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MSBA/MASA Model Policy 524

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524 INTERNET ACCEPTABLE USE AND SAFETY POLICY

I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for access to the BRIC ISD 998 computer system and acceptable and safe use of the Internet, including electronic communications.

II. GENERAL STATEMENT OF POLICY

In making decisions regarding student and employee access to the BRIC ISD 998 computer system and the Internet, including electronic communications, the BRIC ISD 998 considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the BRIC ISD 998 computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The BRIC ISD 998 expects that faculty will blend thoughtful use of the BRIC ISD 998 computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

The BRIC ISD 998 is providing students and employees with access to the BRIC ISD 998 computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The BRIC ISD 998 system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the BRIC ISD 998 and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

IV. USE OF SYSTEM IS A PRIVILEGE

The use of the BRIC ISD 998 system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the BRIC ISD 998 system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate BRIC ISD 998 policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

- A. The following uses of the BRIC ISD 998 system and Internet resources or accounts are considered unacceptable:
1. Users will not use the BRIC ISD 998 system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
 - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
 - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - d. information or materials that could cause damage or danger of disruption to the educational process;
 - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
 2. Users will not use the BRIC ISD 998 system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
 3. Users will not use the BRIC ISD 998 system to engage in any illegal act or violate any local, state, or federal statute or law.
 4. Users will not use the BRIC ISD 998 system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the BRIC ISD 998 system software, hardware, or wiring or take any action to violate the BRIC ISD 998's security system, and will not use the BRIC ISD 998 system in such a way as to disrupt the use of the system by other users.
 5. Users will not use the BRIC ISD 998 system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.

6. Users will not use the BRIC ISD 998 system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message

a. This paragraph does not prohibit the posting of employee contact information on BRIC ISD 998 webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).

b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:

(1) such information is classified by the BRIC ISD 998 as directory information and verification is made that the BRIC ISD 998 has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or

(2) such information is not classified by the BRIC ISD 998 as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

c. These prohibitions specifically prohibit a user from utilizing the BRIC ISD 998 system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "MySpace" and "Facebook."

7. Users must keep all account information and passwords on file with the designated BRIC ISD 998 official. Users will not attempt to gain unauthorized access to the BRIC ISD 998 system or any other system through the BRIC ISD 998 system, attempt to log in through another person's account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the BRIC ISD 998 system may not be encrypted without the permission of appropriate school authorities.
 8. Users will not use the BRIC ISD 998 system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
 9. Users will not use the BRIC ISD 998 system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the BRIC ISD 998. Users will not use the BRIC ISD 998 system to offer or provide goods or services or for product advertisement. Users will not use the BRIC ISD 998 system to purchase goods or services for personal use without authorization from the appropriate BRIC ISD 998 official.
 10. Users will not use the BRIC ISD 998 system to engage in bullying or cyberbullying in violation of the BRIC ISD 998's Bullying Prohibition Policy (MSBA/MASA Model Policy 514). This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off BRIC ISD 998 premises also may be in violation of this policy as well as other BRIC ISD 998 policies. Examples of such violations include, but are not limited to, situations where the BRIC ISD 998 system is compromised or if a BRIC ISD 998 employee or student is negatively impacted. If the BRIC ISD 998 receives a report of an unacceptable use originating from a non-school computer or resource, the BRIC ISD 998 may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the BRIC ISD 998 computer system and the Internet and discipline under other appropriate BRIC ISD 998 policies, including suspension, expulsion, exclusion, or termination of employment.

- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate BRIC ISD 998 official. In the case of a BRIC ISD 998 employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a BRIC ISD 998 employee, the building administrator.

VI. FILTER

- A. All BRIC ISD 998 computers with Internet access and available for student use will be equipped to restrict, by use of available district software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.
- B. All BRIC ISD 998 computers with Internet access, not just those accessible and available to students, will be equipped to restrict, by use of available district software filtering technology or other effective methods, adult access to materials that are reasonably believed to be obscene or child pornography under state or federal law.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of the BRIC ISD 998 computer system and use of the Internet shall be consistent with BRIC ISD 998 policies and the mission of the BRIC ISD 998.

