

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In this Box

**FILED**

AUG 18 9 37 AM '94

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126  
RULE TYPE: Legislative; CITE AUTHORITY W.Va. Constitution, Article XII,  
§2, W.Va. Code §18-2-5  
AMENDMENT TO AN EXISTING RULE: YES  NO   
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_  
TITLE OF RULE BEING AMENDED: \_\_\_\_\_  
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 41, Policy 2460  
TITLE OF RULE BEING PROPOSED: Use of Internet by Students and  
Educators

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 19, 1994 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Brenda Williams, Assistant Director  
Office of Technology and Information Systems  
West Virginia Department of Education

Capitol Building 6, Room 346  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Victor A. Barone  
Victor A. Barone, Legal Services

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

380

AUGUST 10, 1994

EXECUTIVE SUMMARY  
WEST VIRGINIA BOARD OF EDUCATION

POLICY NUMBER AND TITLE: Policy 2460  
Use of the Internet by Students and Educators

PUBLIC COMMENT PERIOD ENDS: 9/19/94 ADOPTED: \_\_\_\_\_

BACKGROUND:

As the use of telecommunication networks by students and educators increases, there is a need to clarify acceptable use of those networks.

PURPOSE:

Policy 2460 would establish terms and conditions for the use of the Internet and would specify penalties for misuse.

CONTENTS:

Policy 2460 proposes regulations for the use of the Internet. It addresses acceptable use, privileges, network etiquette, reliability, security, and vandalism.

IMPACT:

Policy 2460 would provide a clear understanding of acceptable use and the consequences of misuse for students and educators.

## POLICY 2460

### Use of the Internet by Students and Educators

The Internet is an electronic highway connecting thousands of computers all over the world and millions of individual subscribers. Access to the Internet will provide students and educators with:

- electronic mail communication
- information and news services
- public domain and shareware software of all types
- discussion groups on a variety of subjects
- connections to many libraries, companies, agencies, and businesses

With connections to computers and people all over the world also comes the availability of material that may not be considered to be of appropriate educational value. On a global network, it is impossible to restrict access to controversial materials. It is the responsibility of the student, parent, teacher and administrator to ensure that access to telecommunication networks and computers provided by the school system is not abused.

FISCAL NOTE WORKSHEET

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Use of the Internet by Students and Educators FUND General

SOURCE OF REVENUE:  GENERAL  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 0	\$ 0	\$ 0		
PERSONAL SERVICES	\$	\$			
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

**IMPACTS**

**FISCAL:** This policy has no fiscal impact.

**STATE**

**STAFF:** This policy has no impact on state staff.

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

8/17/94

West Virginia Department of Education

Wm. Leaflet / BJ

FILED

AUG 18 9 37 AM '94

TITLE 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
Chapter 18-2

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Policy 2460  
Series 41

TITLE: Use of Internet by Students and Educators

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SECTION 1.0 General

- 1.1 Scope - This legislative rule establishes criteria for the use of the Internet by students and educators in West Virginia.
- 1.2 Authority - The authority for this legislative rule is established in the West Virginia Constitution, Article XII, Section 2, and in West Virginia Code §§18-2-5.
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Amendments -

SECTION 2.0 Use

2.1 Acceptable Use

The purpose of NSFNet, which is the Internet backbone network, is to support research and education in and among academic institutions in the U.S. by providing access to unique resources and the opportunity for collaborative work. The use of the Internet must be in support of education and consistent with the educational objectives of the West Virginia Board of Education. Use of other networks or computing resources must comply with the rules appropriate for that network. Users must also be in compliance with the rules and regulations of West Virginia Network for Educational Telecomputing (WVNET) policies: "WVNET Telecommunications Policy" and "WVNET Computer Abuse Policy."

Transmission of any material in violation of any U.S. or state law or regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected by trade secrets. Use for commercial activities by for-profit institutions is generally not acceptable. Use for product advertisement or political lobbying is also prohibited. Illegal activities are strictly prohibited.

## 2.2 Privileges

The use of the Internet as part of an educational program is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. Each student who will access the Internet will be part of a discussion group with teachers pertaining to the proper use of the network. Based upon acceptable use guidelines outlined in this document, the West Virginia Department of Education (WVDE) and West Virginia Network for Educational Telecomputing system administrators will deem what is inappropriate use and their decision is final. Also, the system administrators and/or local teachers may deny user access at any time as required.

## 2.3 Network Etiquette

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

- Be polite. Do not write or send abusive messages to others.
- Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
- Do not reveal the personal home address or phone numbers of students or colleagues.
- Note that electronic mail (e-mail) is not guaranteed to be private. Messages relating to or in support of illegal activities may be reported to the authorities.
- Do not use the Internet in such a way that would disrupt the use of the Internet by other users (e.g. downloading huge files during prime time; sending mass e-mail messages; annoying other users).

## 2.4 Reliability

The WVDE and WVNET make no warranties of any kind, whether expressed or implied, for the service being provided. The WVDE and WVNET will not be responsible for any damages. This includes loss of data or service interruptions. The use of any information obtained via the system is at the user's own risk. WVDE and WVNET deny any responsibility for the accuracy or quality of information obtained through the system.

## 2.5 Security

Users who identify a security problem on the system must notify a system administrator. Users must not demonstrate the problem to other users. Users must not use another individual's account nor give their password to others. Attempts to log into the system as any other user will result in cancellation of user privileges. Attempts to log into any system as a system administrator will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access.

## 2.6 Vandalism

Vandalism will result in cancellation of privileges. Vandalism is defined as any attempt to harm or destroy data of another user, or any connections that are part of the Internet. This includes, but is not limited to, uploading, downloading or creating computer viruses.

## SECTION 3.0 Implementation

### 3.1 County Boards of Education

County boards of education shall ensure implementation of this policy in a method that promotes proper use of the Internet. County boards may wish to consider adopting their own policies regarding telecommunication networks.

### 3.2 West Virginia Department of Education

The West Virginia Department of Education shall provide technical assistance to support county school systems and schools in implementing this policy. The West Virginia Department of Education will also provide assistance to RESAs, counties, and schools that wish to develop local use policies.

RESPONSE FORM  
POLICY 2460: USE OF THE INTERNET BY STUDENTS AND EDUCATORS

Directions: Please use this form to comment on proposed Policy 2460: Use of the Internet by Students and Educators

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Individual/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

General Comments:

\_\_\_\_\_  
Comments for Section 1.0

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Comments for Section 2.0

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RESPONSE FORM - Page Two  
Policy 2460: Use of the Internet by Students and Educators

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Comments for Section.3.0

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RETURN BY SEPTEMBER 19, 1994 to:

Brenda Williams, Assistant Director  
Office of Technology and Information Systems  
West Virginia Department of Education  
Capitol Complex, Building 6, Room B-346  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330