

BOARD AGENDA ITEM

May 22, 2012

SUBJECT:

Updates and Amendments to the Internet Acceptable Use Policy (IJNDB) and Administrative Rule (IJNB-R) – Second Reading

BACKGROUND:

In 1996, the Aiken County Board of Education initiated one of the first Internet Acceptable Use Policies and Administrative Rules in the public schools of this state. New employees are required to sign an acknowledgement of the policy (and have been since its initiation), and students are required to be informed about the policy, including an acknowledgment of the same in the Code of Student Conduct annually, as well as annual orientations. The Board approved changes to the policy and administrative rule at the May 8, 2012 meeting.

ADMINISTRATIVE CONSIDERATION:

In order to comply with the State Department of Education requirement (reminder) that in order for school districts to continue receiving E-rate discounts on certain federal funding for technology uses, school districts have to enforce a policy of internet safety and certify compliance with the purposes of the Children's Internet Protection Act (CIPA), this policy is being updated. The State Department's guidance includes three overall requirements, to wit:

- 1) Technology protection measures [already utilized by the school district, as has been the case for years];
- 2) An Internet Safety Policy with certain touchstone inclusions (being updated by this action); and
- 3) A public meeting to discuss or address technology protection measures and internet safety policy. This reading will include such discussion opportunity.

The administration has recommended and the Board has approved on First Reading changes to the Acceptable Use Policy (IJNBD) and Administrative Rule (IJNDB-R) in order to update our policies to be fully in compliance with these CIPA requirements. The administration has made a change in the heading since first reading in order to have a more descriptive identifier for

the broad application of this policy throughout the school district in all its operations, as well as in the instructional program.

RECOMMENDATION:

Adopt the recommended changes to the policy and administrative rule on second reading.

ATTACHMENT:

- 1) Policy IJNDB as revised
- 2) Administrative Rule IJNDB-R as revised

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Policy IJNDB Use of Technology Resources

Issued 5/12

Purpose: to establish the basic structure for the use of technology resources in instruction in the district.

The use of technology to support the curriculum and the instructional process must be selected on the basis of its potential to enhance the direct implementation of district and state academic achievement standards. The use of Technology must not be used to substitute for teaching, except when it is used as a delivery medium such as distance learning, web-based educational approaches, etc.

Internet acceptable use policy (Internet and other electronic media and on-line connections)

Technology is a vital part of education and the curriculum of the district and the district's operations. In an effort to promote learning and expand educational resources for students, the district has made arrangements to provide worldwide electronic on-line connection access to students and staff. While the Internet will be a primary on-line source, this policy and any implementing administrative rule are intended to cover the use of the district's computer-related electronic on-line connections, generally, as well as the district's computer hardware and software. Reference to "Internet" as used herein will be construed as a term of convenience to cover the intended scope of this policy. The district's goal in providing this service is to promote educational excellence by communication, innovation and facilitation in sharing of teaching and learning resources. Access to such "electronic highways" connecting millions of computer users all over the world will allow district students and staff the opportunity to communicate with others on a global level and access educational materials worldwide. It will also enhance professional development for staff.

The internet can provide a vast collection of educational resources for students and employees. It is a global network that makes it impossible to control all available information. Because information appears, disappears and changes constantly, it is not possible to predict or control what students may locate. The school district makes no guarantees as to the accuracy of information received on the internet. Although students will be under teacher supervision while on the network, it is not possible to constantly monitor individual students and what they are accessing on the network. Some students might encounter information that is not of educational value.

Access to the Internet is a privilege, not a right. With this privilege, there also is a responsibility to use the Internet solely for educational purposes and not to access inappropriate materials not suitable for students. To that end, the district administration is directed to develop appropriate guidelines governing the use of district computers to access the Internet.

As part of the implementation of the administration's guidelines, students and staff must be instructed on the appropriate use of the Internet. In addition, parents must sign a permission form

to allow students to access the Internet. Students also must sign a form in the Code of Student Conduct acknowledging that they have read and understand the acceptable use policy and administrative rule, that they will comply with this policy and rule, and that they understand the consequences of violating this policy or rule. District staff must sign a similar acknowledgment form IJNDB-E before they will be allowed to access the Internet. Inappropriate use by any person will not be tolerated.

Adopted 11/12/96; Revised 1/8/02, 5/22/12

The School District of Aiken County

AR IJNDB-R Use of Technology Resources

Issued 5/12

Purpose and scope

This administrative rule is adopted to implement the district's Internet acceptable use policy. While the rule primarily addresses utilization of the Internet and other electronic on-line connection services, it also applies, where appropriate, to the general use of district-owned computer hardware and software.

