Specialist
Cabell County Schools

Jeff Tidd, Director of Instruction
Lewis County Schools

Jeff Webb, Technology Systems Specialist
Raleigh County Schools

Leah Sparks, Director of Technology
Kanawha County Schools

126CSR41

TITLE 126

LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 41
EDUCATIONAL PURPOSE AND ACCEPTABLE USE
OF ELECTRONIC RESOURCES, TECHNOLOGIES AND THE INTERNET (2460)

§126-41-1. General.

1.1. Scope. -- ~~W. Va. 126CSR41, West Virginia Board of Education (WVBE) Policy 2460, *Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet* (Policy 2460), is a policy name change and the replacement of the repealed policies noted in section 1.5 to: 1) include the new federal regulations regarding issues of child safety and acceptable use of the Internet; 2) be in compliance with Universal Service Fund for Schools and Libraries (E-rate) guidelines; 3) reinforce copyright compliance; and 4) align with other federal and state regulations. This legislative rule establishes the educational purpose and acceptable use of electronic resources, technologies and the Internet. This policy applies to all West Virginia school districts. Districts include county boards of education, the West Virginia School for the Deaf and Blind, the Office of Diversion and Transition Programs, and any other schools under the supervision of the West Virginia Board of Education (WVBE) and West Virginia Department of Education (WVDE).~~

1.2. Authority. -- W. Va. Constitution, Article XII, Section 2 and W. Va. Code §18-2-5.

1.3. Filing Date. -- ~~March 16, 2012.~~

1.4. Effective Date. -- ~~April 16, 2012~~ July 1, 2018.

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W. Va. §126CSR41, *Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet* (Policy 2460), filed March 16, 2012, and effective April 16, 2012. ~~W. Va. § 126CSR41, "Use of Internet by Students and Educators" (Policy 2460) filed August 10, 2001, and effective September 9, 2001; and repeals W. Va. § 126CSR43, "Use of Technology by Students and Educators" (Policy 2470) filed December 15, 1996, and effective July 1, 1997, and W. Va. § 126CSR153, "Copyright Protected Computer Software, Print and Non-Print Media" (Policy 5711) filed December 22, 1992, and effective January 23, 1993.~~

§126-41-2. Purpose.

2.1. Policy 2460 sets ~~out~~ forth regulations that apply to districts (~~counties~~), schools, students, educators, other school personnel, parents, guardians, ~~county boards of education, Regional Education Service Agencies (RESAs), West Virginia Department of Education (WVDE)~~ and other users.

2.2. These regulations will assist implementation of policies at the state, ~~RESA~~, district, and school levels to meet local, state and federal statutes and regulations pertaining to safe and acceptable use of the Internet, various digital resources and technologies, compliance with E-rate guidelines, and reinforcement of copyright compliance.

§126-41-3. Educational Purposes.

3.1. An effective public education system develops students who are globally aware, engaged with their communities, and capable of managing their lives and careers to succeed in a digital world.

3.2. Students of all ages and educators as lifelong learners require the necessary skills and access to technology tools to take responsibility for their own learning, to be actively involved in critical thinking and problem solving, to collaborate, cooperate, and to be productive citizens. West Virginia students must become proficient in college- and career-readiness standards ~~develop proficiency in 21st-century content, technology tools, and learning skills~~ to succeed and prosper in life, in school, and on the job.

3.3. Technology must be interwoven with educational improvements and personalized learning to accomplish educational goals, increase student achievement and educator efficacy, and provide increased opportunities for lifelong learning.

3.4. To promote student learning, teachers must be equipped to fully integrate technology to transform instructional practice and to support student acquisition of technology skills necessary to succeed, to continue learning throughout their lifetimes, and to attain self-sufficiency.

3.5. The state, districts, and schools will use electronic resources as a powerful and compelling means for students to learn core and elective subjects and applied skills in relevant and rigorous ways to advance learning as referenced in W. Va. Code §18-2e-7, W. Va. 126CSR44N, WVBE Policy 2520.14, ~~21st-Century Learning Skills and Technology Tools Content Standards and Objectives for West Virginia Schools~~ West Virginia College- and Career-Readiness Standards for Technology and Computer Science (Policy 2520.14), W. Va. 126CSR42, WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs, and W. Va. 126CSR44A et al seq., WVBE Policy 2520 et al. series., ~~21st-Century/Next Generation Standards.~~

3.6. Learning powered by technology should enable students to achieve at higher academic levels, master digital content and technologies, access and manage information, communicate effectively, think critically, solve problems, work productively as individuals and collaboratively as part of a team, acquire new knowledge, access online assessment systems, and demonstrate personal accountability, productivity, and other self-directional skills.

3.7. The use of instructional technology should provide greater student access to advanced and additional curricular offerings, including increasing student access to quality virtual courses and online distance educational tools and resources, ~~that could be provided efficiently through traditional on-site delivery formats.~~

3.8. Teachers should integrate high quality digital content and assessment resources with curriculum to personalize learning. ~~enhance instruction, implement multiple technology-based learning strategies, implement high quality digital content and assessments, and utilize digital resources, technologies, and the Internet in the classroom.~~

3.9. Technology will enable educators to participate in online professional development, access digital resources and platforms, utilize educational data, and deliver instruction through blended learning and

other virtual options. The acceptable use of digital resources and devices is necessary to support a personalized learning landscape and other district and state educational policies.

3.10. The promotion of acceptable use in instruction and educational activities is intended to both provide a safe digital environment, ~~as well as~~ and meet Federal Communications Commission (FCC) guidelines and E-rate audits. ~~(See links at <http://wvde.state.wv.us/technology/policy2460.php>.)~~

3.11. Districts should adopt local policies which outline consequences for violation of safety and acceptable use in alignment with federal and state laws, state and district policies, ~~especially~~ specifically W. Va. 126CSR99, WVBE Policy 4373, Expected Behavior in Safe and Supportive Schools (Policy 4373).

§126-41-4. Digital Citizenship.

4.1. The appropriate use of technology and digital resources promotes positive and effective digital citizenship among students and staff. Digital citizenship represents more than technology literacy. Successful, technologically fluent digital citizens live safely and civilly in an increasingly digital world and use technology responsibly. They recognize that information posted on the Internet is public and permanent and can have a long-term impact on an individual's life and career.

4.2. All users need to be part of this digital citizenry to appropriately and safely learn, work, play, and live in today's global society.

