

## 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 school district computer system and acceptable and safe use of the Internet, including electronic communications.

- Legal References:** 15 U.S.C. § 6501 *et seq.* (Children’s Online Privacy Protection Act)  
 17 U.S.C. § 101 *et seq.* (Copyrights)  
 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. § 121 A.031 (School Student Bullying Policy)  
 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)524-11  
*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.)
- 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 804 (Bomb Threats)  
 MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

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**II. GENERAL STATEMENT OF POLICY**

In making decisions regarding student and employee access to the school district computer system (including all staff/student devices) and the Internet, including electronic communications, the school district 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 school district 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 school district expects that faculty will blend thoughtful use of the school district computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

**III. LIMITED EDUCATIONAL PURPOSE**

The school district is providing students and employees with access to the school district 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 school district 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 school district 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 school district 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 school district 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 school district 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 school district system and Internet resources or accounts are considered unacceptable:
  - I. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit or distribute:

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- 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, bullying or discrimination.
2. Users will not use the school district system to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization. Users will not use the school district system to engage in cyber bullying or harassment of another person, or to engage in personal attacks, including prejudicial or discriminatory attacks. This includes, but is not limited to, social network sites, tweeting, texting, chat rooms, email and other electronic communications.
  3. Users will not use the school district system to engage in any illegal act or violate any local, state or federal statute or law.
  4. Users will not use the school district 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 school district system software, hardware or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
  5. Users will not use the school district 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.

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6. Users will not use the school district 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 school district 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 school district as directory information, and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information; or
    - (2) such information is not classified by the school district 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 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 school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as Facebook, Twitter, Instagram and Snapchat, etc.

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7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district 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 school district system may not be encrypted without the permission of appropriate school authorities.
  8. Users will not use the school district 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 school district system for unauthorized commercial purposes or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
  10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district'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 school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a school district employee or student is negatively impacted. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, or a district computer/ipad being used off district property, the school district 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 school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.

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- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district 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 school district employee, the building administrator assistant superintendent, or superintendent.

VI. FILTER

- A. With respect to any of its computers with Internet access, the School District will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
  - 1. Obscene;
  - 2. Pornographic; or
  - 3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
  - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
  - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. Minnesota School Board Association Policy
- E. An administrator, supervisor or other person authorized by the superintendent or assistant superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

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- E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

**VII. CONSISTENCY WITH OTHER SCHOOL POLICIES**

Use of the school district computer system and use of the Internet shall be consistent with school district policies and the mission of the school district.

**VIII. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of the school district system, the school district 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 school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district 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 school district policy.
- D. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- E. The school district 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 school district policies conducted through the school district system.
- F. Parents have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.

**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 school district.

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- 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 school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on school district diskettes, tapes, 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 school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

**XI. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
  - 1. Notification that Internet use is subject to compliance with school district policies.
  - 2. Disclaimers limiting the school district's liability relative to:
    - a. Information stored on school district diskettes, hard drives or servers.
    - b. Information retrieved through school district computers, networks or online resources.
    - c. Personal property used to access school district computers, networks or online resources.

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- d. Unauthorized financial obligations resulting from use of school district 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 school district 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 school district'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 school district system and of the Internet if the student is accessing the school district 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.

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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 school district 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 school district 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.

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**GUIDELINES FOR WEB PAGE DESIGN**

The guidelines listed below are in addition to ISD 318's Acceptable Use of Electronic Technology Policy and reflect State of Minnesota Statutes and the Department of Education rules.

**STUDENT NAMES AND PHOTOS:**

- First name only is preferred for student names. Names may not be used unless written permission has been obtained from parents/guardians
- Exceptions:
  - Athletics – follow MSHSL statutes for disclosure of information about athletics to the public. The following information can be disclosed:
    - First and last names
    - Team information, athletic statistics and performance, physical attributes
  - Awards – first and last names can be used for academic and co-curricular awards and recognition
- Personal contact information may not be posted on the web site. Web pages will not contain the address of phone number of students.
- Student email addresses are not to be published on web sites. Only staff and general group email addresses may be published.

**POSTING RULES**

- Personal and non-educationally related information is not allowed on the web site.
- Inappropriate and questionable content will be pulled off the District's web site.
- Teachers and staff are responsible for maintaining their building/class pages on a regular basis
- The web page shall not contain copyrighted or trademarked material belonging to others unless written permission to display such material has been obtained.
- Buildings, departments or classes shall retain a backup of their web pages.
- All web sites and/or web pages must be approved by a Building Technology Committee representative, a classroom teacher working on a project or by Administrative staff.
- Student and staff personal home pages will not be hosted or linked to the District web page.
- Make it clear to users when they are leaving the District site, that is, make external links explicit. (Example: by clicking here you will be leaving the District web page.)
- Students may create web pages as part of a class activity with teacher supervision. Material presented must meet the educational objectives of the class activity. Removal of material that doesn't meet guidelines will not be considered a violation of the student's right to free speech.

