

TECHNOLOGY USAGE
(*Acceptable Use Policy*)

Student Users

No student will be given access to the district's technology resources until the district receives a *User Agreement* signed by the student and the student's parent(s), guardian(s) or person(s) standing in the place of a parent. Students who are 18 years of age or older or who are otherwise able to enter into an enforceable contract may sign the *User Agreement* without additional signatures. Students who do not have a *User Agreement* on file with the district may be granted permission to use district technology by the superintendent or designee.

Employee Users

No employee will be given access to the district's technology resources before the district has a signed *User Agreement* on file. Authorized employees may use the district's technology resources for reasonable, incidental personal purposes as long as the use does not violate any provision of district policies, regulations or procedures, hinder the use of the district's technology for the benefit of its students or waste district resources. Any use that jeopardizes the safety, security or usefulness of the district's technology is considered unreasonable. Any use that interferes with the effective and professional performance of the employee's job is considered unreasonable. Employee access to the Internet is subject to the approval of the employee's immediate supervisor.

Because computers are shared resources, it is not appropriate for an employee to access, view, display, store, print or disseminate information via district resources, including e-mail or Internet access, that other users could not access, view, display, store, print or disseminate without authorization by the district.

Student teachers, interns, volunteers, substitutes, etc., are considered to be employees for the purposes of network access.

Board Member Users

Members of the school Board may be granted user privileges, including an e-mail address, upon completion of a *User Agreement*. Board members will set an example of responsible use and will abide by district policies, regulations and procedures. Board members will comply with the Missouri Sunshine Law.

External Users

Consultants, counsel, independent contractors and other persons having professional business with this school district may also be granted user privileges at the discretion of the superintendent or

designee, subject to completion of a *User Agreement* and for the sole, limited purpose of conducting business with the school. External users must abide by all laws, district policies, regulations and procedures.

Privacy

A user does not have a legal expectation of privacy in the user's electronic communications or other activities involving the district's technology resources.

All district technology resources are considered district property. The district may maintain or improve technology resources at any time. The district may remove, change or exchange hardware or other technology between buildings, classrooms, employees, students or any other user at any time without prior notice. Authorized district personnel may load or delete new programs or information, install new equipment, upgrade any system or enter any system to correct problems at any time.

The district may examine all information stored on district technology resources at any time. The district may monitor employee and student technology usage. Electronic communications, all data stored on the district's technology resources and downloaded material, including files deleted from a user's account, may be intercepted, accessed or searched by district administrators or designees at any time.

Violations of Technology Usage Policies and Procedures

Use of the district's technology resources is a privilege, not a right. A user's privileges may be suspended pending an investigation concerning use of the district's technology resources. Any violation of district policies, regulations or procedures regarding technology usage may result in temporary, long-term or permanent suspension of user privileges.

The administration may use disciplinary measures to enforce district policies, regulations and procedures. Employees may be disciplined or terminated, and students suspended or expelled, for violating the district's policies, regulations and procedures. Any attempted violation of district policies, regulations or procedures, regardless of the success or failure of the attempt, may result in the same discipline or suspension of privileges as that of an actual violation.

Damages

All damages incurred by the district due to the misuse of the district's technology resources, including the loss of property and staff time, will be charged to the user. District administrators have the authority to sign any criminal complaint regarding damage to district technology.

General Rules and Responsibilities

The following rules and responsibilities are applicable to all users of District technology resources. Violation of these rules will subject the user to appropriate discipline as specified in this and other Board of Education Policies and the Administrative Guidelines of the District:

The following conduct is prohibited:

1. Application for a user ID under false pretenses; use of another person's user ID and/or password; or sharing a user ID and/or password with any other person.
2. Deleting, examining, copying or modifying files and/or data belonging to another user without the user's prior knowledge and/or consent.
3. Mass consumption of technology resources that inhibits or interferes with technology use of other persons.
4. Use of District technology resources for personal purposes and/or non-educational Internet usage, except where *de minimus*.
5. Use of District technology resources to solicit, advertise or engage in fundraising for commercial purposes and/or for financial gain, unless authorized in advance by the District.
6. Use of District technology resources to access fee services without permission from a District Administrator. A user who accesses such services without permission is solely responsible for all charges incurred.
7. Use of District technology resources in a manner that violates any Federal or State law, including but not limited to criminal and copyright laws.
8. Use of District technology resources in a manner that invades the privacy of another person or constitutes defamation (libel or slander) in the opinion of the District.
9. Use of District technology resources (including email and the Internet) to access, view or disseminate information or data that is, in the opinion of the District: (a) pornographic or obscene (including but not limited to images of the uncovered genitals of any person or the uncovered breasts of any woman); or, (b) child pornography; or, (c) otherwise harmful to minors, indecent or vulgar.
10. Use of District technology resources to access, view or disseminate information on any product or service that is not permitted to be used by, purchased, and/or possessed by minors unless such access is under the direction and supervision of District staff for curriculum-related purposes.

11. Use of District technology resources to access, view or disseminate information that in the District's opinion, contains insults or fighting words, the very expression of which: (a) could reasonably be expected to injure or harass another person, including but not limited to threats of violence, defamation or insults concerning a person's race, color, religion, sex, national origin, ancestry, disability, age or military service; or, (b) is reasonably likely, in the District's opinion, because of the content or the manner of distribution, to cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities; or, (c) is reasonably likely, in the District's opinion, to cause the commission of unlawful acts or the violation of lawful school regulations.
12. Use of District technology resources where the purpose or the effect of the usage, in the District's opinion, is to discriminate against, or harass any person on the basis of the person's race, color, religion, sex, national origin, ancestry, disability, age, or military service. *See policy AC.*
13. Any unauthorized, deliberate or negligent action that damages or disrupts the District's technology resources, alters their normal performance or causes them to malfunction.
14. Installation or use of software, audio or video media that are not properly licensed and/or have not been approved for use by the District. All users will adhere to the limitations of the District's technology licenses. Copying software for home use is prohibited unless permitted by the District's license and approved in advance by the District.
15. Removal of District technology resources or software from District premises without advance authorization.
16. Misuse of District technology resources by lifting, moving or relocating hardware without advance permission. All users will be held accountable for any damage they cause to District technology resources.
17. Webpages by teachers shall be hosted on servers maintained by the District or on an approved site. The content of teacher webpages that are hosted on school websites must be education related and approved by an administrator. Any employee who posts a webpage on a district server shall be responsible for the content of the webpage.

Violations of the General Rules and Responsibilities may result in a loss of access. In addition, Students who violate the provisions of this Policy including its General Rules and Responsibilities will be subject to additional disciplinary action consistent with the District's Guidelines on Student Discipline and/or building level rules. Employees who violate the provisions of this Policy including its General Rules and Responsibilities will be subject to disciplinary action up to and including termination from employment. When applicable, law enforcement agencies may be involved.

Technology Security and Unauthorized Access

1. All users shall immediately report any security problems or misuse of the district's technology resources to a teacher or administrator.
2. No person will be given access to district technology if he or she is considered a security risk by the superintendent or designee.
3. Use of district technology resources to gain, or attempt to gain unauthorized access to any technology system or the files is prohibited.
4. Use of district technology resources to connect or attempt to connect to other technology systems, in evasion of the physical limitations of the remote system, is prohibited.
5. The unauthorized copying of system files is prohibited.
6. Any intentional or negligent attempt, whether successful or unsuccessful, to interfere with the ability of others to utilize any district technology resource is prohibited.
7. Any attempt to secure a higher level of privilege on a district technology resource without authorization in advance is prohibited.
8. Any attempt, whether successful or unsuccessful, to introduce a computer "virus", Trojan Horse or other similar program into district technology resources; use of any "hacking" tool or other disruptive/destructive programs on any district technology resource is prohibited.