4.3. The International Society for Technology in Education (ISTE) includes standards and provides guidance related to digital citizenship for students, teachers, administrators, instructional coaches and computer science educators. ~~has produced materials in the book, "Digital Citizenship in Schools" that describes nine elements of digital citizenship.~~

~~4.3.a. Digital Access—the full electronic participation in society.~~

~~4.3.b. Digital Commerce—the buying and selling of goods online.~~

~~4.3.c. Digital Communication—the electronic exchange of information.~~

~~4.3.d. Digital Literacy—the capability to use digital technology and knowing when and how to use it.~~

~~4.3.e. Digital Etiquette—the standards of conduct expected by other digital technology users.~~

~~4.3.f. Digital Law—the legal rights and restrictions governing technology use.~~

~~4.3.g. Digital Rights and Responsibilities—the privileges and freedoms extended to all digital technology users, and the behavioral expectations that come with them.~~

~~4.3.h. Digital Health and Wellness—the elements of physical and psychological well-being related to digital technology use.~~

~~4.3.i. Digital Security—the precautions that all technology users must take to guarantee their personal safety and the security of their networks.~~

4.4. Digital/Network ~~Etiquette~~ Code of Conduct:

4.4.a. Users are expected to abide by the generally accepted rules of digital/network etiquette. These include, but are not limited to, the following:

4.4.a.1. Be polite. Do not write or send abusive messages to others.

4.4.a.2. Use proper English and appropriate language; avoid “Netspeak.” Do not swear; do not use vulgarities or other inappropriate language.

4.4.a.3. Use extreme caution when revealing personal information, including a home address and phone number, on web sites, ~~blogs, podcasts,~~ videos, social media, in chat rooms, wikis, e-mail, or as content on any other electronic medium.

4.4.a.4. Do not reveal, on any electronic medium, personal information about another individual.

4.4.a.5. Do not use the Internet in a way that would disrupt the use of the Internet by others ~~(e.g., downloading huge files during prime time; sending mass e-mail messages; annoying other users).~~

4.4.a.6. ~~Keep educational files and e-mail messages stored on servers to a minimum. (Also see section 5.6.v.)~~ Electronic educational material containing confidential student information shall be stored only in secure locations consistent with federal, state, and local privacy regulations. Electronic educational material containing no confidential student information, including but not limited to, lesson plans, worksheets, primary source documents, and other materials used for instruction, may be stored in appropriate locations but should follow state/district guidelines.

4.4.a.7. Educators electing to use third party classroom based applications should carefully review the terms of service and privacy policies prior to use for those applications to ensure consistency with best practice. For use of applications with students younger than 13 years of age, recommended best practice is to obtain parental consent prior to use and/or entering any student data. All use of third party applications must be consistent with local policy/guidelines, Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) FERPA), W. Va. Code §18-2-5h, and WVBE Policy 4350.

~~4.4.a.7. 4.4.a.8~~ Activate the appropriate automatic reply message and unsubscribe to listservs if account is to be unused for an extended period of time.

~~4.4.a.8. 4.4.a.9.~~ Only publish ~~Appropriate permission shall be obtained prior to publishing student pictures or names on class, school, or district web sites or other publications, provided that such information is not designated as directory information under district policy. All releases of information designated as directory information under district policy must comply with parental opt-out provisions as described in the FERPA and that are part of the district/school directory information or when appropriate permission has been obtained. (Also see W. Va. 126CSR94, WVBE Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data (Policy 4350).~~

~~4.4.a.9. 4.4.a.10.~~ Notify the appropriate school authority of any dangerous or inappropriate information or messages encountered.

4.5. Digital Security:

4.5.a. Users who identify a security problem on the system must notify a system administrator. Users who are aware of or suspect that confidential information may have been exposed to unauthorized parties must notify district and/or state officials responsible for implementing privacy incident response protocol consistent with federal and state regulations including, but not limited to, Policy 4350 and the Student Data Accessibility, Transparency, and Accountability Act, W. Va. Code §18-2-5h.

4.5.b. Users must not demonstrate ~~the security problems to other~~ users other than school, district and/or state officials responsible for implementing the privacy incident response protocol.

4.5.c. Users must not use another individual's account or give their passwords to others. Unauthorized attempts to log into the system as a system administrator ~~will~~ may result in revocation of user privileges based on state, ~~county, district,~~ or school policies.

4.5.d. Any user identified as a security risk ~~or having a history of problems with other computer systems~~ may be denied access by the appropriate disciplinary authority. ~~(See also section 5-6-1.)~~

4.5.e. The WVDE is the proprietor of a class B license of Internet Protocol (IP) addresses. These addresses include 168.216.000.001 through 168.216.255.255. All addresses are assigned, maintained and managed by the WVDE. Any unauthorized use is strictly prohibited.

§126-41-5. Accountability and Responsibility.

5.1. The acceptable and appropriate use of telecommunications and/or access to the Internet and digital resources is an extension of the educator's responsibility in his/her classroom. Educators occupy a position of trust and stand in the place of a parent or guardian while a student is in school, W. Va. Code § 18A-5-1(a). Therefore, it is the educator's responsibility to ensure classroom activities focus on appropriate and specific learning goals and objectives for personalized learning when using Internet-related technologies. Student use of Internet-related or web-based applications must be authorized by the educator and parent or guardian through a ~~county~~ district determined procedure. It is also the educator's responsibility ~~not to use~~ refrain from using electronic technologies in a manner that risks placing him/her in a position to abuse that trust. Even though "educators" are the ones who come in daily classroom contact with students, acceptable/appropriate uses of online resources, technologies and the Internet is a responsibility of all educational staff and employees.

5.2. The following statements delineate the responsibilities of the WVBE, WVDE, ~~RESAs, county districts, boards of education,~~ individual schools, educators and other educational/service personnel for the appropriate and authorized use of technologies, digital resources and the Internet.

5.3. WVBE responsibilities, based on authority of W. Va. Code, will include approving policies advocating the following activities:

5.3.a. Students will be provided equitable access to technology.

5.3.b. Students will graduate from the public schools with proficiency in the skills and ~~learning objectives~~ standards delineated in instructional policies, ~~especially in Policy 2520.14.~~

5.3.c. Policy 2520.14 content standards ~~and objectives~~ will be included as part of the instructional goals ~~and objectives~~ of all programs of study and at all grade levels, K-12.

5.3.d. The WVBE will collaborate with the higher education community to communicate complementary technology utilization initiatives and partnerships and readiness of student teachers in understanding the professional role of the educator and the position of trust.

