

Adopted: \_\_\_\_\_

Achieve Policy 524

Revised: November, 2018

## **ELECTRONIC TECHNOLOGY ACCEPTABLE USE AND SAFETY POLICY**

### **I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for access to and acceptable and safe use of Electronic Technology.

### **II. GENERAL STATEMENT OF POLICY**

In making decisions regarding student and employee access to and use of Electronic Technology, Achieve Language Academy (Achieve) 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 Electronic Technology enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. Achieve expects that faculty will blend thoughtful use of Electronic Technology throughout the curriculum and will provide guidance and instruction to students in their use.

### **III. DEFINITION**

For purposes of this policy, the term “Electronic Technology” means all electronic systems, equipment, and devices that are owned, leased, or supplied by Achieve, or are otherwise under the control of Achieve, including, but not limited to, computers, computer systems, networks, hardware, software, electronic devices, electronic programs, electronic storage media, data bases, systems used to supply or facilitate Internet access, and Internet access provided by or gained through any school service, system, device, or equipment.

### **IV. LIMITED EDUCATIONAL PURPOSE**

Achieve is providing students and employees with access to Electronic Technology for educational purposes, which includes use of the system for classroom activities, professional or career development, and limited high-quality, self-discovery activities. Users are expected to use Electronic Technology to further educational and personal goals consistent with the mission of Achieve and Achieve policies. Uses which might be acceptable on a user’s private personnel account on another system may not be acceptable on Electronic Technology owned, operated, and provided by Achieve for educational purposes.

### **V. USE OF SYSTEM IS A PRIVILEGE**

Access to and use of Electronic Technology is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of Electronic Technology may result in one or more of the following consequences: suspension or cancellation of use of access privileges; payments for damages and repairs; discipline under

other appropriate Achieve policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

## **VI. UNACCEPTABLE USES**

**A.** The following uses of Electronic Technology are considered unacceptable:

1. Users will not use Electronic Technology 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 Electronic Technology 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 Electronic Technology to engage in any illegal act or violate any local, state, or federal statute or law.
4. Users will not use Electronic Technology 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 Achieve's system software, hardware, or wiring or change Achieve's security system, and will not use Electronic Technology in such a way as to disrupt the use of the system by other users.
5. Users will not use Electronic Technology 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 Electronic Technology to post private information about another person, personal contact information, including, but not limited to, addresses, telephone number, 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 Achieve 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 Achieve-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 Achieve as directory information and verification is made that Achieve has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information; or
  - (2) such information is not classified by Achieve 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 addition, prior to posting any personal contact or personally identifiable information on an Achieve-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 Achieve's system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "MySpace" and "Facebook."
- 7. Users must keep all account information and passwords on file with the designated Achieve official. Users are responsible for complying with Achieve's password security procedures. Users will not attempt to gain unauthorized access to Achieve's system or any other system through Achieve's systems, 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 Achieve's system may not be encrypted without the permission of the appropriate Achieve authorities.
- 8. Users will not use Electronic Technology 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 Achieve computer, and will not plagiarize works they find on the Internet.
- 9. Users will not use Electronic Technology for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of Achieve. Users will not use Achieve's system to offer or provide goods or services or for product advertisement. Users will not use Achieve's system to purchase goods or services for personal use without authorization from the appropriate Achieve official.
- 10. Users will not use Achieve's system to engage in bullying or cyberbullying in violation of Achieve Policy 316 Bullying Prohibition. 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. This policy applies to the use of Electronic Technology regardless of whether or not the user is physically present on school property and regardless of whether or not the user is attending a school sponsored event or activity.
- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school official. In the case of a 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 material 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 school employee, the building administrator.
- D. Any student who witnesses unacceptable use of Electronic Technology is encouraged to report this unauthorized use to the appropriate Achieve official. Any Achieve employee who witnesses unacceptable use of Electronic Technology shall report this unauthorized use to the appropriate Achieve official.

## VII. FILTER

### ALTERNATIVE NO. 3

*School districts 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 school districts to adopt an Internet safety policy which contains the provisions set forth below. Also, the Act requires such school districts to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation. School districts 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 school districts that seek such federal financial assistance satisfies both state and federal law requirements.*

- A. Achieve will monitor the online activities of both minors and adults and employ technology protection measures during any use of Electronic Technology 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 Executive Director may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. Achieve 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 ACHIEVE POLICIES**

- A. Use Electronic Technology shall be consistent with Achieve policies and the mission of Achieve.

