

Unintended Consequences: The Local Interpretation of Federal  
Law and Educational Policy Regarding Learning and Teaching in  
the 21<sup>st</sup> Century  
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### Abstract

In the absence of leadership in the Hawaii Department of Education with requisite technological expertise to understand the changes in learning, teaching and society that have occurred between the late 1990's and the present with regard to internet access and use, the responsibility for developing, implementing and enforcing content-access policies made necessary by FCC E-rate requirements under the Children's Internet Protection Act was left to office workers who are not educators. The result is content-filtering and content-access policies that do not serve the needs of students or teachers in a twenty-first century learning environment. This paper examines the problem, the background, and proposes possible policy change alternatives.

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*With the advent of democracy and modern industrial conditions, it is impossible to foretell definitely just what civilization will be twenty years from now. Hence, it is impossible to prepare the child for any precise set of conditions. To prepare him for the future life means to give him command of himself; it means so to train him that he will have the full and ready use of all his capacities; that his eye and ear and hand may be tools ready to command, that his judgment may be capable of grasping the conditions under which it has to work, and the executive forces be trained to act economically and efficiently (John Dewey, 1897) (Finsness, 2008)*

*"As I've said many times, the future is already here. It's just not very evenly distributed." (Gibson, 1999)*

### *Introduction*

A 17 year-old student in AP Chemistry, a college level course offered in many of Hawaii's public high schools, opens her laptop in the school library, clicks on iTunes and the browser opens. She then attempts to access iTunesU (an area on Apple's iTunes store where one can access free of charge, audio, video, and print educational content from colleges and universities world-wide) and attempts to watch a video podcast on Stoichiometry from the University of California at Berkeley's Chemistry 1A course. She cannot access the content. A psychology teacher in a Hawaii public high school tries to access YouTube Edu (a video sharing site that offers only video content of educational relevance) to show a video of Jean Piaget's

work with children to her psychology class. She receives a note on her computer telling her that this site is blocked and neither she nor her students may access it. A twelfth grade student in an AP Government class in a Hawaii public high school wants to research and present to his class a study of how political candidates in Hawaii are reaching people and leveraging Social Media to overcome campaign financing shortfalls and bypass traditional public relations sources. He may not research for example, how one candidate for Governor of Hawaii is using Facebook, Twitter, Ustream, and YouTube to get his message to the voters because all of these web locations are blocked in Hawaii's public schools. A teacher of Japanese Language would like to open a video chat from her classroom to students in Japan using Apple Computer's iChat capability. She cannot. The Internet ports through which this information travels are blocked within Hawaii's public schools. None of the situations described here were fabricated and they are happening every day in the Hawaii public schools. Students arrive at the public school as what has been described as "Digital Natives" and residents of the end of the first decade of the twenty-first century. When they enter the classroom, they are required to step back into the world of the previous century. How did we arrive at this situation? What might be some options open to the Hawaii public schools to address these circumstances and provide students with the skills, aptitudes and habits of mind that will allow them to be successful in the world in which they will live and work; the world of the twenty-first century?

### *Background*

In the late 1990's, before Facebook (2006), YouTube (2005), and Wikipedia (2001), The use of the Internet in education was very new. Schools in Hawaii were leaders in the United States at becoming fully networked. Use of the Internet in teaching and learning was very new

and educators were grappling with some of the new problems posed by this phenomenon. About the same time, news media nationwide began carrying stories describing how unwary children were being endangered by adults in “Chat Rooms”; the precursors to social networks. There was also growing awareness of the prevalence of pornography and other types of media unsuitable for children that were available on the Internet.