5.3.e. Administrators and teachers will be provided professional development in the use and application of electronic resources, technologies and the Internet.

5.4. WVDE responsibilities will include carrying out the policies of the WVBE, and include the following tasks/duties:

5.4.a. The WVDE provides the network system, e-mail accounts, and Internet access as tools for education and administration in support of the WVBE's mission and goals. The WVDE will review and process appropriate applications for domain names for local servers.

5.4.b. The WVDE reserves the right to monitor, inspect, investigate, copy, review, and store, without prior notice, information about the content and usage of any network and system files, user files, disk space utilization, applications, bandwidth utilization, document files, folders, electronic communications, e-mail, Internet access, and any and all information transmitted or received in connection with networks, e-mail use, and web-based tools.

5.4.c. ~~The WVDE and approved service provider(s) can monitor only the e-mail accounts issued to the "access.k12.wv.us" server, which is administered by WVDE and approved provider(s).~~ The WVDE and approved service providers will support local, state, and federal investigations as required by law. The WVDE reserves the right to disclose any electronic message, files, media, etc., to law enforcement officials or third parties as appropriate.

~~5.4.d. The WVDE will review and process appropriate applications for domain names for local servers.~~

~~5.4.e. The WVDE reserves the right to disclose any electronic message, files, media, etc., to law enforcement officials or third parties as appropriate.~~

~~5.4.f.d. Based upon the acceptable use and safety guidelines outlined in this document, The State Superintendent of Schools, WVDE and provider(s) system administrators will determine what appropriate use is, and their decision is final.~~ The State Superintendent of Schools, WVDE staff, and district staff system administrators, using this document as a guide, are the final arbiters of acceptable and safe use of electronic resources, technologies, and the Internet.

5.4.g.g. The WVDE reserves the right to enter an employee's information system files whenever there is a business need to do so.

5.4.h.f. Electronic filtering will be installed by the WVDE at the two points of presence (POPs) for Internet access. This will provide filtering for all public schools in a cost effective manner and with efficient

management. Providing this service at the state level enables districts/schools to meet Children's Internet Protection Act (CIPA) and E-rate ~~Rate~~ guideline requirements for filtering.

~~5.4.i.g. To avoid duplication of effort at the district/school levels, the WVDE will provide guidance and support for appropriate instruction by which a method and instructional modules that allow districts/schools to certify compliance with the new current Federal Communications Commission (FCC) regulations regarding Internet safety policies. The policies Districts must provide for educating students about appropriate online behavior, including digital citizenship, interacting with other individuals on social networking websites and in chat rooms, and cyber bullying awareness and response. Instructional information regarding the Further, the WVDE method and curriculum content will provide support for certifying that students have been educated about appropriate online behavior as well as can be found at <http://wvde.state.wv.us/technology/cipa-compliance.php>. This WVDE method will support federal reporting when districts provide evidence provide documentation that districts they have met the annual E-rate compliance requirements of educating students regarding appropriate use. The districts and schools are encouraged to go beyond this basic compliance, if so desired.~~

5.4.jh. The WVDE state network will not be responsible for unauthorized financial obligations resulting from the use of, or access to, the state's computer network or the Internet.

5.4.kj. The WVDE makes no warranties of any kind, whether expressed or implied, for the service being provided. The WVDE will not be responsible for any damages, including loss of data or service interruptions. The use of any information obtained via the system is at the user's own risk. ~~WVDE is not responsible for the accuracy and quality of information obtained through the system.~~

5.4.i. The WVDE will provide appropriate telecommunications assistance, West Virginia Education Information System (WVEIS) support and other services addressed in state policies and statutes.

~~5.5. RESA responsibilities include supporting the WVBE and WVDE in carrying out state and federal contracts, policies and legislation relating to electronic resources, technologies and the Internet, such as, but not limited to:~~

~~5.5.a. RESAs may support respective counties served in providing professional development to implement Policy 2520.14.~~

~~5.5.b. RESAs will provide timely and appropriate repair, telecommunications assistance, West Virginia Education Information System (WVEIS) support and other services addressed in state policies and statutes.~~

5.65. County District boards of education responsibilities:

5.65.a. All county districts boards shall have a county district technology team and an annual comprehensive strategic technology plan ~~that is included as part of the five Year Online strategic plan.~~ In addition to the county-district technology director/contact, it is recommended the technology team include representatives from areas of ~~should be representative of areas including~~ instruction, finance, facilities, personnel and others as designated by the county-district.

5.65. b. Policy 2520.14 shall be included in all programs of study and at all grade levels. Electronic storage of educational material should comply with local guidelines and section 4.4.a.6 of this procedure.

5.65.c. ~~County Districts boards~~ shall, whenever possible, make available facilities and technology to accommodate distance learning and access to virtual courses provided through the West Virginia Virtual School (WVVS) ~~and or~~ approved course providers.

5.65.d. ~~County Districts boards, in cooperation with schools, shall, to the extent practicable and as funds and other resources are available,~~ may provide students (including those enrolled in adult basic education), teachers, parents, and citizens access to technology in the public schools during non-school hours and in accordance with E-rate guidelines and network security best practices.

5.65.e. ~~County Districts boards~~ shall provide professional development in the use of technology and its application in the teaching and learning process.

5.65.f. ~~County Districts boards~~ shall implement appropriate policies to help ensure the safety of the students and acceptable use of electronic resources, technologies and the Internet. ~~Districts boards~~ ~~and~~ are encouraged to define a student code of conduct or set of responsibilities to include in acceptable use policies. The WVDE strongly recommends student and teacher Acceptable Use Policies be reviewed and accepted annually by users and/or guardians.

5.65.g. ~~County Districts boards~~ shall provide adequate technology personnel to implement appropriate policies and ~~manage county-district/school networks~~ to help ensure the safety of students and acceptable use of electronic resources, technologies and the Internet.

