

	for review
	comments from Jen Miller
	updates from MSBA

## **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 Crosslake Community Schools' (CCS) 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 CCS' computer system and the Internet, including electronic communications, CCS 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 CCS' 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. CCS expects that faculty will blend thoughtful use of CCS' computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

### **III. LIMITED EDUCATIONAL PURPOSE**

CCS is providing students and employees with access to CCS' 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. CCS' 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 CCS' system to further educational and personal goals consistent with the mission of CCS and their 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 CCS' 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 CCS' 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 CCS' 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 CCS' system and Internet resources or accounts are considered **unacceptable**:
  - 1. Users will not use CCS' 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.
  - f. social networking sites such as Facebook, Twitter, Instagram, Snapchat, and Reddit and similar websites or applications.
- 2. Users will not use CCS' 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 CCS' system to engage in any illegal act or violate any local, state or federal statute or law.
  - 4. Users will not use CCS' 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 CCS' system software, hardware or wiring or take any action to violate CCS's security system, and will not use CCS' system in such a way as to disrupt the use of the system by other users.
  - 5. Users will not use CCS' 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 CCS' 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, CCS' 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.
  - 7. Users must keep all account information and passwords on file with the designated CCS't official. Users will not attempt to gain unauthorized access to CCS' system or any other system through CCS' 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 CCS' system may not be encrypted without the permission of appropriate CCS authorities.
  - 8. Users will not use CCS' 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 CCS computer, and will not plagiarize works they find on the Internet.
  - 9. Users will not use CCS' system for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of CCS. Users will not use CCS' system to offer or provide goods or services or for product advertisement. Users will not use CCS' system to purchase goods or services for personal use without authorization from the appropriate CCS' official.
- B. A student or employee engaging in any of the foregoing unacceptable uses of the Internet when off CCS' premises and without the use of CCS' system also may be in violation of this policy as well as

other CCS' policies. Examples of such violations include, but are not limited to, situations where CCS' system is compromised or if an employee or student is negatively impacted. If CCS receives a report of an unacceptable use originating from a non-CCS computer or resource, CCS may investigate such reports to the best of its ability. In situations when CCS' receives a report of an unacceptable use originating from a non-CCS computer or resource, CCS shall investigate such reports. 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 CCS' computer system and the Internet and discipline under other appropriate CCS' 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 CCS official. In the case of a CCS' 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 CCS' employee, the building administrator.

## **VI. FILTER**

All computers equipped with Internet access and available for student use at each CCS site will be equipped to restrict, by use of available 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.

## **VII. CONSISTENCY WITH OTHER CCS POLICIES**

Use of CCS' computer system and use of the Internet shall be consistent with CCS' policies and the mission of CCS.

## **VIII. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of CCS' system, CCS 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 CCS' system.
- B. Routine maintenance and monitoring of CCS' system may lead to a discovery that a user has violated this policy, another CCS policy, or the law.
- C. An individual investigation or search will be conducted if CCS authorities have a reasonable suspicion that the search will uncover a violation of law or CCS' policy.
- D. Parents/guardians have the right at any time to investigate or review the contents of their student's files and email files. Parents/guardians have the right to request the termination of their student's individual account at any time.
- E. CCS' employees should be aware that CCS retains the right at any time to investigate or review the contents of their files and email files. In addition, CCS' employees should be aware that data and other materials in files maintained on CCS' system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 ( the Minnesota Government Data Practices Act).
- F. CCS 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 CCS' policies conducted through CCS' 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/guardians and employees of CCS.
- B. This policy requires the permission of and supervision by the CCS' designated professional staff before a student may use a CCS 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/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 CCS' office. As teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

## **X. LIMITATION ON CCS' LIABILITY**

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

## **XI. USER NOTIFICATION**

- A. All users shall be notified of CCS' policies relating to Internet use.
- B. This notification shall include the following:
  - 1. Notification that Internet use is subject to compliance with CCS' policies.
  - 2. Disclaimers limiting CCS' liability relative to:
    - a. Information stored on CCS' hard drives or servers.
    - b. Information retrieved through CCS' computers, networks or online resources.
    - c. Personal property used to access CCS' computers, networks or online resources.
    - d. Unauthorized financial obligations resulting from use of CCS' resources/accounts to access the Internet.
  - 3. A description of the privacy rights and limitations of CCS' sponsored/managed Internet accounts.
  - 4. Notification that, even though CCS 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/guardians.
  - 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 CCS' acceptable use policy, the user's access privileges may be revoked, CCS' 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'/GUARDIANS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE**

- A. Outside of CCS, parents/guardians 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/guardians are responsible for monitoring their student's use of CCS' system and of the Internet if the student is accessing CCS' system from home or a remote location.

- B. Parents will be notified that their students will be using CCS' resources/accounts to access the Internet and that CCS will provide parents/guardians 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/guardians 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/guardian, and the supervising teacher prior to use by the student.
  5. A statement that CCS's acceptable use policy is available for parent/guardian review.
- (Is this followed? Mentions CCS will inform parents/guardians that they have the option to request "alternative activities not requiring internet access.")

### XIII. IMPLEMENTATION; POLICY REVIEW

- A. CCS' administration may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the Board of Education (BOE) for approval. Upon approval by the BOE, such guidelines, forms and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent/guardian notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. CCS' 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 BOE shall conduct an annual review of this policy. (Is this conducted annually?)

**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. § 121A.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 (2<sup>nd</sup> 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 (8<sup>th</sup> Cir. 2012)  
*Kowalski v. Berkeley County Sch.*, 652 F.3d 565 (4<sup>th</sup> Cir. 2011)  
*Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3<sup>rd</sup> 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)

**Cross References:** MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
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 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)  
MSBA/MASA Model Policy 603 (Curriculum Development)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)