The response to these concerns about the welfare of children engaged in activities involving Internet access in the schools was quick. In 1999, Senator John McCain introduced S 97 IS, a bill in the Senate that along with similar legislation in the House of Representatives became law in 2000 as the Children’s Internet Protection Act (CIPA). (Congress, 1999)

The legislation requires schools and libraries receiving federal funds for Internet access to install filtering software to block access to materials that are obscene, child pornography, or harmful to minors. Congress approved CIPA even after its own 18-member committee rejected the proposal because of the risk that protected, harmless, or innocent speech would be accidentally or inappropriately blocked. In order to provide this legislation with the authority to regulate Internet activity in the public schools, this provision was included:

“Schools and libraries subject to CIPA may not receive the discounts offered by the E-rate program unless they certify that they have an Internet safety policy that includes technology protection measures. The protection measures must block or filter Internet access to pictures that are: (a) obscene, (b) child pornography, or (c) harmful to minors (for computers that are accessed by minors). Before adopting this Internet safety policy, schools and libraries must provide reasonable notice and hold at least one public hearing or meeting to address the proposal.” (FCC)

E-rate is the program, funded by Congress and administered by the Federal Communications Commission, that provides funding for digital technology to schools and libraries throughout the United States. There is hardly a public school district in the United States that does not receive E-rate funding of some sort.

What the rather vague wording (*e.g.* “harmful to minors”) did not specify was the parameters that the required blocking or filtering measures must follow. This was left to the interpretation of the local authority charged with the oversight of public education or public libraries. This local interpretation of Federal policy has had mixed results as described by Jaeger and Zheng in their 2009 article “One law with two outcomes...”

“Passed in 2000, CIPA was initially implemented by public schools after its passage, but it was not widely implemented in public libraries until the 2003 Supreme Court decision (*United States v. American Library Association*) upholding the law's constitutionality. (2) Now that CIPA has been extensively implemented for five years in libraries and eight years in schools, it has had time to have significant effects on access to online information and services. While the goal of filtering requirements is to protect children from potentially inappropriate content, filtering also creates major educational and social implications because filters also limit access to other kinds of information and create different perceptions about schools and libraries as social institutions.” (Jaeger, 2009)

### *Current Policy Environment in the HIDOE*

In Hawaii, compliance with CIPA fell to the Hawaii Department of Education (HIDOE). Policies regarding content filtering in the public schools were developed by workers in the

HIDOE's Network Services and Support Branch (NSSB). (In an interview with Mr. David Wu, Assistant Superintendent and Chief Information Officer for HIDOE, Mr. Wu stated that he did not know who was responsible for formulating and implementing operational policy within the HIDOE but that he "supposes" that it should be the responsibility of the Assistant Superintendent and Superintendent-level officers of the Department. He also stated that "we're not supposed to call things [like content-filtering policies] 'Policy'." (Wu, 2010))

Workers at the NSSB have contracted the Websense Company to provide content-filtering for all state public schools and offices at the same level of restriction. Their published policy states:

#### "Web Content Filtering

Access to certain inappropriate areas of the World Wide Web and other Internet resources are blocked from the Department of Education network. We are blocking access to Internet sites with the following content... The Web Content Filtering vendor uses category definitions to assign each site to the appropriate category.

According to Websense, in case of uncertainty, a collaborative decision is made as to whether a site is included and in what category it is placed. Additionally, the Master Database is continually checked for accuracy and quality. Net Partners does not make value judgments with regards to the categories or sites with the WebSENSE Master Database. The categories have been selected based on feedback from the business and education communities regarding what would be deemed unacceptable, inappropriate, or undesirable in a business or school setting with regard to employee productivity, student safety, or threat of legal action." (NSSB, 2010)

For the full list of Internet content currently blocked by NSSB, see Appendix 2. One of the more interesting items in that list reads:

“Non-Traditional Religions - Sites that provide information on or promote religions not listed in Traditional Religions and on other unconventional religious or quasi-religious subjects, including cults.” (NSSB, 2010)

(When Mr. Wu, CIO for HIDOE was asked to comment on “Non-Traditional Religions” and if he had access to or had ever seen the list of “Traditional Religions” as specified in the NSSB content-filtering policy, he replied that he did not really understand what that part of the policy meant.) (Wu, 2010)

In summary, the current policy environment for HIDOE content-filtering policy was created by workers in an office of the HIDOE who are not educators and who have apparently not solicited the input of educators in developing, implementing, or modifying the policies. When Mr. Wu was asked if he knew when the public hearing on the content filtering policies, as required by CIPA was held, he replied that he did not know when or if such a public meeting took place. (Wu, 2010) Attempts to obtain this information from the State of Hawaii, Board of Education have so far been unsuccessful.