5.65.h. In accordance with W. Va. Code, school aid formula and local funding opportunities, ~~county districts boards~~ shall provide support for schools to employ Technology Integration Specialists (TIS) and Technology Systems Specialist (TSS). The role of the TIS is to ~~implement and aid educators with technology integration and fluency.~~ The role of the TSS is to ~~manage/repair school local area networks and connected devices.~~ Employment of it is highly important to have adequate technology personnel at each school is important to ensure the safety of students and acceptable use of electronic resources, technologies, and the Internet; to implement school policies through technology integration/fluency; and to manage/repair school local area networks, software and hardware. ~~It is imperative to have adequate technology personnel at the school level to implement school policies through technology integration/fluency by the TIS and manage/repair school local area networks through TSS and to ensure the safety of students and acceptable use of electronic resources, technologies and the Internet.~~

5.65.i. The use and administration of a network server for Internet connection within a ~~county district~~ or school is the responsibility of the designated/approved educator(s) and administrator(s) at the location of the server. It is their responsibility to ensure that all activities and/or functions of the server involve appropriate school activities. All administrative functions and/or file maintenance, including but not limited to service patches, updates, and malware detection software, to the server are the responsibility of the designated/approved educator/administrator serving that location.

5.65.j. All remote access to servers located at a ~~county-district~~ or school building and connected to a wide area network and/or the Internet is the responsibility of the administrator(s) and/or educator(s) identified as responsible for the servers. Remote access of any kind is to be used only when specific educational goals have been identified and is not to be in direct competition with local Internet service providers. Additionally, remote access to servers all remotely accessed servers must be in accordance ~~not conflict~~ with federal, state and local guidelines for appropriate Internet access.

5.65.k. Server administrators or technical contacts requesting domain names for local servers must apply to the WVDE through an application process. Those receiving a domain name must follow all guidelines detailed as part of the application process, including the adoption of a current safety and acceptable use policy.

5.65.l. The WVDE and approved service provider(s) can ~~monitor~~ support only the e-mail accounts issued to the "access.k12.wv.us" server, which is administered by the WVDE and approved provider(s). ~~Non "access.k12.wv.us"~~ E-mail accounts not provided or approved by the WVDE should not be used for school/educational purposes. All liability for ~~any non "access.k12.wv.us"~~ email accounts not provided or approved by the WVDE lies with the administrator(s) and/or educator(s) responsible for student utilization of alternative accounts or the administrator(s) and/or educator(s) identified as responsible for the server being used.

5.65.m. Districts, schools, educators, and staff may publish ~~Only publish~~ student pictures, video images or names on class, school or district web sites and social media only when such elements are designated by district policy as directory information in accordance with FERPA and Policy 4350. Parental consent/permission should be obtained (e.g. through photo release forms). ~~that are part of the district/school directory information or when appropriate permission has been obtained. (See also Policy 4350.)~~ Schools and districts should develop local policies regarding online publishing of student information that applies to staff, students, and volunteers.

5.65.n. Districts and schools subject to CIPA may not receive the E-rate discounts without certifying ~~unless they certify that~~ they have an Internet safety policy that includes technology protection measures. The WVDE provides protective ~~The protection~~ measures ~~must block or for filtering of~~ Internet access to ~~pictures content that are~~ is: (a) obscene; (b) child pornography; or (c) harmful to minors. Districts may choose to provide additional levels of protection.

5.65.o. Before adopting an Internet safety policy, districts and schools must provide reasonable notice and hold at least one public hearing or meeting to address the acceptable use policy.

5.65.p. Districts and schools are subject to CIPA and are required to adopt and implement an Internet safety policy addressing pursuant to federal law (47 U.S.C. 254). ~~:(a) access by minors to inappropriate matter on the Internet; (b) the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications; (c) unauthorized access, including so-called "hacking," and other unlawful activities by minors online; (d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (e) measures restricting minors' access to materials harmful to them.~~

5.65.q. District Internet safety policies must include the monitoring and filtering of the online activities of ~~students~~ all users. Internet safety policies must provide for educating ~~students~~ all users about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response. Pursuant to section 5.4.g. WVDE will provide guidance for such activities. The WVDE provides a method and curriculum modules that allow districts/schools to certify compliance with this FCC regulation. (See section 5.4.i. for details and <http://wvde.state.wv.us/technology/cipa-compliance.htm>)

5.65.r. District/school equipment is subject to existing rules and policies whether onsite or offsite.
~~that is used off site is subject to the same rules as when used on site.~~

5.65.s. Students and staff are expected to use state, district, and school-owned technology in a responsible, efficient, ethical, and legal manner in accordance with the educational mission of the state, district, and school. The use of such technologies may be restricted or revoked for inappropriate behavior or use.

5.65.t. Students and staff are encouraged to use district and school equipment whenever possible. Districts may permit the use of personal devices (e.g. cell phones, smart phones, tablets, digital cameras, MP3 players, and laptops) pursuant to local policies and guidelines. Unauthorized or unacceptable use of personal technology devices ~~by students~~ may result in suspension or revocation of personal device privileges. These uses include, but are not limited to, the following:

5.65.t.1. Using personal devices to gain or give an advantage in a testing situation.

5.65.t.2. Using unapproved ~~Using~~ personal devices during class. ~~that are not approved by the school or the individual teacher (e.g. cell phones, smart phones, tablets, digital cameras, MP3 players, and laptops).~~

5.65.t.3. Downloading and installing district licensed software on personal devices unless specifically allowed by the licensing agreement.

5.65.t.4. Using personal devices to bypass filtering, circumvent network security, or in violation of the acceptable use standards which normally apply to district-owned technology.

5.65.t.5. Using personal devices for violations related to cyber bullying and harassment.

5.65.u. Districts/schools should provide professional development ~~and classroom teaching for staff and classroom instruction for students~~ regarding the compliance of copyright laws. (See ~~also~~ <http://wvde.state.wv.us/technology/policy2460.php> and §126-41-9 of this procedure. Copyright.)

~~5.6.v. Keep educational files and e-mail messages stored on servers to a minimum. Users should responsibly back up their data and files. Counties may set individual storage limits per server.~~

5.76. School responsibilities:

5.76.a. ~~Local School Improvement Councils shall include in the Five Year Online Strategic Plan mechanisms to foster the use, to~~ To the extent practicable and as funds and other resources are available, schools should foster the use of school facilities for the purpose of accessing technology, by students, teachers, parents and citizens during non-school hours and in accordance with E-rate guidelines and network security best practices.

5.76.b. Every school shall have a school technology team and a comprehensive technology plan, ~~that is part of the Five Year Online Strategic Plan.~~ Schools may choose to have the Local School Improvement Council (LSIC), ~~or~~ the faculty senate, or the curriculum team serve as the technology team.

