

Implementation of 1998 Senate Bill230: Acceptable Use Policy and Internet Filtering

Senate Bill 230, enacted during the 1998 General Assembly, requires the Kentucky Board of Education to promulgate administrative regulations to prevent sexually explicit material from being transmitted via education technology systems; directs each local school district and school to use the latest available filtering technology to ensure that sexually explicit material is not made available to students; requires the Department of Education to make filtering technology available to every school without cost; and, requires each local school district to establish a policy regarding student Internet access.

The resulting administrative regulation, 701 KAR 5:120, fulfills the requirements of 1998 Senate Bill 230. At the school district level, the regulation requires that each school district adopt and implement an acceptable use policy in every school that conforms to the guidelines issued by the Department; specifies school district responsibilities for implementing and maintaining filtering capabilities in every school; and prohibits the use of electronic mail systems which do not meet state product standards.

THE TASK

Each local district was required to attain compliance with 1998 SB 230 and 701 KAR 5:120 by 30 June 1999.

THE PROCESS

- Review governing statute and administrative regulation.
- Review state requirements for Acceptable Use Policies.
- Formulate or revise existing acceptable use policy to ensure compliance.
Install Proxy services at each district office and school.
- Formulate local procedures and policies for filtering and proxy log management.
- Formulate or revise local disciplinary procedures to manage violations of acceptable use policy.
- Discontinue use of Internet email accounts through third party providers or any other nonstandard electronic mail system.
- Indicate compliance has been achieved via submission of 1999/2000 KETS Unmet Need Report and Consolidated Plan assurances.

ADVICE

It is important that districts understand the distinction between:

- Law (Statute and Administrative Regulation)
- Policy (Policy interprets and operationalizes the intent of law)

- Guidelines and Recommendations (information provided to facilitate local implementation) so that compliance can be achieved in balance with the need for local decision-making.

The Master Plan for Education Technology, with associated standards, is incorporated by reference into Kentucky Administrative Regulation.

[701 KAR 5:110](#)

701 KAR 5:120. Prevention of sexually explicit materials transmitted to schools via computer.

RELATES TO: KRS 156.160, 156.675

STATUTORY AUTHORITY: KRS 156.070, 156.160, 156.675

NECESSITY, FUNCTION, AND CONFORMITY: 1998 Ky. Acts ch. 330 authorizes the Kentucky Board of Education to promulgate administrative regulations necessary to prevent sexually explicit material from being transmitted from or received by any computing or telecommunications system used in local schools and school districts. This administrative regulation requires school districts to implement acceptable use policies and to use filtering technologies in every school. The administrative regulation also specifies the Kentucky Department of Education's responsibilities to provide filtering technology to local districts, to provide technical assistance to support implementation of the regulation, and to ascertain compliance.

Section 1. Acceptable Use Policies.

(1) A local school district shall adopt an acceptable use policy which has the following characteristics:

(a) Conforms to the guidelines for acceptable use policies as provided in the Master Plan for Education Technology, 701 KAR 5:110, for the Kentucky Education Technology System, including parental consent, teacher supervision of computer use, and auditing procedures;

(b) Contains procedures, guidelines, and prohibitions which will prevent access to sexually explicit materials;

(c) Contains appropriate disciplinary measures for policy violations; and

(d) Is for use by students, faculty, staff, and any others to whom the school or district provides computing and telecommunications access on a permanent or temporary basis.

(2) A school district shall include in its policy provisions which eliminate or appropriately restrict the use of computing and telecommunications technologies for any faculty, student, staff or other person who will not sign or who violates the provisions of the acceptable use policy statement.

Section 2. Standards for Filtering Technology.

(1) The Kentucky Department of Education shall assist a local school district with the selection and use of filtering technologies.

(2) Filtering technologies adopted by a local school district shall address:

(a) Expectations of reliability;

- (b) The ability to improve the dependability and speed of the appropriate data being available;
- (c) The ability to effectively manage incoming information;
- (d) The ability to effectively manage outgoing information; and
- (e) The ability to identify and maintain appropriate information about the origin, date, time and destination of network transactions.

Section 3. District Responsibilities for Implementing Filtering Technology.

- (1) A local school district shall implement filtering technology in every school which has a dedicated network connection.
- (2) A local school district shall implement filtering technology in a school no later than thirty (30) days after the telecommunications circuit is activated.
- (3) Every school district shall:
 - (a) Adopt one (1) or more filtering technologies for use in its schools which conform to the guidelines for filtering technologies as provided in the Master Plan for Education Technology, 701 KAR 5:110, for the Kentucky Education Technology System;
 - (b) Provide the technical assistance necessary to implement and maintain filtering technology in every school; and
 - (c) Ensure that the filtering technology is operational seven (7) days a week, twenty-four (24) hours a day with reasonable provision for scheduled outages and maintenance.

Section 4. Preventing Student Access to Sexually Explicit Materials Through Electronic Mail.

- (1) To prevent student access to sexually explicit materials which may be sent or received via electronic mail, a local school district shall limit electronic mail use to those systems approved by the Kentucky Department of Education as meeting standards for electronic mail systems as provided in the Master Plan for Education Technology, 701 KAR 5:110, for the Kentucky Education Technology System;
- (2) A school district using electronic mail systems which do not meet these standards shall migrate to a system approved by the Department of Education no later than June 30, 1999.
- (3) A school district shall include in its acceptable use policies provisions which prohibit students, faculty, staff and others with network access from using district resources to establish Internet email accounts through third party providers or any other nonstandard electronic mail system.

Section 5. Compliance Monitored Through Planning Process. The Department of Education shall ascertain compliance with these provisions as a condition of school district participation in the offers of assistance process for education technology funds.

(25 Ky.R. 1279; eff. 1-19-1999; Crt eff. 11-16-2018.)

For Proxy Services Implementation, contact your KETS Regional Engineer.

MONITORING

The Department of Education will ascertain compliance with these provisions as a condition of school district participation in the offers of assistance process for education technology funds. (25 Ky.R. 1279; eff. 1-19-99.)

CONCLUSION

Districts who review the resources noted above and complete all steps of the process should achieve compliance with 1998 SB 230 and accompanying regulation.

RESOURCES

[1998 Senate Bill 230](#) (Download)

This is an unofficial copy of the Senate Bill 230. This will download to your machine for viewing.

[701 KAR 5:120](#)

701 KAR 5:120 mandates the prevention of sexually explicit materials transmitted to schools via computer.

[Kentucky supplies filtering software to its 1,400](#) schools. This 1999 article from eSchool News staff and wire service reports discusses the benefits of filtering software.

[Acceptable Use Policy: Guidelines for Districts](#)

This policy sets forth guidelines for district and school compliance with 1998 Senate Bill 230, An Act Relating to School Technology, and 701 Kentucky Administrative Regulation 5:120 Prevention of Sexually Explicit Materials Transmitted to Schools via Computer.

New feature keeps Internet access control in local hands

This March 1999 article was written by Wilmer S. Cody and published in Kentucky Teacher.