House
Legislative
Analysis
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SCHOOL INTERNET FILTERING POLICY

House Bill 6030 (Substitute H-1)
First Analysis (11-29-00)

Sponsor: Rep. Jason Allen
Committee: Education

THE APPARENT PROBLEM:

Reportedly, over 40 million people use the Internet world-wide, and it is estimated that more than 6 million of these users are children. Youthful users of the Internet do so at school, in public libraries, or at home. Using the Internet they take part in chat rooms and interactive news groups, explore informative web sites aided by web browsers that help them to focus their research and inquiry, and communicate via e-mail with family, friends, and sometimes with strangers. Generally, the Internet allows wide-ranging and unregulated exploration with little to no accountability for appropriate behavior. Consequently, some web sites designed for adults are easily accessible to youngsters, although inappropriate for their use.

Earlier in this legislative session, three laws were enacted to punish those who use the Internet for crimes. Among those laws, two are designed to protect youngsters and set penalties for those who would use the Internet to abuse them. See *BACKGROUND INFORMATION* below.

Despite these new laws, criminals continue to prey on young people through the Internet. Further, web sites featuring adult topics and behavior have been reported to expose youngsters to images of brutality and abuse that have had devastating and long-lasting effects. Parents and the other adults who guide youngsters' growth and intellectual development know firsthand that while the Internet offers educational advantages, it also poses public hazards, such as the exchange of pornographic materials, and child exploitation. Further, the Internet's anonymous nature and the lack of monitoring also enables those who operate sexually explicit web sites to pursue their provocative and sometimes illicit activities with ease, and without regard for child viewers.

In order to thwart those who may abuse children via the Internet, and to protect youngsters from exposure to materials that can cause psychological, emotional, and social damage, many libraries and schools install filtering devices on computers. Customarily purchased as a software option from one's Internet service provider, filters block a user's access to web sites that are declared off-limits because of the lewd and lascivious nature of their content. Generally the filtering software blocks access to sites by encoding key words, unknown to the user. When these keywords are typed by a user, access to web sites that have these words in their addresses is denied.

According to committee testimony, not all public school systems have purchased filtering software for the computers in their school buildings, and few have formal Internet filtering policies. To require a policy, and to make filtering software universally available, legislation has been proposed to set up a statewide program.

THE CONTENT OF THE BILL:

House Bill 6030 would amend the Revised School Code to require that not later than the beginning of the 2001-2002 school year, the board of a local school district or intermediate school district, or the directors of a public school academy, adopt an Internet filtering policy.

Internet filtering policy and methods. Under the bill, the Internet filtering policy would be required to establish measures to restrict access to the Internet so that a minor could not view obscene or illegal matter, or sexually explicit matter that was harmful, when he or she used a school's computer (including a computer program, network, system, or connectivity from an Internet service provider). The policy could include installation of filtering or blocking technology, or the use of filtering services provided through connectivity with an Internet service provider.

Under the bill, the school board would be required to make available to the public, upon request, a) the Internet filtering policy; and, b) if applicable, information about the filtering or blocking technology

that was installed, and the types of sites the technology filtered or blocked.

Responsibilities of DMB. The bill would require the Department of Management and Budget to provide the filtering technology at no charge to the districts and public school academies that elected to participate in the program. Under the bill, DMB also would be required to make the technology available at cost to the state's nonpublic schools.

Specifically, not later than 30 days after the effective date of the legislation, the Department of Management and Budget (DMB) would be required to notify each school district and public school academy that the state would provide Internet filtering technology upon request. The bill would require this notice to include a description of the procedure for notifying DMB of the school district's intent to participate in the program. The bill also specifies that the Department of Education would assist DMB as necessary.

Under the bill, DMB would be required to initiate the process to solicit bids on Internet filtering technology for schools not later than March 1, 2001. The technology would be designed to prevent viewing obscene or illegal matter, or sexually explicit matter that is harmful to minors. After receiving bids, DMB would be required to consult with the superintendent of public instruction (or his or her designee), and the director of the Center for Educational Performance and Information (or his or her designee), on the appropriate vendor to select from the bids, if any. Then DMB would notify participating districts and public school academies of the decision regarding the acceptance of a bid, and any relevant information about product delivery to the schools.

Duties of the school principal (or designated person). The principal of each school building in which the Internet filtering technology was installed would be required to designate which computers at the school were equipped with the Internet filtering technology, or which used filtering services provided through connectivity, and which would not. In making the designation, the principal would be required to take into consideration computer use by participants in adult education, community college, or other programs that may require unfiltered access to the Internet. The bill would require that those computers that were not equipped with filtering software and did not use filtering services provided through connectivity would have to be easily identifiable. A school board could designate others to undertake this responsibility instead of the building principal.

MCL 380.1258

BACKGROUND INFORMATION:

Internet crimes. Earlier in this legislative session, three laws were enacted to punish those who use the Internet for crimes. Public Act 32 of 1999 prohibits the use of the Internet for stalking, kidnaping, criminal sexual conduct, or activities that involve a child in sexually abusive activity or materials; and a companion law, Public Act 39 of 1999, sets statutory sentencing guidelines for these crimes and other related offenses. These laws went into effect on August 1, 1999. In addition, Public Act 235 of 1999 sets penalties for using the Internet to commit crimes with explosives, or for gambling, and it went into effect on March 10, 2000.

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that the bill would require the Department of Management and Budget to take bids on, and subsequently purchase, software to filter obscene or illegal materials available on the Internet through school computers, and then to provide the filtering software to schools free of charge. There would be a cost to the state to provide the software, although the amount would depend on the bids received from vendors, and consequently the total cost is indeterminate at this time. There would be no cost to school districts for using the software, or for developing the Internet filtering plan. (10-4-00)

ARGUMENTS:

For:

Since there is little restriction of pornography-related activity on the Internet, sexual predators can manipulate children into examining or participating in unrestricted pornographic web sites. Although parents can protect children from offensive or sexually explicit material by close supervision and filtering of their children's Internet activity when they are using their computers at home, parents cannot supervise their children when they are using the computer at school or at the library. Despite the fact that there is no completely reliable way to block children's access to pornography and sexually explicit conversation on the Internet, filtering software can offer parents and school officials some assistance with their supervisory responsibilities, since it is designed to block access to web sites that are off-limits. Carefully designed filtering software can block access to the most

egregious of these sites. This legislation would launch a program to put effective filtering software in every Michigan school building.

Against:

When filtering software is triggered by encoded key words to deny access to web sites, the filter is generally overly broad in its application. Customarily, access is denied to more web sites than the designers of the filtering system originally intended. For example, any inquiry about topics in medical research might be foreclosed if access is denied to information about the physiology of the human body and its functions. Filtering systems that are overly broad can stymie legitimate inquiry.

POSITIONS:

The Michigan Association of School Boards supports the committee substitute. (11-28-00)

The Oakland Schools support the bill. (11-28-00)

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#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.