~~5.76.c. Policy 2520.14 shall be taught and utilized throughout all the programs of study and at all grade levels. Schools must follow the guidelines of CIPA and the Children's Online Privacy Protection (COPPA) federal statutes.~~

~~5.76.d. Schools shall provide the Five-Year Online Strategic Plan will include necessary professional development to enable teachers to incorporate technology into the classroom.~~

~~5.76.e. With connections to computers and people all over the world also comes the availability of material that may not be considered to be appropriate or have educational value. On a global network, it is impossible to restrict access to all controversial materials. It is the responsibility of the student, parent, teacher, and administrator to follow the acceptable use policies, as well as state and federal laws, so that access to telecommunication networks, computers and the Internet provided by the school, county district, RESA and state educational systems is not abused.~~

~~5.76.f. Schools must enforce the use of filtering or electronic technical protection measures during any use of the computers/devices to access the Internet. Encryption is required of all wireless access points. For E-rated Internet access provided via the K-12 network or otherwise is required.~~

~~5.7.g. Schools must follow the guidelines of CIPA and the Children's Online Privacy Protection federal statutes (COPPA).~~

~~5.7.h. See also school responsibilities that may be listed in association with county boards of education and district responsibilities (section 5.6) and educator, service personnel and staff responsibilities (section 5.8).~~

5.87. Educator, service personnel and staff responsibilities:

~~5.87.a. Collaboration, resource sharing, and student/teacher, student/student, and teacher/parent dialogue can all be facilitated by the use of social media and other electronic communication. Such interactivity outside of the school walls can greatly enhance face to face classes. However, it is imperative that a clear line be drawn between personal social networking and professional/educational networking to protect the safety of the students and the integrity of educational professionals and service staff.~~

~~5.87.b. In order to assist educators in maintaining a professional relationships with students and to avoid situations that could lead to inappropriate relationships between school personnel adults and students, the following regulations apply to all adults who have contact with students due to their work on behalf of an education agency, school personnel in public schools, and RESAs, and to employees of the WVBE and WVDE. Failure to adhere to these regulations may result in disciplinary action and/or loss of licensure:~~

~~5.87.b.1. School personnel Adults will maintain a professional, ethical relationships with all school students, both inside and outside the classroom and while using any form of social media and other electronic communication. Unethical conduct includes but is not limited to committing any act of harassment as defined by WVBE and/or district policy; committing or soliciting any sexual act from any minor or any student regardless of age; soliciting, encouraging, or consummating a romantic or inappropriate relationship with a student, regardless of the age of the student; using inappropriate~~

language including, but not limited to, swearing and improper sexual comments; taking inappropriate pictures (digital, photographic or video) of students or exchanging any inappropriate pictures with students; or engaging in any other behaviour that constitutes a violation of district or county policy or that is detrimental to the health and welfare of students.

5.87.b.2. The viewing, storing, ~~transmission~~ ~~transmitting~~, or downloading of pornography or sexually suggestive or sexually explicit material or text on a work ~~provide~~ computer or other ~~work provided~~ electronic storage or communication device or service, whether at home or at work, by school personnel or anyone else to whom the school personnel has made the computer or other electronic storage or communication device available, is prohibited. This same prohibition applies to a personal computer or other electronic storage or communication device while at school or a school activity.

5.87.b.3. All information stored within work computers or servers is the property of the state, ~~county~~ district or school, and the personnel using such computers/servers/networks have no expectation of privacy with respect to its contents.

5.87.c. ~~With appropriate professional development~~ eEducators will promote and model acceptable use, digital citizenship and online responsibility to support personalized learning and digital-age assessments to meet the applicable educational learning policies, ~~including Policy 2520-14~~, for all students.

5.87.d. Teachers, specialists, and other supervising adults will teach and discuss the appropriate use of electronic resources, technologies and the Internet with their students, monitor their use, and intervene if the uses are not acceptable.

5.87.e. School personnel who receive information via any electronic resource, including a social networking site, that falls under the mandatory reporting requirements of W. Va. Code ~~§49-6A-2~~ 49-2-803, must report as indicated in W. Va. Code law requires.

5.87.f. Staff members shall not use materials in violation of copyright law or contrary to terms of use provided by the owner of the materials, ~~should be careful not to use copyrighted material in a manner that violates copyright law.~~ WVDE assumes no liability for local violations of copyright law.

5.87.g. School personnel are responsible for protecting their passwords associated with their computers and e-mail address and must not make them accessible to others.

§126-41-6. Use of Electronic Resources, Technology and the Internet.

6.1. Overview of Use:

6.1.a. ~~Unauthorized, or unacceptable, or unsafe use of the Internet or any safety violations as part of an educational program by students, educators or staff may result in suspension or revocation of such use access privileges.~~

6.1.b. Each student ~~who will access~~ accessing the Internet will be provided acceptable use training and shall have an acceptable use form, signed by a parent or legal guardian, on file at the ~~county~~ district/school.

6.1.c. The WVDE provides the network system, e-mail accounts, and Internet access as tools for education and administration in support of the WVBE's mission. ~~including student mastery of rigorous subject matter content and acquisition of global skills.~~ Therefore, ~~Users should~~ have no expectation of privacy. ~~and the~~ The WVDE reserves the right to monitor, inspect, investigate, copy, review and store, without prior notice, information about the content and usage of any and all information transmitted or received in connection with networks, e-mail use, and web-based tools.

~~6.1.c.1. The network and system files;~~

~~6.1.c.2. User files and disk space utilization;~~

~~6.1.c.3. User applications and bandwidth utilization;~~

~~6.1.c.4. User document files, folders and electronic communications;~~

~~6.1.c.5. E mail;~~

~~6.1.c.6. Internet access; and~~

~~6.1.c.7. Any and all information transmitted or received in connection with networks, e-mail use and web-based tools.~~

6.1.d. No student or staff user should have any expectation of privacy when using the district's network or equipment. The WVDE reserves the right to disclose any electronic message, files, media, ~~etc.~~, and other information to law enforcement officials or third parties as appropriate.

6.1.e. No temporary accounts will be issued, nor will a student or staff use an Internet account not specifically created for him or her, ~~that allows anonymous posting~~. Based upon the acceptable use and safety guidelines outlined in this document, the WVDE, State Superintendent of Schools, and ~~provider(s)~~ WVDE system administrators will determine what is appropriate use is, and their decision is final.

6.1.f. ~~The system administrator and/or local teachers may deny users access for inappropriate use.~~ Violation of use policies could result in loss of access, personal payment of fees incurred, employment discipline, licensure revocation and/or prosecution. Other consequences for students violations may ~~also~~ be found in Policy 4373.

