

MODESTO CITY SCHOOLS

Board Policy

BP 0440

PHILOSOPHY-GOALS-OBJECTIVES & COMPREHENSIVE PLAN

Use of Technology, Network and Electronic Information

Purpose

The purpose of the Modesto City Schools' Technology Network is to advance and promote excellence in the education of students. The District Network is intended to provide educational resources to students, staff, and community; to create intellectual projects and collaboration; and to foster communication and the exchange of information and ideas within and between schools, school district offices, and other agencies. The Network should also provide reliable, equitable, and cost-effective information and communication resources to the Modesto City Schools educational community.

Modesto City Schools recognizes the potential of the Internet and the World Wide Web as extraordinary resources for teaching and learning. The District also recognizes the value of district and school Web sites as a communications tool to provide information on District schools, programs and events; to promote public confidence, professionalism, and pride in Modesto City Schools; to provide links to local, national and worldwide resources related to education; and to furnish reports and data to the public.

District Network and Computer Equipment

The District is providing Internet access to its employees, Board members, and students. The District's Internet system has a limited educational purpose.

The District's Internet system has not been established as a public access service or a public forum. The District has the right to place restrictions on use to ensure that use of the system is in accord with its limited educational purpose.

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Student use of the District's Internet system will be governed by this policy, related District and school regulations, and the student disciplinary code. Staff use will be governed by this policy, related District and school regulations, District employment policy, and the collective bargaining agreement.

The District will ensure that due process rights of all users will be ensured in the event there is a suspicion of inappropriate use of the District Internet system. Users have a limited privacy expectation in the contents of their personal files, e-mail and records of their online activity while on the District system.

By this policy, the District restricts access to materials through use of the Internet for educational reasons. The District declares its ownership of the relevant hardware and software and asserts its right to review and exercise its ownership at any time by search of the system and its equipment, and any information on it. Use of the Internet by student and staff shall be subject to monitoring and search, and staff and students should take notice that they have no expectation of privacy in any information contained on District-owned equipment.

Safe Use of the Internet

The District has developed and approved this policy in accord with the statutory requirements of the Children's Internet Protection Act. The policy represents the District's good faith efforts to promote the safe, ethical, responsible, and legal use of the Internet, support the effective use of the Internet for educational purposes, protect students against potential dangers in their use of the Internet, and ensure accountability.

- a. The District will promote the effective, educational use of the Internet in school through professional development and the establishment of a District web site that will provide access to prescreened, appropriate, educationally relevant material.

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- b. Student and staff users of the District Internet system will receive instruction regarding the safe, ethical, legal, and responsible use of the Internet and the District's Internet system and their rights and responsibilities under this policy.
- c. Student use and activities will be structured in a manner that is appropriate to the age and skills of students, recognizing the importance of providing more secure environments for younger students and supporting safe, responsible, independent use by older students.
- d. The District will protect against access to materials that are considered inappropriate for users to access through the District Internet system in the following manner:
 - i. The District regulations will designate certain categories of materials as Prohibited, Restricted, or Limited Access Material. Prohibited Material may not be accessed by the students or staff at any time, for any purpose. Restricted Material may not be accessed by elementary or middle school students, but may be accessed by high school students in the context of specific learning activities that have been approved by a teacher or by staff for professional development purposes. Limited Access Material is material that is generally considered to be non-educational or entertainment. Limited Access Material may be accessed in the context of specific learning activities that are directed by a teacher or during periods of time that a school may designate as "open access" time by the individual school.
 - ii. The District will implement the use of a Technology Protection Measure, which is a specific technology that will protect against access to visual depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the District or school, the Technology Protection Measure may also be configured to protect against access to other material considered inappropriate for students to access.

