

## **3187 524 USE POLICY FOR INTERNET ACCESS**

### A. Purpose

The purpose of this policy is to set forth policies and guidelines for access to the Duluth Public Schools' computer system and responsible and safe use of the Internet, including electronic communications.

### B. General Statement of Policy

In making decisions regarding student and employee access to the Duluth Public Schools' computer system 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, blogs, and other resources while exchanging messages with people around the world. The school district expects that faculty will promote responsible use of the school district computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

### C. Limited Forum for District's Educational Use

The Duluth Public Schools 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.

### D. Use of System is a Privilege

The use of the Duluth Public Schools' 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.

Guidelines for Internet Access use are contained in Regulation 3187R.

## Internet Safety

### A. Introduction

It is the policy of the Duluth Public Schools to:

- (1) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;

- (2) prevent unauthorized access and other unlawful online activity;
- (3) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors;
- (4) educate minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response; and
- (5) comply with the Children’s Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)] and Protecting the children in the 21<sup>st</sup> Century Act.

B. Definitions

Key terms are as defined in the Children’s Internet Protection Act.

C. Access to Inappropriate Material

To the extent practical, technology protection measures (or “Internet filters”) shall be used to block or filter Internet. Specifically, as required by the Children’s Internet Protection Act, blocking shall be applied to visual depictions that are deemed obscene, child pornography, or harmful to minors.

Specifically, as required by the Children’s Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

D. Inappropriate Network Usage

To the extent practical, steps shall be taken to promote the safety and security of users of the Duluth Public Schools online computer network when using electronic mail, blogs, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children’s Internet Protection Act, prevention of inappropriate network usage includes:

- (1) unauthorized access, including so-called ‘hacking,’ and other unlawful activities; and
- (2) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

E. Supervision and Monitoring

It shall be the responsibility of all members of the Duluth Public Schools staff to supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and the Children’s Internet protection Act.

Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the Technology Department or designated representatives.

F. CIPA definitions of terms:

TECHNOLOGY PROTECTION MEASURE. The term “technology protection measure” means a specific technology that blocks or filters Internet access to visual depictions that are:

- (1) OBSCENE, as that term is defined in section 1460 of title 18, United States Code;
- (2) CHILD PORNOGRAPHY, as that term is defined in section 2256 of title 18, United States Code; or

- (3) HARMFUL TO MINORS. The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:
- (a). Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
  - (b). 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
  - (c). Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
4. SEXUAL ACT; SEXUAL CONTACT. The terms “sexual act” and “sexual contact” have the meanings given such terms in section 2246 of title 18, United States Code.

REFERENCES: Children’s Internet Protection Act  
Protecting Children in the 21<sup>st</sup> Century Act

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. § 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. American Library Association*, 539 U.S. 194, 123 S.Ct.2297, 56 L.Ed.2d 221 (2003)  
*Layshock v. Hermitage Sch. Dist.*, 412 F.Supp. 2d 502 (2006)  
*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 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)

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