6.1.g. ~~The WVDE's administrative information systems, including the West Virginia Education Information System WVEIS, are to be used exclusively for the business of the respective state, (county) and school organizations. All information system data are records of the respective organizations. The WVDE reserves the right to access and disclose all data sent over its information systems for any purposes. All staff must maintain the confidentiality of student data in accordance with The Family Educational Rights and Privacy Act FERPA (20 U.S.C. 5 1232g; 34 CFR Part 99). Administrative information systems, including WVEIS, are to be used exclusively for educational purposes. Ownership of student, personnel, and financial records remains with the agency with primary responsibility for maintenance of the information. WVDE reserves the right to access data maintained in or transmitted over state supported information systems and disclose it as appropriate for legitimate purposes. All staff must maintain the confidentiality of student data in accordance with FERPA and Policy 4350.~~

6.1.h. ~~For reasons of privacy, employees~~ Employees may not attempt to gain access to another employee's files in the WVDE's information systems. ~~However, the~~ The WVDE reserves the right to enter an employee's information system files whenever there is a business legitimate need to do so.

6.1.i. ~~Any of these~~ These guidelines ~~are to~~ may be cognizant of and superseded by FERPA and other appropriate federal and state laws to the extent that such laws are more restrictive.

6.2. Acceptable Use:

6.2.a. The use of the electronic resources, technologies, and the Internet must be in support of education and consistent with the educational goals, objectives and priorities of the WVBE. Use of other networks or computing resources must comply with the rules appropriate for that network and for copyright compliance. Users must also ~~be in compliance~~ comply with the rules and regulations of the network provider(s) serving West Virginia ~~counties~~ districts and schools.

6.2.b. The use of telecommunications and/or access to the Internet is an extension of the students' responsibility in the classroom and must follow all federal and state laws as well as state and local policies.

6.2.c. State, district, and school-owned technology is to be used to enhance learning and teaching as well as improve the operation of the district and school.

6.2.d. Safety measures must be enforced to carry out policies at the state, ~~RESA, county, district,~~ and school, to implement the intent of CIPA, COPPA, E-rate guidelines, FERPA, and any other applicable state and federal statute and policy, See also including but not limited to Policy 4373 and W. Va. Code §18-2C-3.

6.2.e. Acceptable network use by students and staff includes, but may not be limited to the following:

6.2.e.1. Creation of files, projects, and various media products ~~videos, web pages and podcasts~~ using network resources in support of student personalized ~~academic~~ learning and educational administration;

6.2.e.2. Appropriate participation in school-sponsored sites and online groups; ~~blogs, wikis, web 2.0+ tools, social networking sites and online groups;~~

6.2.e.3. ~~With parental permission, the~~ The online publication of educational material for instructional purposes and, with parental permission, student work. ~~original educational material, curriculum related materials and student work. Sources outside the classroom or school must be cited appropriately;~~ As required by copyright law, external sources must be cited.

6.2.e.4. Incidental personal use by staff ~~Staff use of the network for incidental personal use in accordance with all~~ not contrary to district/school policies and guidelines.

6.2.f. ~~At no time should a student be given administrative responsibilities for a server with a wide area network or Internet connection.~~

6.3. Unacceptable Use:

6.3.a. Inappropriate use or transmission of any material in violation of any ~~U.S.~~ federal or state law or regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening, abusive, or obscene material, or material protected by trade secrets.

6.3.b. Use for commercial activities by for-profit institutions is not acceptable.

6.3.c. Use for product advertisement or political lobbying is also prohibited.

6.3.d. Illegal activities and privacy and safety violations of COPPA, CIPA, and FERPA are strictly prohibited.

6.3.e. Specific examples of unacceptable and/or unauthorized use include, but are not limited to:

6.3.e.1. Viewing, creating, accessing, uploading, downloading, storing, sending, or distributing obscene, pornographic, or sexually explicit material.

6.3.e.2. Downloading, uploading and/or executing viruses, worms, Trojan horses, time bombs, bots, malware, spyware, SPAM, ~~etc.~~, and changes to tools used to filter content or monitor hardware and software.

6.3.e.3. Using e-mail and other electronic user identifications (IDs)/passwords other than one's own or for unauthorized purposes. ~~Passwords are the first level of security for a user account. E-mail and system logins and accounts are to be used only by the authorized owner of the account, for authorized purposes.~~ Students and staff are responsible for all activity on their account and must not share their account IDs and passwords.

6.3.e.4. Illegally accessing or attempting to access another person's data or personal system files or unauthorized access to other state/district/school computers, networks and information systems.

6.3.e.5. Supplying your password to others, ~~and user information to any electronic request or sharing them with others via any other communications.~~

6.3.e.6. Storing passwords in a file without encryption.

6.3.e.7. Using the "remember password" feature of Internet browsers and e-mail clients.

6.3.e.8. Leaving the computer without locking the screen or logging off.

6.3.e.9. Corrupting, destroying, deleting, or manipulating system data with malicious intent.

6.3.e.10. Requesting that inappropriate material be transferred.

6.3.e.11. Violating safety and/or security measures when using ~~e-mail, chat rooms, blogs, wikis, social networking sites, Web 2.0 tools and other~~ any form of electronic communications.

6.3.e.12. Hacking, cracking, vandalizing, or any other unlawful online activities.

6.3.e.13. Disclosing, using, or disseminating personal information regarding students.

6.3.e.14. Cyber bullying, sending hate mail, defamation, harassment of any kind, discriminatory jokes and remarks and other unauthorized uses as referenced in, including but not limited to, Policy 4373 and other applicable federal and state statutes. ~~policies or other policies and laws.~~

6.3.e.15. Personal gain, commercial solicitation, and compensation of any kind.

6.3.e.16. Any activity which ~~may result~~ results in liability or cost incurred by the district.

6.3.e.17. Unauthorized downloading, copying, installing and/or executing non-educational gaming, audio files, video files or other applications (including shareware or freeware) without permission or approval.

6.3.e.18. Campaigning, lobbying, or other activity via state supported platforms in support ~~Support~~ or opposition for political activity or issues, including but not limited to, ballot measures, candidates, or legislative proposals. ~~and any other political activity.~~

6.3.e.19. Posting, sending, or storing information ~~information posted, sent or stored online that could threaten or endanger others (e.g., bomb construction, drug manufacture, etc.).~~

6.3.e.20. Engaging in plagiarism ~~Plagiarism~~ or reproducing/repurposing media audio/video without permission/consent.