Online Safety -- Disclosure, Use and Dissemination of Personal Information

1. All students will be instructed on the dangers of sharing personal information about themselves or others over the Internet.
2. Student users are prohibited from sharing personal information about themselves or others over the Internet, unless authorized by the district.
3. Student users shall not agree to meet with someone they have met online without parental approval.
4. A student user shall promptly disclose to his or her teacher or another school employee any message the user receives that is inappropriate or makes the user feel uncomfortable.
5. Users shall receive or transmit communications using only district-approved and district managed communication systems. For example, users may not use messaging, video conferencing or chat services, except in special cases where arrangements have been made in advance and approved by the district.

6. All district employees will abide by state and federal law, Board policies and district rules including, but not limited to, policy JO and regulation JO-R when communicating information about personally identifiable students.
7. Employees shall not transmit confidential student information using district technology, unless designated for that use. Employees will take precautions to prevent negligent disclosure of student information or student records.
8. No curricular or non-curricular publication distributed using district technology will include the address, phone number or e-mail address of any student without written permission of his or her parent and/or legal guardian.

Electronic Mail

1. A user is responsible for all e-mail originating from the user's ID or password.
2. Forgery or attempted forgery of e-mail messages is illegal and is prohibited.
3. Unauthorized attempt to read, delete, copy or modify e-mail of other users is prohibited.
4. Users are prohibited from sending unreasonable amounts of unsolicited electronic mail unless the communication is a necessary, employment-related function or an authorized publication.
5. All users must adhere to the same standards for communicating online that are expected in the classroom and that are consistent with district policies, regulations and procedures.

Exceptions

Exceptions to district rules will be made for district employees or agents conducting an investigation of a use that potentially violates the law, district policies, regulations or procedures. Exceptions will also be made for technology administrators who need access to district technology resources to maintain the district's resources or examine and delete data stored on district computers as allowed by the district's retention policy.

Waiver

Any user who believes he or she has a legitimate reason for using the district's technology in a manner that may violate any of the district's adopted policies, regulations and procedures may request a waiver from the superintendent or his/her designees. In making the decision to grant a waiver to a student, the administrator shall consider the purpose, age, maturity and level of supervision involved.

No Warranty/No Endorsement

The district makes no warranties of any kind, whether expressed or implied, for the services, products or access it provides. The district's technology resources are available on an "as is, as available" basis.

The district is not responsible for loss of data, delays, non-deliveries, mis-deliveries or service interruptions. The district does not guarantee the accuracy or quality of information obtained from the Internet or use of its technology resources. Access does not include endorsement of content or the accuracy of the information obtained.

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Note: The reader is encouraged to review administrative procedures and/or forms for related information in support of this policy area.

Approved: July 15, 2008

Legal Refs: §§ 170.051, 171.011, 182.827, 431.055, .056, 537.525, 542.402, 569.095 – .099, 610.010 - .028, RSMo.
Chapter 573, Revised Statutes of Missouri (*passim*)
Children's Internet Protection Act, 47 U.S.C. 254(h)
Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2502
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g)
Federal Wiretap Act, 18 U.S.C. §§ 2511 *et.seq.*
Stored Communications Act, 18 U.S.C. §§ 2701 *et.seq.*
Reno v. ACLU, 521 U.S. 844 (1997)
Ginsberg v. New York, 390 U.S. 629 (1968)
FCC v. Pacifica Foundation, 438 U.S. 726 (1978)
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988)
Bethel Sch. District No. 403 v. Fraser, 478 U.S. 675 (1986)
Sony Corporation of America v. Universal City Studios, Inc., 464 U.S. 417 (1984)
Henerey by Henerey v. City of St. Charles School District, 200 F.3d. 1128 (8th Cir. 1999)
Bystrom v. Fridley High Sch. Ind. Sch. Dist., 822 F.2d 747 (8th Cir. 1987)
Urofsky v. Gilmore, 216 F.3d 401 (4th Cir. 2000)
J.S. v. Bethlehem Area Sch. Dist., 757 A.2d 412 (Pa. Comw. 2000)
Beussink v. Woodland R-IV Sch. Dist., 30 F. Supp. 2d 1175 (E.D. Mo 1998)

The School District of Springfield R-XII, Springfield, Missouri