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- iii. The Technology Protection Measure may not be disabled at any time that students may be using the District Internet system, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Authorized staff may temporarily or permanently unblock access to sites containing appropriate material, if access to such sites has been inappropriately blocked by the Technology Protection Measure.
- iv. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the Technology Protection Measure.
- e. Student use of the District Internet system will be supervised by staff in a manner that is appropriate to the age of the students and circumstances of use.
- f. The District monitors both student and staff use of the Internet. Policy and filtering rules will be developed and modified through analysis of Internet usage records and patterns.
- g. The District and schools will establish regulations and procedures to protect the safety and security of students when using direct electronic communications (e.g. newsgroups, chat and e-mail systems).
- h. The Student Internet Use Policy developed pursuant to this policy will include requirements that address the following safe and responsible use issues:
 - i. Access to inappropriate material.
 - ii. Privacy and communication safety standards for self and others.
 - iii. Illegal activities, including computer security violations, actions taken to disrupt the performance of a computer system, and the use of the Internet to engage in other criminal acts.

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- iv. Inappropriate language.
- v. Plagiarism and copyright infringement.
- vi. Actions or use that may disrupt or jeopardize the security or effective performance of the District's network or the Internet.
- i. The District will protect against the unauthorized disclosure, use, or dissemination of personal or confidential information of students.
- j. The District will develop regulations for staff pertaining to the transmission of student confidential information via direct electronic communications to ensure that such transmissions are in compliance with the federal and state student privacy laws.
- k. The District will develop regulations for staff and students to ensure the protection of student personal information when accounts are established or information is provided by or about students on third party web sites.
- m. The District will develop policies addressing the disclosure of student information, posting student-created material, and posting pictures of students on the District web site.

Personal Use

The use of the District Network is a privilege, not a right. Users must strive for the most responsible use of the District's resources for purposes related to accessing, sharing, and creating information as well as working with others for scholarly and work-related communications. While occasional social communication using e-mail is not disallowed by this policy, limiting the number of purely personal electronic messages and files is reasonable and necessary. Similarly, access to the Internet for personal use must be restricted during normal school business hours. Users should not use District computers or Network equipment for entertainment use such as playing music, radio, television, videos, or games not directly related to school or work.

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Student Use Permit

Each school will provide an annual written notice to the parents/guardians of students about the District Internet system, the policies governing its use, and the limitation of liability of the District. Parents have the right to opt their student out of either Internet or e-mail access at any time. Students will be required to demonstrate their understanding of Internet and e-mail rules and procedures before being provided access to these systems, and agree to abide by those rules per a student agreement.

Parents/guardians have the right at any time to investigate the contents of their child's e-mail files. Parents/guardians have the right to request the termination of their child's Internet access at any time. A mail-in form will be provided annually to parents to allow them to opt their student out of Internet access and/or e-mail access.

Legal Issues

The District Network and computer equipment shall not be used for illegal purposes. Among other crimes, for example, it is a felony to intentionally access any computer system or network for the purpose of devising or executing any scheme or artifice to defraud or extort; or obtaining money, property, or services with false or fraudulent intent, representation or promises (California Computer Crime Bill, 1979, Section 502 of Penal Code). It is also a felony to maliciously access, delete, damage, or destroy any computer system, computer network, computer program, or data. Examples of computer-related offenses are: removing another user's accounts, changing another user's passwords, using an unauthorized account, damaging files, altering the system or damaging school or District property.

This section pertains to all activities, internal or external to the District network, that fall under the generally accepted definition of "hacking." The District will provide any and all evidence obtained from internal systems to local law enforcement as requested in any investigation of any illegal activities initiated from within the District network by student or staff.

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Disclaimer

The District makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the District Internet system will be error-free or without defect. The District will not be responsible for any damage users may suffer, including but not limited to, loss of data, interruptions of service, or exposure to inappropriate material or people. The District is not responsible for the accuracy or quality of the information obtained through the system. The District will not be responsible for financial obligations arising through the unauthorized use of the system. Users or parents of users will indemnify and hold the District harmless from any losses sustained as the result of misuse of the system by user. Use of the system by students will be limited to those students whose parents have signed a disclaimer of claims for damages against the District.

Consequences

Violation of this policy may lead to Student Conduct Code consequences or employee disciplinary action.

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June 7, 2004
October 11, 2004