6.3.e.21. Attaching unauthorized equipment to the district or school networks or network connected devices. Any such equipment may be confiscated and/or turned over to law enforcement officers for potentially violating a potential violation of W. Va. Code §61-3C-5, Unauthorized Access To Computer Services.

6.3.e.22. Attaching unauthorized equipment or making unauthorized changes to the state backbone network. Unauthorized equipment may be confiscated and/or ~~may~~ turned over to law enforcement officers for potentially violating a potential violation of W. Va. Code §-61-3C-5, Unauthorized Access To Computer Services. Only WVDE network personnel may authorize changes which affecting the state backbone network.

6.3.e.23. Vandalizing technology equipment or data. ~~Vandalism is defined as any attempt to harm or destroy data of another user or to intentionally damage equipment or any connections that are part of the Internet. This includes, including but is not limited to, uploading, downloading, or creating computer viruses or malware.~~ Vandalism ~~will~~ may result in revocation of user privileges and/or prosecution.

6.3.e.24. Uses related to or in support of illegal activities. ~~will be reported to authorities.~~

6.3.e.25. Provision of administrative responsibilities for a server with a wide area network or Internet connection to a current PreK-12 student outside of a laboratory environment, as with career and technical education computer related courses.

§126-41-7. Network.

7.1. The statewide network, the ~~county-~~ district wide area networks (WANs), and school local area networks (LANs) include wired and wireless computers, peripheral equipment, routers, switches, servers, files, storage devices, e-mail, Internet content, digital tools, ~~(blogs, web sites, web mail, groups, wikis, etc.)~~ and any other equipment which communicates via network connections. ~~These components are utilized to provide access to electronic resources, technologies and the Internet.~~

7.2. The WVDE reserves the right to prioritize the use of and access to the statewide network. Districts may also prioritize local traffic within WANs and LANs consistent with WVDE guidelines.

7.3. All use of the network must support instructional and administrative purposes and be consistent with WVBE policies, WVDE guidelines, E-Rate regulations, and federal and state statutes ~~state and federal laws.~~

7.4. WVDE, approved service providers, and other state agencies operate the statewide infrastructure to provide Internet access for all ~~public~~ schools under the ~~jurisdiction~~ supervision of the WVBE. In accordance with state purchasing guidelines, filtering will be installed at the state network level at the two points of presence (POPs) for Internet access. This will provide filtering for all public schools in a cost effective manner and with efficient management. Providing this service at the state level enables districts to meet CIPA and E-Rate guideline requirements for filtering.

7.5. The district and/or schools may also add additional electronic filters at the local network levels. Other objectionable material may be filtered. The determination of what constitutes "other objectionable" material is a local decision.

7.6. Schools must enforce the use of the filtering or electronic technical protection measures during any use of the network and computers/devices to access the Internet.

7.7. To avoid duplication of effort at the district/school levels, the WVDE will provide a method and instructional modules that allow districts/schools to certify compliance with the ~~new~~ current FCC regulations regarding Internet safety policies. ~~The policies must provide for educating students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response.~~ Instructional information regarding the WVDE method and curriculum content for certifying that students have been educated about appropriate online behavior can be found at <http://wvde.state.wv.us/technology/cipa-compliance.html>. ~~This WVDE method will provide documentation that districts have met the annual E-rate compliance requirements of educating students regarding appropriate use.~~

§126-41-8. Filtering.

8.1. Appropriate filtering must be maintained to meet E-rate guidelines. ~~Because filtering~~ Filtering software is not 100% effective, ~~while filters make it more difficult for objectionable material to be~~

~~received or accessed, filters are not a solution in themselves. Every~~ every user must take responsibility for his or her use of the network and Internet and avoid objectionable sites.

8.2. Any attempts to defeat or bypass the state's Internet filter or conceal Internet activity are prohibited. This includes, but is not limited to, proxies, https, special ports, modifications to state browser settings, and any other techniques designed to evade filtering or enable ~~the publication of~~ inappropriate content.

8.3. E-mail inconsistent with the educational missions of the state, district, or school will be considered SPAM and blocked from entering e-mail boxes.

8.4. Appropriate adult supervision of Internet use must be provided. The first line of defense in controlling access by students to inappropriate material on the Internet is deliberate and consistent monitoring of student access and use of equipment.

8.5. Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct and assist effectively in filtering and acceptable use issues.

~~8.6. Appropriate filtering must be maintained to meet E rate guidelines. (See also section 7.5.)~~

§126-41-9. Copyright.

9.1. Copyright laws protect the rights of people who create intellectual property by providing the creator with exclusive rights to license, sell, or use the works. A creator owns the rights of reproduction, adaptation, distribution, public performance, public display, digital transmission, and moral rights. Violation of copyright laws may expose the user, district, or school to legal action and/or financial penalties.

9.2. Downloading, copying, duplicating, and distributing software, music, sound files, movies, images or other copyrighted materials without the specific written permission of the copyright owner is generally prohibited. ~~However, the duplication and distribution of materials for educational purposes are permitted if and when such duplication and distribution fall within~~ Consult the Fair Use Doctrine of the United States Copyright Law Act, (Title 17, United States Code <http://copyright.gov/title17>) (17 U.S.C. §101-810), for guidance about using such material in an educational context and content is cited appropriately.

~~9.3. The doctrine of fair use for education has developed through court decisions over the years. It has been codified in Section 107 of the United States Copyright Law (Title 17, United States Code), and lists four factors to be considered in determining whether or not a particular use is fair:~~

~~9.3.a. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes.~~

~~9.3.b. The nature of the copyrighted work.~~

~~9.3.c. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.~~

~~9.3.d. The effect of the use upon the potential market for, or value of, the copyrighted work.~~

9.34. To discourage violation of copyright laws, the following compliance requirements are specified:

9.4.3.a. Employees and students are expected to adhere to the copyright laws.

9.4.3.b. Appropriate software licenses will be obtained for use in a network server system or other multi-access use.

9.4.3.c. Programs available through the statewide provisions of technology implementation must comply with stipulations of the various purchase agreements.

9.4.3.d. ~~Illegal/Unauthorized copies duplication of copyrighted material and/or use of such unauthorized material programs shall not be made or used on~~ on state, RESA, district, or school equipment ~~or networks is prohibited.~~ (See also section 9.2.)

9.4.3.e. Students are to be taught the ethical and practical ~~problems~~ implications and consequences of plagiarism and software/media piracy.