The present policies of the HIDOE regarding content-filtering and internet port access were created in response to a ten year old Federal statute and have not been updated to take into account the needs of students and teachers in a twenty-first century learning environment. HIDOE, for example, blocks access to iTunesU while nine other state Departments of Education nationwide have established a presence on iTunesU to support teachers and students. Besides hampering the efforts of teachers and students within the schools to meet the changing demands of a new decade, the current policies block the development of the use and application of Web



2.0 tools to challenge the curricular frame-factors of scheduling and facilities in the Secondary Education environment. For example the use of wikis, web, podcast, social video, and other non-traditional means to expand the reach of the school beyond the traditional classroom setting. Finally, content-filtering and Internet access policies apply equally to kindergartners in the elementary classroom and to teachers and AP students in the high school. The only place in the General Learner Outcomes of the HIDEOE where ethical behavior is mentioned is in GLO 6 which states that students in the HIDEOE will become “Ethical Users of Technology”. Without concomitant progressive levels of responsibility, it is difficult to see how this will occur. The stakeholders who need to be involved in the crafting of internet policy for this century are Students, Teachers, Administrators, members of the Board of Education and Parents; not only workers in the Network Services and Support Branch.

### *Policy Options*

There are several options open to HIDEOE to address the issues that have been raised regarding content-filtering and Internet port access. These options range from the so-called *zero option*, that is, that no intervention is required since the mechanisms to address the problem within the current policy already exist. At the other end of the possible policy alternatives spectrum is the idea of having no content filtering at all and leaving the protection of children on the Internet entirely at the discretion of the individual schools. There are several elements that a successful policy solution that addresses this problem should have: 1) It must comply with Federal law. 2) It must reasonably address the duty of care of the school to the child. 3) It should support the HIDEOE General Learner Outcomes by helping children in schools become effective and ethical users of contemporary technologies. 4) It needs to take into account the needs of educators and students in a twenty-first century learning environment as well as provide for the

concerns of the other stake-holders. 5) It should be economically feasible. Implementation of the policy alternative should not place an undue burden on schools or the Department.

Clearly, the *zero option* is not a reasonable policy alternative. There has been a reluctance on the part of the HIDOE/NSSB to acknowledge that there is a problem at all. Input and advice from school-level educators has been neither solicited nor desired. The Department personnel who ought properly to be concerned with developing and implementing these policies are unaware what the current policies are. Mr. Wu's predecessor, Mr. Rodney Moriyama, was unaware that iTunes was blocked in HIDOE. The former Superintendent of the Department of education was also unaware of what could or could not be accessed within the Department.

At the opposite end of the spectrum, full access is also not a viable option. There is a clear and well-established duty of care of the school to provide for the safety and protection of the students with whom it is entrusted. There is also a legal requirement under Federal law to provide a system to protect children from harm when they are engaged in internet-based learning activities. A third consideration is the protection of the HIDOE from possible legal action resulting from content that a school-community member or group might deem offensive or harmful. The question becomes how best to fulfill the duty of care and the requirements of Federal law while at the same time, preparing students to be successful members of a twenty-first century society.

One possible alternative would be to sharply limit the categories filtered by the vendor's service to include only those specifically listed by CIPA. This alternative would involve no additional expense to the department to implement. Another alternative would be to limit the categories filtered system-wide to those involving pornographic and offensive images and content and making local content-filtering software available to the individual schools. The

schools would then have the responsibility of determining which other categories ought to be filtered in order to protect the children in their care. There would be some licensing expense involved with this possibility. The problem still remains of who makes the content decisions and what criteria are used to determine what children and teachers may or may not do on the Internet in school.

