

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OCT 20 3 41 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: West Virginia Constitution, Article XII, §2; W.Va. Code
§18-2-5

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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)

AMENDMENT TO AN EXISTING RULE: YES _____, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 41 (Policy 2460)

TITLE OF RULE BEING ADOPTED: Use of Internet by Students and
Educators

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS November 19, 1994.

Victor A. Barone
Victor A. Barone
Director, Legal Services

4.60

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. Leffel / BJ

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: 10/14/94

BACKGROUND: I.

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

PURPOSE: II.

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

CONTENTS: III.

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

IMPACT: IV.

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.

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

Policy 2460
Series 41

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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FILED

TITLE: Use of Internet by Students and Educators

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 - October 20, 1994
- 1.4 Effective Date - November 19, 1994
- 1.5 Amendments - None - This is a new policy.

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.

COMMENTS AND SUGGESTIONS LOG
 POLICY 2460: USE OF THE INTERNET BY STUDENTS AND EDUCATORS
 September 15 - September 28, 1994

ACTION TYPE
 N: No Response -Negative
 NA: Not Accepted +Positive
 A: Accepted (for policy change) oNeutral

DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION/TYPE	RATIONALE
GENERAL COMMENTS				
9/14/94	Anita Talbutt 142 Elm Street Elkins, WV	With the rapid growth of Internet, some regulation is almost necessary. But hopefully it can still be accessible to educators.	N, +	
9/14/94	Judy Harman Harman School P. O. Box 56 Harman, WV 26270	I do not believe Internet should be regulated at all.	N, o	The policy does not regulate the Internet. It proposes terms and conditions for appropriate use.
9/14/94	Margaret Scites Media Specialist Ravenswood High School Ravenswood, WV 26164	I was happy to see the WVDE proposal draft and like the conciseness of the language and the organization.	N, +	
9/15/94	Gwen Russell Beverly Hills Middle School 2901 Saltwell Road Huntington, WV 25705	Sounds great. We're appreciative of some guidelines and a policy already established.	N, +	
9/16/94	Kathleen P. Holmes University High School North Price Street Morgantown, WV 26505	I feel it is good to have standards so that computer coordinators, teachers, etc. have guidelines that support them when problems arise. It may also help to eliminate problems before they begin because guidelines will be established.	N, +	

DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION/TYPE	RATIONALE
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9/16/94	Holly Plunkett University High School North Price Street Morgantown, WV 26505	I believe the state board should not try to over-regulate the use of Internet in the schools. As time goes by, there will be more and more resources available through the Internet - I think the individual schools and districts will make appropriate decisions dependent on <u>broad</u> state requirements.	N, +	
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9/19/94	Lydotia Taylor Morgantown High School 109 Wilson Avenue Morgantown, WV 26505	Looks good to me! I am hopeful that this document will protect us. However, we have been fortunate that we have limited access to use (unreadable) and haven't had any problems. Thanks!	N, +	
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9/19/94	Watson Elementary School 1579 Mary Lou Retton Dr. Fairmont, WV 26554	Guidelines for use of Internet and consequences for misuse are a must. Educators will need training on the appropriate use of Internet and clear guidelines as to who is responsible for policing student use and how it is to be done.	N, +	
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9/19/94	East Dale Elementary School Route 3 Fairmont, WV 26554	Our language arts department utilizes Internet daily to open up a universe of resources for the classroom. Through telecommunications children check the news and weather daily; as well as visit libraries. One of the most popular applications is E-mail. We're linking learners with experts from across the U.S.A.	N, +	
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9/19/94	Mrs. Jerri Carpenter Buckhannon-Upshur Middle Sch. Buckhannon, WV 26201	We are very excited about using Internet, and we are very glad rules are being made about its use.	N, +	
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9/28/94	Barbara Moore & Libby Surface Bridgeview Elementary Center 5100 Ohio Street South Charleston, WV 25309	We feel this policy is good overall. We agree that there is a great need for this policy, and it covers many important issues and concerns.	N, +	
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DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION/TYPE	RATIONALE
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9/28/94	Linda Rader Cherry River Elementary School Riverside Drive Richwood, WV 26261	I have read and understand the rules as stated, and have no disagreement with them. They appear, to me, to be straight forward and comprehensive.	N, +	
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SECTION 1.0

9/15/94	Bonnie DeHaven Paw Paw High School 422 Mosier Avenue Paw Paw, WV 25434	This can be a great learning tool if implemented properly - adequate training and technical support available without long spans of down time are a real necessity.	N, +	
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9/19/94	East Dale Elementary School Route 3 Fairmont, WV 26554	The legislatures should establish rules along with <u>teachers</u> to help build and implement criteria.	N, +	
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9/19/94	Mrs. Jerri Carpenter Buckhannon-Upshur Middle Sch. Buckhannon, WV 26201	Good	N, +	
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SECTION 2.0