9.4.3.f. Employees will be provided yearly reminders of their responsibility through a ~~county district~~ chosen procedure to adhere to and enforce the copyright laws and will be provided in-service training if necessary.

9.4.3.g. Educators and students should perform due diligence by reviewing user agreements including, but not limited to, the Terms and Conditions, Terms of Use, End User License Agreements (EULA), and Copyright, etc. prior to utilizing content from resources and software licenses to ensure compliance with that they are not violating the Terms of the user agreements and Conditions agreed to of said resource. While Fair Use (Section 107 of the United States Copyright Law, Title 17, United States Code) does allow for some utilization of content, Terms and Conditions may specify the use allowed that ~~would not be defined under Fair Use.~~ (e.g., YouTube does not permit the downloading of video content for use. While showing the video in the classroom could be claimed under Fair Use, the downloading would be prohibited under the terms and conditions and is not defined by Fair Use.)

9.5.4. Under federal law, employees violating the copyright laws may be subject to fines, confiscation of material, and other prosecution. Violations may also result in the employee's suspension and/or dismissal ~~for insubordination under W. Va. Code § 18A-2-8.~~

§126-41-10. Web Publishing.

10.1. The WVDE recognizes the educational benefits of publishing information on the Internet by school personnel and students. The WVDE also recognizes the importance of guidelines that address content, overall responsibility, potential contributors, quality, technical standards, copyright laws, and student protection. In addressing these issues, the WVDE recommends that each county district and/or school adopt local policies that are consistent with, but not limited to, the following web publishing guidelines:

10.1.a. ~~The "official" district/school web site may be administered by the district/school designated authority.~~

10.1.ba. ~~Appropriate educational permission must be obtained for student web pages published within the West Virginia public K-12 intranet and from a public K-12 site to the Internet.~~

10.1.eb. ~~Helping a community organization develop a web site could be a learning experience/project for students. However, housing a community web site on a school/county-district server will take K-12 bandwidth and is not recommended and may violate E-rate or other regulations.~~

10.2. Web site content should:

10.2.a. ~~Be~~ appropriate, in good taste, and not harmful to any individual or group.

10.2.b. ~~Be~~ grammatically correct, accurately spelled, and have a pleasing appearance.

10.2.c. ~~Follow~~ FERPA, state, district, and school regulations when using student pictures and names. Parental permission should be obtained, and districts/schools must respect parental refusals. Internet guidelines stress the importance of not publishing personally identifiable information ~~the last names~~ of students. ~~Nicknames may be used in place of the given name. Personal information, such as home address, home telephone, credit card information, mother's maiden name, and other personal information should not be published.~~

10.2.d. ~~Comply~~ with WVBE policies and regulations.

10.2.e. ~~Include~~ information such as an e-mail address of the responsible contact person, copyright, and the last date updated ~~should be included.~~

10.2.f. ~~Remain~~ current, be accurate, and incorporate easy and user-friendly navigation through the site ~~should be easy and user-friendly.~~

10.2.g. ~~Restrict~~ business/commercial links or the acknowledgment of a business on a school/county-district web site to business partners and/or materials that are educational, provide technical support, or are germane to the educational mission philosophy of the school/county-district. Advertising of commercial offerings is prohibited ~~forbidden.~~

10.2.h. ~~Comply~~ with copyright, intellectual property, state, and federal statutes (specifically COPPA and CIPA) and international law.

10.2.i. ~~Include~~ the permission granted statement (~~who, time period, etc.~~) for all copyrighted materials.

10.3. Consult the World Wide Web Consortium (W3C) for additional web publishing standards including accessibility guidelines.

~~10.4. The W3C Web Accessibility Initiative (WAI) develops Web accessibility guidelines. More information is available at <http://www.w3.org/WAI/intro/components.php>.~~

§126-41-11. Implementation.

~~11.1. County Boards of Education: Districts will ensure implementation of this policy by adopting their own district/school policies regarding acceptable use of electronic resources, technologies and the Internet.~~

~~11.1.a. County boards of education will ensure implementation of this policy by adopting their own county/school policies regarding acceptable use of electronic resources, technologies and the Internet.~~

11.2. The WVDE shall:

11.2.a. ~~The WVDE shall provide~~ technical assistance to support ~~RESAs, counties~~ districts, and schools in developing and implementing local use policies.—~~RESAs may also provide professional development support to counties and schools in addressing acceptable use.~~

11.2.b. ~~The WVDE shall assist~~ counties districts and schools with revisions of annual comprehensive technology plans ~~the Five Year Online Strategic Plans~~ associated with technology implementation and the West Virginia State Technology Plan.

~~§126-41-12. Incorporation by Reference.~~

~~12.1. A copy of the West Virginia Educational Technology Plan is incorporated by reference and may be <http://wvde.state.wv.us/technology/techplan/index.php>.~~

~~12.2. E-rate. A list of E-rate compliances will be at <http://wvde.state.wv.us/technology>.~~

~~12.3. Guidance procedures to address definitions, technological changes, best practices and FAQs. See: <http://wvde.state.wv.us/technology/policy2460.php>.~~

~~§126-41-132. Severability.~~

~~132.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.~~

126CSR41

POLICY 2460, Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet

COMMENT PERIOD ENDS: December 11, 2017

COMMENT RESPONSE FORM

NOTICE: Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.

The following form is provided to assist those who choose to comment on Policy 2460: Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet. Additional sheets may be attached, if necessary.

Name:

Organization:

Title:

City:

State:

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS
§126-41-1. General.
§126-41-2. Purpose.

126CSR41

§126-41-3. Educational Purposes.

§126-41-4. Digital Citizenship.

§126-41-5. Accountability and Responsibility.

§126-41-6. Use of Electronic Resources, Technology and the Internet.

§126-41-7. Network.

§126-41-8. Filtering.

126CSR41

§126-41-9. Copyright.

§126-41-10. Web Publishing.

§126-41-11. Implementation.

§126-41-12. Incorporation by Reference.

§126-41-13. Severability.

Repeal of Policy 2470. March 2470, Use of Technology by Students and Educators

Repeal of Policy 5711. Copyrighted Protected Computer Software, Print and Non-Print Media

126CSR41

Please direct all comments to:
Lori Whitt, Assistant Director
Office of Technology Integration and Support
West Virginia Department of Education
Capitol Building 6, Room (825)
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: lwhitt@k12.wv.us
Fax No.: (304) 558-7880