A successful policy alternative will most likely be one that retains a level of system-wide content-filtering that is consistent with the requirements of CIPA/E-rate. At the school-level, filtering models and software will be made available and in consultation with educators, determinations will need to be made about how to frame a policy of progressively greater access and responsibility. Questions will need to be posed and answered about what is age-appropriate for a first-grader to access, what is appropriate for a high-school student in a university-level class to access, and what tools should teachers have available. A group exists in each school for eliciting information from all segments of the school-community. School-Community Councils should be part of the conversation regarding Internet access in the schools. Additionally, teachers will need to become more informed and educated regarding the world of twenty-first century digital natives (students) and will need the guidance of Administrators who are also aware of the realities of legal requirements, budgetary constraint, and pedagogical appropriateness. Finally, there must be a greater transparency between the people and the offices that exist to support teaching and learning in the schools and the end-users who provide students with the skills, aptitudes and habits of mind they will need to be successful in the world in which they will live and work.

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## Appendices

### Appendix One CIPA

S 97 IS

106th CONGRESS

1st Session

S. 97

To require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

IN THE SENATE OF THE UNITED STATES

January 19, 1999

Mr. MCCAIN (for himself and Mr. HOLLINGS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

• Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

- This Act may be cited as the 'Childrens' Internet Protection Act'.

SEC. 2. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS.

• (a) IN GENERAL- Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

• `(1) IMPLEMENTATION OF AN INTERNET FILTERING OR BLOCKING TECHNOLOGY-

◦ `(1) IN GENERAL- An elementary school, secondary school, or library that fails to provide the certification required by paragraph (2) or (3), respectively, is not eligible to receive

or retain universal service assistance provided under subsection (h)(1)(B).

◦ `(2) CERTIFICATION FOR SCHOOLS- To be eligible to receive universal service assistance under subsection (h)(1)(B), an elementary or secondary school (or the school board or other authority with responsibility for administration of that school) shall certify to the Commission that it has--

▪ `(A) selected a technology for computers with Internet access to filter or block material deemed to be harmful to minors; and

▪ `(B) installed, or will install, and uses or will use, as soon as it obtains computers with Internet access, a technology to filter or block such material.

◦ `(3) Certification for libraries-

▪ `(A) LIBRARIES WITH MORE THAN 1 INTERNET-ACCESSING COMPUTER- To be eligible to receive universal service assistance under subsection (h)(1)(B), a library that has more than 1 computer with Internet access intended for use by the public (including minors) shall certify to the Commission that it has installed and uses a technology to filter or block material deemed to be harmful to minors on one or more of its computers with Internet access.

▪ `(B) LIBRARIES WITH ONLY 1 INTERNET-ACCESSING COMPUTER- A library that has only 1 computer with Internet access intended for use by the public (including minors) is eligible to receive universal service assistance under subsection (h)(1)(B) even if it does not use a technology to filter or block material deemed to be harmful to minors on that computer if it certifies to the Commission that it employs a reasonably effective alternative means to keep minors from accessing material on the Internet that is deemed to be harmful to minors.

◦ `(4) TIME FOR CERTIFICATION- The certification required by paragraph (2) or (3) shall be made within 30 days of the date of enactment of the Childrens' Internet Protection Act, or, if later, within 10 days of the date on which any computer with access to the Internet is first made available in the school or library for its intended use.

◦ `(5) Notification of cessation; additional internet-accessing computer-

▪ `(A) CESSATION- A library that has filed the certification required by paragraph (3)(A) shall notify the Commission within 10 days after the date on which it ceases to use the filtering or blocking technology to which the certification related.

▪ `(B) ADDITIONAL INTERNET-ACCESSING COMPUTER- A library that has filed the certification required by paragraph (3)(B) that adds another computer with Internet access intended for use by the public (including minors) shall make the certification required by paragraph (3)(A) within 10 days after that computer is made available for use by the public.

◦ `(6) PENALTY FOR FAILURE TO COMPLY- A school or library that fails to meet

the requirements of this subsection is liable to repay immediately the full amount of all universal service assistance it received under subsection (h)(1)(B).