## **VIII. PRIVACY**

- A. By authorizing use of Electronic Technology, Achieve does not relinquish control over materials on the system or contained in files on the system. Users have no reasonable expectation of privacy in the contents of any data, including personal files, that are accessed, reviewed, uploaded, downloaded, stored, maintained, printed, posted, transmitted, or distributed using Electronic Technology.
- B. Routine maintenance and monitoring of Electronic Technology may lead to a discovery that a user has violated this policy, another Achieve policy, or the law.
- C. An investigation or search related to employee use will be conducted when authorized by an administrator, supervisor or other person authorized by the executive director. An investigation or search related to student use will be conducted when authorized by the building principal or assistant principal, an administrator, supervisor or other person authorized by the executive director.

- 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 access to and use of Electronic Technology at any time.
- E. Achieve employees should be aware that data and other materials in files maintained on or throughout the use of Electronic Technology may be subject to review, disclosure or discovery under Minnesota Statutes, Chapter 13 (the Minnesota Government Data Practices Act).
- F. Achieve will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities and activities not in compliance with Achieve policies conducted through Achieve's system.
- G. Achieve retains full ownership, authority, and control over its Electronic Technology. To the full extent permitted by law, Achieve may monitor and inspect the use of Electronic Technology, including, but not limited to, any data that are accessed, reviewed, uploaded, downloaded, stored, maintained, printed, posted, transmitted, or distributed using Electronic Technology. Such monitoring and inspection may occur as authorized by an administrator, supervisor or other person authorized by the executive director, without any notice to the user.

## **IX. ELECTRONIC TECHNOLOGY USE AGREEMENT**

- A. The proper use of Electronic Technology, and the educational value to be gained from proper Electronic Technology use, is the joint responsibility of students, parents, and employees of Achieve.
- B. This policy requires the permission of and supervision by Achieve's designated professional staff before a student may use a school account or resource to access Electronic Technology.
- C. The Electronic Technology Use Agreement form for students must be read and signed by the user and the parent or guardian, and the supervising teacher. The Electronic Technology Use Agreement (form for employees must be signed by the employee. The form must then be filed at the main school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

## **X. LIMITATION ON ACHIEVE LIABILITY**

Use of Electronic Technology is at the user's own risk. Electronic Technology is provided on an "as is, as available" basis. Achieve will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on Achieve's 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. Achieve is

not responsible for the accuracy or quality of any advice or information obtained through or stored on Electronic Technology. Achieve will not be responsible for financial obligations arising through unauthorized use of Electronic Technology.

## **XI. USER NOTIFICATION**

**A.** All users shall be notified of Achieve policies relating to Electronic Technology use.

**B.** This notification shall include the following:

1. Notification that Electronic Technology use is subject to compliance with Achieve policies.
2. Disclaimers limiting the Achieve's liability relative to:
  - a. Information stored on Achieve's diskettes, hard drives, or servers.
  - b. Information retrieved through Achieve's computers, networks, or online resources.
  - c. Personal property used to access Achieve's computers, networks, or online resources.
  - d. Unauthorized financial obligation resulting from use of Achieve's resources/accounts to access the Internet.
3. A description of the privacy rights and limitations of Achieve sponsored/managed Internet accounts.
4. Notification that, even though Achieve may use technical means to limit student Electronic Technology 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 Electronic Technology, including electronic communications, is governed by Policies 214 and 308.
7. Notification that, should the user violate Achieve'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. PARENT RESPONSIBILITY; NOTIFICATION OF STUDENT ELECTRONIC TECHNOLOGY USE**

**A.** Outside of school, parents bear responsibility for the same guidance of Electronic Technology 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 Electronic Technology if the student is accessing Electronic Technology from home or a remote location.

- B.** Parents will be notified that their students will be using Electronic Technology and that Achieve will provide parents the option to request alternative activities not requiring Electronic Technology. 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 Electronic Technology Use Agreement must be signed by the user, the parent or guardian, and a supervising teacher prior to use by the student.
  5. A statement that Achieve's acceptable use policy is available for parental review.

### **XIII. IMPLEMENTATION; POLICY REVIEW**

- A.** Achieve administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the Achieve 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.** Achieve's Electronic Technology 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 Electronic Technology, 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))  
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 656 (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)  
*J.S. v. Bethlehem Area Sch. Dist.*, 807 A.2d 847 (Pa. 2002)

**Cross References:** Achieve Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
Achieve Policy 406 (Public and Private Personnel Data)  
Achieve Policy 506 (Student Discipline)  
Achieve Policy 514 (Bullying Prohibition Policy)  
Achieve Policy 515 (Protection and Privacy of Pupil Records)  
Achieve Policy 521 (Student Disability Nondiscrimination)  
Achieve Policy 522 (Student Sex Nondiscrimination)  
Achieve Policy 603 (Curriculum Development)  
Achieve Policy 806 (Crisis Management Policy)  
Achieve Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)