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of the BRIC ISD 998 system, the BRIC ISD 998 does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the BRIC ISD 998 system.
- B. Routine maintenance and monitoring of the BRIC ISD 998 system may lead to a discovery that a user has violated this policy, another BRIC ISD 998 policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or BRIC ISD 998 policy.

- D. BRIC ISD 998 employees should be aware that the BRIC ISD 998 retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, BRIC ISD 998 employees should be aware that data and other materials in files maintained on the BRIC ISD 998 system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- E. The BRIC ISD 998 will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with BRIC ISD 998 policies conducted through the BRIC ISD 998 system.

IX. INTERNET USE AGREEMENT

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the BRIC ISD 998.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.
- C. The Internet Use Agreement form for students must be read and signed by the user, the parent or guardian, and the supervising teacher. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

X. LIMITATION ON SCHOOL DISTRICT LIABILITY

Use of the BRIC ISD 998 system is at the user's own risk. The system is provided on an "as is, as available" basis. The BRIC ISD 998 will not be responsible for any damage users may suffer, including, but not limited to, loss, damage, or unavailability of data stored on BRIC ISD 998 hard drives, or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The BRIC ISD 998 is not responsible for the accuracy or quality of any advice or information obtained through or stored on the BRIC ISD 998 system. The BRIC ISD 998 will not be responsible for financial obligations arising through unauthorized use of the BRIC ISD 998 system or the Internet.

XI. USER NOTIFICATION

- A. All users shall be notified of the BRIC ISD 998 policies relating to Internet use.
- B. This notification shall include the following:
 - 1. Notification that Internet use is subject to compliance with BRIC ISD 998 policies.
 - 2. Disclaimers limiting the BRIC ISD 998's liability relative to:
 - a. Information stored on BRIC ISD 998 hard drives, or servers.
 - b. Information retrieved through BRIC ISD 998 computers, networks, or online resources.
 - c. Personal property used to access BRIC ISD 998 computers, networks, or online resources.
 - d. Unauthorized financial obligations resulting from use of BRIC ISD 998 resources/accounts to access the Internet.
 - 3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
 - 4. Notification that, even though the BRIC ISD 998 may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
 - 5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
 - 6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.
 - 7. Notification that, should the user violate the BRIC ISD 998's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
 - 8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the BRIC ISD 998 system and of the Internet if the student is accessing the BRIC ISD 998 system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
 - 1. A copy of the user notification form provided to the student user.
 - 2. A description of parent/guardian responsibilities.
 - 3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
 - 4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
 - 5. A statement that the school district's acceptable use policy is available for parental review.

XIII. IMPLEMENTATION; POLICY REVIEW

- A. The BRIC ISD 998 administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The BRIC ISD 998 Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

Legal References: 15 U.S.C. § 6501 *et seq.* (Children’s Online Privacy Protection Act)
 17 U.S.C. § 101 *et seq.* (Copyrights)
 20 U.S.C. § 6751 *et seq.* (Enhancing Education through Technology Act of 2001)
 47 U.S.C. § 254 (Children’s Internet Protection Act of 2000 (CIPA))
 47 C.F.R. § 54.520 (FCC rules implementing CIPA)
 Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)
 Minn. Stat. § 125B.15 (Internet Access for Students)
 Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
United States v. Amer. Library Assoc., 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)
Doninger v. Niehoff, 527 F.3d 41 (2nd Cir. 2008)
R.S. v. Minnewaska Area Sch. Dist. No. 2149, No. 12-588, 2012 WL 3870868 (D. Minn. 2012)
Tatro v. Univ. of Minnesota, 800 N.W.2d 811 (Minn. App. 2011), *aff’d* on other grounds 816 N.W.2d 509 (Minn. 2012)
S.J.W. v. Lee’s Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012)
Kowalski v. Berkeley County Sch., 652 F.3d 656 (4th Cir. 2011)
Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3rd Cir. 2011)
Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist., 853 F.Supp.2d 888 (W.D. Mo. 2012)
M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)
J.S. v. Bethlehem Area Sch. Dist., 807 A.2d 847 (Pa. 2002)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
 MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
 MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
 MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)
 MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
 MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
 MSBA/MASA Model Policy 603 (Curriculum Development)
 MSBA/MASA Model Policy 604 (Instructional Curriculum)
 MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)
 MSBA/MASA Model Policy 806 (Crisis Management Policy)
 MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)