TRIO Wolf Creek Distance Learning Charter School #4095

524 INTERNET, COMPUTER AND EQUIPMENT USAGE

I. PURPOSE

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

III. LIMITED EDUCATIONAL PURPOSE

The charter school is providing students and employees with access to the charter school 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 charter school 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 school system to further educational and personal goals consistent with the mission of the charter school 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 charter school 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 charter school 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 charter school policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

TRIO Wolf Creek Distance Learning Charter School #4095

V. UNACCEPTABLE USES

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

1. Users will not use the charter school 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 charter school 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 charter school system to engage in any illegal act or violate any local, state, or federal statute or law.

4. Users will not use the charter school 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 charter school system software, hardware, or wiring or take any action to violate the charter school's security system, and will not use the charter school system in such a way as to disrupt the use of the system by other users.

5. Users will not use the charter school 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 charter school 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 charter school 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 charter school as directory information and verification is made that the charter school 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 charter school 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 charter school 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," "Snapchat," and "Reddit," and similar websites or applications.

7. Users must keep all account information and passwords on file with the designated charter school official. Users will not attempt to gain unauthorized

access to the charter school system or any other system through the charter school 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 charter school system may not be encrypted without the permission of appropriate school authorities.

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

10. Users will not use the charter school system to engage in bullying or cyberbullying in violation of the charter school's Bullying Prohibition Policy (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 premises also may be in violation of this policy as well as other charter school policies. Examples of such violations include, but are not limited to, situations where the charter school system is compromised or if a charter school employee or student is negatively impacted. If the charter school receives a report of an unacceptable use originating from a non-school computer or resource, the charter school 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 charter school computer system and the Internet and discipline under other appropriate charter 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 charter school official. In the case of a charter school 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 charter school employee, the building administrator.

VI. FILTER

Schools which 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 schools to adopt an Internet safety policy which contains the provisions set forth below. Also, the Act requires such schools 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, the charter school 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. 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. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

D. An administrator, supervisor, or other person authorized by the director may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

E. The charter school 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 charter school computer system and use of the Internet shall be consistent with charter school policies and the mission of the charter school.

VIII. LIMITED EXPECTATION OF PRIVACY

A. By authorizing use of the charter school system, the charter school 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 charter school system.

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

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

F. The charter school 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 charter school policies conducted through the charter school 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 charter school.

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

XI. USER NOTIFICATION

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

B. This notification shall include the following:

1. Notification that Internet use is subject to compliance with charter school policies.

2. Disclaimers limiting the charter school's liability relative to:

a. Information stored on charter school diskettes, hard drives, or servers.

b. Information retrieved through charter school computers, networks, or online resources.

c. Personal property used to access charter school computers, networks, or online resources.

d. Unauthorized financial obligations resulting from use of charter 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 the charter school 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 charter school'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 charter school system and of the Internet if the student is accessing the charter school system from home or a remote location.

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

XIII. IMPLEMENTATION; POLICY REVIEW

A. The charter school 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 charter school 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)]

TRIO Wolf Creek Distance Learning Charter School #4095

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, 56 524-11 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 565 (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)

Cross References:

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