◦ (7) LOCAL DETERMINATION OF MATERIAL TO BE FILTERED- For purposes of paragraphs (2) and (3), the determination of what material is to be deemed harmful to minors shall be made by the school, school board, library or other authority responsible for making the required certification. No agency or instrumentality of the United States Government may--

- (A) establish criteria for making that determination;
- (B) review the determination made by the certifying school, school board, library, or other authority; or
- (C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).'

• (b) CONFORMING CHANGE- Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking 'All telecommunications' and inserting 'Except as provided by subsection (l), all telecommunications'.

### SEC. 3. FCC TO ADOPT RULES WITHIN 4 MONTHS.

• The Federal Communications Commission shall adopt rules implementing section 254(l) of the Communications Act of 1934 within 120 days after the date of enactment of this Act.

## Appendix Two – Categories of Internet Activity Blocked by NSSB

### Adult Material:

Adult Content - Sites featuring full or partial nudity reflecting or establishing a sexually oriented context, but not sexual activity; sexual paraphernalia; erotica and other literature featuring, or discussions of, sexual matters falling short of pornographic; sex-oriented businesses such as clubs, nightclubs, escort services, password/verification sites. Includes sites supporting online purchase of such goods and services.

Nudity - Sites offering depictions of nude or seminude human forms, singly or in groups, not overtly sexual in intent or effect.

Sex - Sites depicting or graphically describing sexual acts or activity, including exhibitionism; also sites offering direct links to such sites.

### Drugs (as characterized by U.S. law) :

Abused Drugs - Sites that discuss or promote or provide information about the use of prohibited drugs, except marijuana, or the abuse or unsanctioned use of controlled or regulated drugs; also, paraphernalia associated with such use or abuse.

### Entertainment:

MP3 -Sites that support downloading of mp3 or other sound files or that serve as directories of such sites.



Gambling - Sites that provide information about or promote gambling or that support online gambling. Risk of losing money possible.

Illegal/Questionable - Sites that provide instruction in or promote crime (except computer crime (hacking)) or unethical or dishonest behavior or evasion of prosecution therefore.

#### Information Technology:

Hacking - Sites providing information on or promoting illegal or questionable access to or use of communications equipment and/or software or databases.

Proxy Avoidance Systems - Sites that provide information on how to bypass proxy server features or to gain access to URLs in any way that bypasses the proxy server.

URL Translation Sites - Sites that offer online translation of URLs. These sites access the URL to be translated in a way that bypasses the proxy server, potentially allowing unauthorized access.

#### Internet Communication:

Web Chat - Sites that host Web Chat services, Chat sites via HTTP, on-IRC chat rooms. Home pages devoted to IRC. Sites that offer forums or discussion groups.

Militancy/Extremist - Sites that offer information on or promote or are sponsored by groups advocating antigovernment beliefs or action.

Racism/Hate - Sites that promote the identification of racial groups, the denigration or subjection of groups (racially identified or otherwise), or the superiority of any group.

#### Religion:

Non-Traditional Religions - Sites that provide information on or promote religions not listed in Traditional Religions and on other unconventional religious or quasi-religious subjects, including cults.

Tasteless - Site with content that is gratuitously offensive or shocking, but not violent or frightening. Includes sites devoted in part or whole to scatology and similar topics or to improper language, humor, or behavior.

Violence - Sites that feature or promote violence or bodily harm, including self-inflicted harm; or that gratuitously display images of death, gore, or injury; or that feature images or descriptions that are grotesque or frightening and of no redeeming value.