**CONSEQUENCES:**

- Infractions of the provisions set forth in these guidelines may result in suspension or termination of the web site/web pages, loss of access privileges and/or appropriate disciplinary action and/or monetary fees.
- Activities in violation of state and federal statutes will be subject to prosecution by those authorities.



## **ISD 318 Student Device Program Policies & Guidelines Student and Parent Agreement**

Access to the technology in ISD 318 has been established for educational purposes. The use of ISD 318's electronic technologies is a valued resource to our community. All electronic technologies must be used in support of the educational programs of the District. This access may be revoked at any time for abusive or inappropriate conduct related to the use of electronic technologies. When students use ISD 318 technology resources, they must adhere to the following guidelines:

1. Take responsibility for their actions while using the school's technology resources, network and the internet.
2. Use the internet only as a tool for classroom assignments and school related topics.
3. Follow copyright laws. Realize that copyright information and graphics can be used only after the author has given written permission
4. Only access files they have been authorized to access.
5. Only send and receive email using their assigned district accounts. Both sent and received messages must be respectful and follow District policies and guidelines as written in School District 318's Internet Acceptable Use and Safety Policy 524.
6. Refrain from sharing personal information about themselves and others on the internet.
7. Be conscientious when using limited resources, such as paper or time.
8. Use all technology hardware responsibly. Any deliberate tampering or misuse of the District's network or equipment will be considered vandalism and handled as such.

Failure to comply with the District's Internet Acceptable Use and Safety Policy #524, the Bullying Prohibition Policy #514 or the guidelines stated in this document for care and use of the iPad may result in the loss of privilege to take the iPad home or use the iPad in general.

The iPad is the property of ISD 318 and as a result may be seized and reviewed at any time. The student should have NO expectation of privacy of materials found on an iPad. School owned iPads must not be synced to any other computer.

The App Store and iTunes are disabled on all school owned student devices for the protection of software licensing. Applications (Apps) will be downloaded (synced) at school by school personnel. In order to manage this process, common sync days will be set by the District. Sync days require all iPads to be returned to school for updates and maintenance. All apps will be purchased by the District for academic use and are the property of ISD 318.



**ISD 318  
Student Device Program Policies & Guidelines  
Student and Parent Agreement**

**I have read all the policies and guidelines in the ISD 318 Student Device Program Policies & Guidelines document and understand my responsibilities as a student in the 1:1 Student Device Program:**

Student name: \_\_\_\_\_

Student signature: \_\_\_\_\_

Date: \_\_\_\_\_

**I/we have read all the policies and guidelines in the ISD 318 Student Device Program Policies and Guidelines document and understand my/our responsibilities as a parent in the 1:1 Student Device program:**

Parent/Guardian signature: \_\_\_\_\_

Parent/Guardian signature: \_\_\_\_\_

Date: \_\_\_\_\_



**ISD 318  
1:1 Student Device Program  
Parent Decline of Student iPad Use Outside of School**

**If you do not want your student to be able to take an iPad home, sign and date here and return to your student's school office.**

I (We), the undersigned, do not want our student listed above to take an iPad off school grounds.

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

**ISD 318  
Parent Decline of Student Internet Use**

**If you do not want your student to have access to the District's internet, sign and date this form and return it to your students' school office.**

I (We), the undersigned, have read and understand the above internet guidelines in the ISD 318 Student Device Program Policies and Guidelines. We do NOT want our student to have access to the District's internet.

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

## **Independent School District 318**

### **Employee Acceptable Use of Electronic Technologies**

I hereby acknowledge that I have read the Independent School District 318's Internet Acceptable Use and Safety Policy (524). Any use I make of the School District's information technology resources, including but not limited to computer, iPads, E-mail, and Internet access will be in accordance with the terms of this policy as well as any related directive issued to me by my supervisor(s).

I understand that if I violate the terms of the policy or directives related to the use of the School District information technology resources, I may be subject to discipline, up to and including discharge. Any such disciplinary action would be subject to applicable due process procedures.

I understand that the School District can and will monitor use of its information technology resources without notice to users.

I also understand that useful as well as inappropriate material may be accessed through the School District's information technology resources and agree to hold the district harmless for any injury incurred by accessing information that I may find harmful.