Terms and conditions of use

Acceptable use

The purpose of the district's decision to provide Internet access is to allow an expanded opportunity for education, research and professional development by providing access to unique resources and the opportunity for collaborative work. All use of the Internet must be in support of education and research and consistent with the educational and staff development objectives of the district. Use of any organizations' network or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of any federal or state laws or regulations is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected by trade secret. Violations will result in appropriate disciplinary action against the staff member or student involved.

Accessing inappropriate sites

Student Internet activities will be monitored by the district to ensure students are not accessing inappropriate sites that have visual depictions that include obscenity, child pornography or are harmful to minors. The school district uses CIPA approved technology protection measures to protect students from inappropriate access in addition to monitoring.

The district will provide reasonable notice of and at least one public hearing or meeting to address and communicate its Internet safety measures.

Reporting

District and school computer technicians who are working with a computer and come across sexually explicit images of children must report this to local law enforcement. The report must include the name and address of the owner or person in possession of the computer.

Online behavior

The district will educate minors about appropriate, safe, and secure online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. The superintendent or his/her designee will develop a

program to educate students on these issues in accordance with Internet Safety Standards and grade bands published on the State Department of Education website.

Off-campus conduct

Students, parents/legal guardians, teachers and staff members should be aware that the district may take disciplinary actions for conduct initiated and/or created off-campus involving the inappropriate use of the Internet or web-based resources if such conduct poses a threat or substantially interferes with or disrupts the work and discipline of the schools, including discipline for student harassment and bullying.

Procedures for use

Employees may access the Internet for educational or work-related purposes at any time that is not disruptive and does not interfere with the performance of other responsibilities by the employee or other staff members.

Students will be allowed to access the Internet only under the supervision of designated staff. No students may access the Internet without permission.

Rules governing use

The following guidelines for acceptable use will be applicable.

Users are expected to employ appropriate net etiquette; profanity, vulgarity or abusive, inappropriate language is prohibited. Illegal activities are forbidden, including unauthorized access or "hacking" by any users.

Users are not to reveal their personal address or phone number or that of other individuals, students or colleagues.

Users are not to use another school's or individual's account without written permission from that individual.

Vandalism will not be tolerated. Vandalism includes, but is not limited to, malicious damage to hardware, harm or destruction of software or the data of another user, and creating, uploading or downloading computer viruses.

Users should consider all communications and information accessible via the network to be private property. All quotes, references and sources should be cited.

Users are not to access inappropriate or restricted information or other information not directly related to the educational or staff use purposes for which access is being provided. Restricted information includes obscene, libelous, indecent, vulgar, profane or lewd materials; advertisements for products or services not permitted to minors by law; insulting, fighting and

harassing words; and other materials which may cause a substantial disruption of the academic environment.

Users should remain on the system only as long as necessary to complete their work so that other individuals will have equal opportunities to access the Internet. Users are not to disrupt, harass or annoy other users.

The system is not to be utilized for financial or commercial gain or for personal use other than professional activities.

Penalties for improper use

An employee who violates the terms of this administrative rule will be subject to disciplinary action consistent with the nature of the offense, including cancellation of Internet privileges, suspension, or termination if circumstances so warrant. Students who violate the terms of this administrative rule or who otherwise misuse their access to the Internet also will be subject to disciplinary action in accordance with the district's Code of Student Conduct to include suspension or expulsion if circumstances so warrant. Violations of the laws of the United States or the State of South Carolina also may subject the user to criminal prosecution. If a user incurs unauthorized costs, the user, as well as the user's parents (if the user is a student), will be responsible for all such costs.

Issued 11/12/96; Revised 5/26/98, 1/8/02, 5/22/12

Legal references:

A. Federal law:

1. 47 USC Section 254(h) - Children's Internet Protection Act.
2. The Digital Millennium Copyright Act of 1998, Section 512 - Limitations on liability relating to material online.

B. S.C. Code of Laws, 1976, as amended:

1. Section 10-1-205 - Computers in public libraries; regulation of Internet access.
2. Section 16-3-850 - Encountering child pornography while processing film or working on a computer.
3. Section 16-15-305 - Disseminating, procuring or promoting obscenity unlawful; definitions; penalties; obscene material designated contraband.
4. Section 59-19-90 - General powers and duties of school trustees.

C. Court cases:

1. *Purdham v. Fairfax Co. Sch. Bd.*, 637 F.3d 421, 427 (4th Cir. 2011).

The School District of Aiken County