Weapons - Sites that provide information on, promote, or support the sale of weapons and related items

State Laws

STATE	CITATION	APPLIE S TO SCHOO LS	APPLIE S TO LIBRAR IES	SUMMARY
<b>ARIZONA</b>	Ariz. Rev. Stat. Ann. § <a href="#">34-501</a> to <a href="#">-502</a>	X	X	Requires public libraries to install software or develop policies to prevent minors from gaining access on the Internet to materials harmful to minors. Requires public schools to install computer software that would prevent minors from gaining access to materials harmful to minors.
<b>ARKANSAS</b>	Ark. Code § <a href="#">6-21-107</a> , § <a href="#">13-2-103</a>	X	X	Requires school districts to develop a policy and to adopt a system to prevent computer users from accessing materials harmful to minors. Requires public libraries to adopt a policy to prevent minors from gaining access to materials harmful to them.
<b>CALIFORNIA</b>	Cal. Ed. Code § <a href="#">18030.5</a>		X	Requires public libraries that receive state funds to adopt a policy regarding Internet access by minors.
<b>COLORADO</b>	Colo. Rev. Stat. § <a href="#">24-90-401</a> to <a href="#">404</a> ; § <a href="#">24-90-603</a> ; § <a href="#">22-87-101</a> to <a href="#">107</a>	X	X	Requires public schools to adopt and enforce reasonable policies of Internet safety that will protect children from obtaining harmful material. Provides grants to publicly supported libraries, including school libraries, that equip public access computers with filtering software and that have policies to restrict minors from accessing obscene or illegal information. Requires public libraries to adopt a policy of Internet safety for minors that includes the operation of a technology protection measure for computers with Internet access.
<b>DELAWARE</b>	Del. Code tit. <a href="#">29 § 6601C-6607C</a>		X	Requires public libraries to have acceptable use policies and for libraries to develop age appropriate databases that minors may access on the Internet. The minor's parent or guardian must specify the level of access to the Internet the minor may have.
<b>GEORGIA</b>	Ga. Code § <a href="#">20-2-224</a> , § <a href="#">20-2-5</a>	X	X	Requires public schools and public libraries to adopt and enforce reasonable policies of Internet safety that will protect children from access to harmful material. Prohibits public

	20-2-324, § 20-5-5			harmful material. Prohibits a public school or library from receiving state funds unless it implements and enforces the acceptable-use policy.
<b>IOWA</b>	Iowa Code § 256.57		X	Requires public libraries that apply for and receive state "Enrich Iowa Program" money to have an Internet use policy in place.
<b>KENTUCKY</b>	Ky. Rev. Stat. § 156.675	X	X	Requires the Department of Education to develop regulations to prevent sexually explicit material from being transmitted via education technology systems.
<b>LOUISIANA</b>	La. Rev. Stat. Ann. § 17:100.7	X		Requires schools to adopt policies regarding students' and school employees' access to certain Internet and online sites.
<b>MARYLAND</b>	Md. Ann. Code art. 23 § 506.1		X	Requires public libraries to adopt policies to prevent minors from obtaining access to obscene materials via the Internet.
<b>MICHIGAN</b>	Mich. Comp. Laws § 397.602, § 397.606		X	Requires libraries to use a system to prevent minors from viewing obscene or sexually explicit matter, or to reserve separate terminals exclusively for adults or children so as to prevent minors' access to obscene or sexually explicit matter.
<b>MINNESOTA</b>	Minn. Stat. § 134.5		X	Requires public library computers with access to the Internet available for use by children to be equipped to restrict, including by use of available software filtering technology or other effective methods, access to material that is reasonably believed to be obscene or child pornography or material harmful to minors. Also requires public libraries that receive state money to prohibit, including through the use of available software filtering technology or other effective methods, adult access to material that under federal or state law is reasonably believed to be obscene or child pornography.
<b>MISSOURI</b>	Mo. Rev. Stat. § 182.825, 182.827	X	X	Requires public school and public libraries with public access computers to either (a) equip the computer with software or a service to restrict minors' access to material that is pornographic for minors, or (b) develop a policy that establishes measures to restrict minors