9/14/94	Anita Talbutt 142 Elm Street Elkins, WV	Established etiquette is almost a must with so many people using Internet.	N, +	
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9/15/94	Bonnie DeHaven Paw Paw High School 422 Mosier Avenue Paw Paw, WV 25434	I'm reading "users" of Internet to apply to each individual person rather than individual schools. Could an entire school lose their privilege because of a few irresponsible users???	N, +	
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DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION/TYPE	RATIONALE
9/16/94	Holly Plunkett University High School North Price Street WV 26505	WVNET is not the only supplier of Internet. If schools have access through other sources, will that be limited?	N, +	Limitations will depend on providers and school/county policies.
9/16/94	Ruth Kennedy WV Industrial Home for Youth Box 15 Long Run Road Industrial, WV 26375	Might include that any fees or costs incurred by an individual for personal use time, or other non-educational purposes will be paid by the individual. May have to establish guidelines for school vs. personal use (and the billing thereof).	A, +	This type of individual responsibility will be included on the signature form instead of the policy.
9/19/94	Lydotta Taylor Morgantown High School 109 Wilson Avenue Morgantown, WV 26505	*Can this same document be used if other Internet providers have service in the schools? I really liked sections 2, 3 and 4.	N, +	
9/19/94	Watson Elementary School 1579 Mary Lou Retton Dr. Fairmont, WV 26554	Please be sure each school has a copy of rules and regulations of WV Network for Educational Tech., WVNET Telecommunications Policy and WVNET Computer Abuse Policy.	N, +	
9/19/94	East Dale Elementary School Route 3 Fairmont, WV 26554	Agree with acceptable use and cancellation of privileges if rules aren't considered!!	N, +	
9/19/94	Mrs. Jerri Carpenter Buckhannon-Upshur Middle Sch. Buckhannon, WV 26201	Everyone needs a copy of the WVNET Computer Abuse Policy. I'm sure all counties have it but not all teachers. I know the information is talked about when you connect; however, if it is more extensive than that, every teacher needs a copy.	N, +	
9/28/94	Barbara Moore & Libby Surface Bridgeview Elementary Center 5100 Ohio Street South Charleston, WV 25309	We agree that use of the Internet is an educational privilege, but our concern is with security. It is not clear if students will be given individual addresses and accounts, or will they share access to the Internet. If students work in a lab or networked system, how can individuals be held accountable?	N, +	

SECTION 3.0

9/15/94	Bonnie Dellaven Paw Paw High School 422 Mosier Avenue Paw Paw, WV 25434	Teachers responsible for use of Internet should have some training on the types of inappropriate material students may access and possible ways some students may find to access these materials - or else "lock out" those areas so there is not a danger of accessing inappropriate materials.	N, +	
9/16/94	Kathleen P. Holmes University High School North Price Street Morgantown, WV 26505	Maybe there should be a 3.3 that WVDE will train all systems operators/administrators on use of Internet and make sure they are familiar with Policy 2460. This way no excuses for misuse because "I didn't know that."	N, +	Information about Policy 2460 is being provided at a number of educational meetings as well as staff development.
9/19/94	Watson Elementary School 1579 Mary Lou Retton Dr. Fairmont, WV 26554	Our local RESA does an excellent job in gathering and disseminating information relevant to the latest technological advances and would be an excellent provider of training for policy development and implementation.	N, +	
9/19/94	East Dale Elementary School Route 3 Fairmont, WV 26554	<u>Implementation is crucial!</u> The biggest accomplishments with Internet are made by teachers and students who understand computers. We need to invest in staff development as well as equipment.	N, +	
9/19/94	Mrs. Jerri Carpenter Buckhannon-Upsstur Middle Sch. Buckhannon, WV 26201	<u>All counties should</u> adopt a policy that covers the use of Internet.	N +	

DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION/TYPE	RATIONALE
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9/28/94	Barbara Moore & Libby Surface Bridgeview Elementary Center 5100 Ohio Street South Charleston, WV 25309	We feel county boards and local teachers will need methods to discourage misuse, e.g. cancellation of use if necessary. Students must receive proper training and learn responsible use of the Internet. Perhaps students can sign agreements and be tested or "licensed" before access is granted. Proper supervision while students use Internet during school hours and/or on school property should be required.	N, +	
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9/20/94	Piney Oaks Early Childhood Education Center 709 Terrill Street Beckley, WV 25801	No comments (returned blank form).		
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Brenda Williams



KEN HECHLER
Secretary of State

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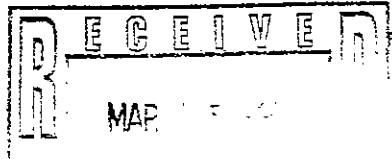
JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)
FAX: (304) 558-0900

STATE OF WEST VIRGINIA

SECRETARY OF STATE
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770



TO: Victor Barone
AGENCY: Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION
DATE: March 10, 1995

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 41 TITLE: 126 Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: ASSOCIATE STATE SUPERINTENDENT

DATE: 3/27/95

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.