

INTERNET & COMPUTER ACCEPTABLE USE & SAFETY

Adopted: January 31, 2008

Immaculate Conception School Policy

INTERNET AND COMPUTER ACCEPTABLE USE AND SAFETY POLICY

I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for use of the school computers, access to the Immaculate Conception School (ICS) 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 ICS computer system and the Internet, including electronic communications, the school 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 ICS 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 expects that faculty will blend thoughtful use of the ICS computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

ICS is providing students and employees with access to the ICS 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 ICS 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 ICS 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 ICS 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 ICS 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 policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

Members of the ICS community respect the dignity of others and the school environment. For these reasons:

A. The following uses of the ICS system and Internet resources or accounts are considered unacceptable:

1. Users will not use the ICS 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 ICS 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 ICS system to engage in any illegal act or violate any local, state or federal statute or law.
4. Users will not use the ICS 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 ICS system software, hardware or wiring or take any action to violate the ICS's security system, and will not use the ICS system in such a way as to disrupt the use of the system by other users.
5. Users will not use the ICS 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 ICS 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.

7. Users must keep all account information and passwords on file with the designated ICS official. Users will not attempt to gain unauthorized access to the ICS system or any other system through the ICS 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 ICS system may not be encrypted without the permission of appropriate school authorities.

8. Users will not use the ICS 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 ICS system for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the ICS. Users will not use the ICS system to offer or provide goods or services or for product advertisement. Users will not use the ICS system to purchase goods or services for personal use without authorization from the appropriate ICS official.

B. A student or employee engaging in any of the foregoing unacceptable uses of the Internet when off ICS premises and without the use of the school system also may be in violation of this policy as well as other school policies. In situations when ICS receives a report of an unacceptable use originating from a non-school computer or resource, the school shall 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 ICS computer system and the Internet and discipline under other appropriate school 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 ICS official. In the case of an ICS 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 an ICS employee, the building administrator.

V. FILTER

Schools that receive certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children’s Internet Protection Act, effective in 2001. This law requires ICS to adopt an Internet safety policy which contains the provisions set forth below. Also, the Act requires ICS to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation. Schools that do not seek such federal financial assistance need not adopt the alternative language set forth below nor meet the requirements with respect to a public meeting to review the policy. The following alternative language for schools that seek such federal financial assistance satisfies both state and federal law requirements.

A. With respect to any of its computers with Internet access, ICS will monitor the online activities of minors 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. Child pornography; 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. An administrator, supervisor or other person authorized by the Principal may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

VII. ACCEPTABLE USE OF SCHOOL COMPUTERS

A. Hardware and software concerns will be addressed to the appropriate Systems Operator.

B. The computer is designated as the user’s workstation and it’s the user’s responsibility to monitor use of the computer.

C. Only approved ICS software will be installed on the computer.

D. Approved software must be installed by a School Technology Team member or with prior approval from a School Technology Team member.

E. The Principal or designee, with or without prior notice, may take possession of the computer as deemed necessary.

F. The user will be required to use discretion in using the computer for personal communications.

VIII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of the ICS computer system and use of the Internet shall be consistent with other school policies and the mission of the school, including the policies on academic honesty, respect, harassment and theft.

IX. LIMITED EXPECTATION OF PRIVACY

A. By authorizing use of the ICS system, the ICS 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 ICS system.

B. Routine maintenance and monitoring of the ICS system may lead to a discovery that a user has violated this policy, another ICS 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 policy.

D. 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.

- However, ICS does not guarantee what data is retained or for how long.

E. ICS employees should be aware that the ICS retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, ICS employees should be aware that data and other materials in files maintained on the ICS system may be subject to review, disclosure or discovery under Minnesota Statutes, Chapter 13 (the Minnesota Government Data Practices Act).

F. ICS 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 ICS policies conducted through the ICS system.

X. 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 ICS.

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, at the elementary level, by 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 for students and employees. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

XI. LIMITATION ON ICS LIABILITY

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

XII. USER NOTIFICATION

A. All users shall be notified of the ICS policies relating to Internet use.

B. This notification shall include the following:

1. Notification that Internet use is subject to compliance with ICS policies.
2. Disclaimers limiting ICS's liability relative to:
 - a. Information stored on ICS diskettes, hard drives or servers.
 - b. Information retrieved through ICS computers, networks or online resources.
 - c. Personal property used to access ICS computers, networks or online resources.
 - d. Unauthorized financial obligations resulting from use of school 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 ICS 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 ICS'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.

XIII. 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 ICS system and of the Internet if the student is accessing the ICS system from home or a remote location.

B. Parents will be notified that their students will be using ICS resources/accounts to access the Internet and that ICS 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 ICS's acceptable use policy is available for parental review.

XIV. IMPLEMENTATION: POLICY REVIEW.

A. ICS administration may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the advisory board for approval. Upon approval by the advisory 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. ICS 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 advisory 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. § 125B.15 (Internet Access for Students)

MINN. STAT. § 125B.25 (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. 2997, 56 L.Ed.2d221 (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 604 (Instructional Curriculum)

MSBA/MASA Model Policy 606 (Textbooks and Instructional Material)