				Establishes measures to restrict minors from gaining access to such material.
<b>NEW HAMPSHIRE</b>	N.H. Rev. Stat. Ann. § 194:3-d	X		Requires school boards to adopt a policy regarding Internet access for school computers, and establishes liability for violation of the policy.
<b>NEW YORK</b>	N.Y. Ed. Law § 260 (12)		X	Requires public libraries to establish policies concerning patron use of computers.
<b>OHIO</b>	1997 H.B. 215 (uncodified, see Section 76)		X	As a condition of funding, requires local libraries to adopt policies to control access to obscene materials.
<b>OKLAHOMA</b>	1996 H.C.R. 1097 (uncodified)	X		Directs all state agencies and educational institutions to keep computer systems free from obscene materials.
<b>PENNSYLVANIA</b>	Pa. Cons. Stat. tit. 24 § 4304		X	Requires libraries receiving state aid to adopt policies regarding access by minors to the Internet and online sites that contain explicit sexual materials.
<b>SOUTH DAKOTA</b>	S.D. Codified Laws Ann. § 22-24-55 to 59	X		Requires schools to equip computers with filtering software or to adopt policies to restrict minors from access to obscene materials.
<b>SOUTH CAROLINA</b>	S.C. Code Ann. § 10-1-205 to -206	X		Requires publicly funded libraries and public school libraries to adopt policies intended to reduce the ability of the user to access websites displaying obscene material. Also establishes a pilot program to evaluate the use of filtering software in libraries.
<b>TENNESSEE</b>	Tenn. Code § 49-1-221	X		Requires the development of acceptable Internet use policies for public and private schools to protect children from certain online material.
<b>TEXAS</b>	Texas Ed. Code Ann. §§ 32.201 to -202, Texas Govt. Code Ann. § 441.1385	X		Prohibits a public school or public library that provides a computer used for Internet access from eligibility for a Texas Infrastructure Fund loan or grant unless the school or library adopts an Internet safety policy protecting children from access to obscene materials.
<b>UTAH</b>	Utah Code Ann. § 9-7-215, 9-7-216	X	X	Prohibits a public library from receiving state funds unless the library enforces measures to filter Internet access to certain types of images; allows a public library to block materials that are not

				library to block materials that are not specified in this bill; and allows a public library to disable a filter under certain circumstances. Requires local school boards to adopt and enforce a policy to restrict access to Internet or online sites that contain obscene material.
<b>VIRGINIA</b>	Va. Code § <a href="#">22.1-70.2</a> , § <a href="#">42.1-36.1</a>	X	X	Requires public libraries to adopt Internet use policies. Requires public schools to adopt Internet use policies that 1) prohibit transmitting or viewing illegal material on the Internet, 2) prevent access by students to materials the school determines harmful, 3) select technology to filter or block child pornography and obscenity.

**OTHER STATE LAWS RELATING TO INTERNET USE IN SCHOOLS AND LIBRARIES:**

STATE	CITATION	SUMMARY
<b>FLORIDA</b>	Fla. Stat. § <a href="#">257.12</a>	Encourages public libraries to adopt an Internet safety education program, including the implementation of a computer-based educational program.
<b>LOUISIANA</b>	La. Rev. Stat. § <a href="#">51:1426</a>	Requires Internet service providers to make available to subscribers who are Louisiana residents a product or service that enables the subscriber to control a child's use of the Internet.
<b>MARYLAND</b>	Md. Code § <a href="#">14-3701</a> et seq.	Requires Internet service providers to make parental controls that enable blocking or filtering of websites available to subscribers in the state.
<b>NEVADA</b>	Nev. Rev. Stat. § <a href="#">603.100</a> to <a href="#">603.170</a>	Requires Internet service providers to offer, under certain circumstances, products or services that enable subscribers to regulate and monitor a child's use of the Internet.
<b>TEXAS</b>	Tex. Bus. & Comm. Code § <a href="#">35.101</a> to <a href="#">35.103</a>	Requires an interactive computer service provider to place a link to free or shareware filtering software conspicuously on the first accessible web page of the service provider. Establishes a civil penalty of \$2,000 for each day the provider fails to comply.
<b>UTAH</b>	Utah Code § <a href="#">76-10-1231</a>	Requires Internet service providers, upon request by a consumer, to provide in-network filtering or filtering software to prevent transmission of material harmful to minors.

