

ORANGE COUNTY
BOARD OF EDUCATION

AGENDA ITEM ABSTRACT

Meeting Date: June 22, 2012

AGENDA ITEM No. 12-06-(2)-05

ACTION ITEM (Y/N) Y

SUBJECT: Technology Policy Revisions-- 2nd Reading Approval

INFO. CONTACT: Angie Veitch/Jonathan Blumberg PHONE: 919-245-4100

ATTACHMENTS:

1. Policy # 3224/7319 Employee Use of Social Networking Sites (REVISED POLICY)
2. Policy # 3225/7320 Technology and Acceptable Use (REVISED POLICY)
3. Policy # 3230/7330 Copyright Compliance (REVISED POLICY)
4. Policy # 4600 Student Fees (REVISED POLICY)
5. Policy # 4317 Portable Communication Devices (RECOMMENDED DELETION)

PURPOSE: To provide the Board of Education with revised technology related policies in preparation for the 1:1 laptop environment.

BACKGROUND:

Policy #3224/7319, *Employee Use of Social Networking Sites*, was last updated in 2011.

Policy #3225/7320, *Technology and Acceptable Use* was last updated in 2011.

Policy #3230/7330, *Copyright Compliance* was last updated in 2008.

Policy #4600, *Student Fees* was last updated in 2004.

Policy #4317, *Portable Communication Devices*, has been recommended for deletion.

These policy revisions have been recommended and developed by counsel. Policies were approved for 1st Reading Approval by the Board of Education on June 11 and are being brought back for 2nd Reading Approval.

FINANCIAL IMPACT: None.

RECOMMENDATION: The Superintendent recommends the Board of Education approve for 2nd Reading Approval the following revised technology policies:

- Policy # 3224/7319 Employee Use of Social Networking Sites
- Policy # 3225/7320 Technology and Acceptable Use
- Policy # 3230/7330 Copyright Compliance
- Policy # 4600 Student Fees

The Superintendent recommends the Board of Education approve the deletion of the following technology policy:

Policy # 4317 Portable Communication Devices

EMPLOYEE USE OF SOCIAL NETWORKING SITES	<i>Date Reviewed/Approved:</i> 07/07/2011	<i>Policy Number:</i> 3224/7319
<i>Rescinds Policy Number:</i>	<i>Issued:</i>	

This policy applies to all employees, volunteers and student teachers working for or in the Orange County School System. The Board respects the right of employees to use social networking sites (e.g. MySpace, Facebook, LinkedIn, YouTube, Twitter), web sites, blogs, Wikis and other web tools (collectively, "Internet postings") as a medium of self-expression. Internet postings are considered a form of direct communication with students. Because observers/readers may view the employee as a representative or spokesperson of the board or the school system, employees are to maintain an appropriate relationship with students at all times. The superintendent or his designee may use any means available to request the removal of personal websites that substantially disrupt the school environment, contain confidential school-related information, or that utilize school district or individual school names, logos or trademarks without permission.

Because inappropriate Internet postings by employees can cause substantial disruptions to the school environment, the Board requires that employees observe the following guidelines for Internet postings, regardless of the location of the Internet access.

GUIDELINES:

1. All employees must use the OCS network or websites under the control of and officially sponsored by OCS when communicating electronically with students/parents about any school related matters. Employees may not use personal websites or on-line networking profiles to post information in an attempt to communicate with students/parents about school-related matters. Any exceptions must be approved in advance in writing by the superintendent or designee.
2. Employees are to maintain an appropriate relationship with students/parents at all times. Employees are encouraged to block students from viewing personal information on employee personal websites or on-line networking profiles in order to prevent the possibility that students could view materials that are not age-appropriate. If an employee creates and/or posts inappropriate content on a website or profile and it has a negative impact on the employee's ability to perform his or her job as it relates to working with students/parents, the employee will be subject to discipline up to and including dismissal. This section applies to all employees, volunteers and student teachers working in the school district.
3. Employees shall be respectful in all Internet postings related to or referencing the school system, students, and/or other employees. Employees are individually responsible for their personal posts on social media. As such activities are outside the scope of employment, employees may be personally liable for any claims of defamatory speech, pornographic, proprietary, libelous postings or creating a hostile work environment.

4. Employees are to comply with all Board of Education policies and procedures with respect to the use of computer equipment, networks or electronic devices when accessing social media sites.
5. All posts on personal social media must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information. If an employee is unsure about the confidential nature of information the employee is considering posting, the employee shall consult with his/her supervisor prior to making the post.
6. An employee may not link a personal social media site or webpage to the Board of Education's website or the websites of individual schools, programs or teams; or post Board of Education material on a social media site or webpage without written permission of his/her supervisor.
7. All Board of Education policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to public trust, illegal harassment, code of conduct, and protecting confidential information.

Legal References: G.S. 14-27.7; G.S. 115C-325; 14-277.1; 14-190.1

Cross References: Technology in the Educational Program (policy 3220), Technology and Acceptable Use (policy 3225/7320)

TECHNOLOGY AND ACCEPTABLE USE	<i>Date Reviewed/Approved:</i> 07/07/2011	<i>Policy Number:</i> 3225/7320
<i>Rescinds Policy Number:</i>	<i>Issued:</i> 10/04/2004, 12/06/2004, 03/03/2008	

The use of electronic information resources offers a unique opportunity to enhance instructional methods, appeal to different learning styles, and meet the educational goals of the board. Through the use of this technology, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The use of the electronic information resources should be integrated into the educational program when teaching-and in meeting the educational goals of the board. The Instructional Team should provide suggestions for using technology along with the curriculum guides as provided in board policy 3115, Curriculum and Instructional Guides. Teachers are encouraged to further incorporate the use of the technology into their lesson plans.

The superintendent or designee shall ensure that school district computers with Internet/network access comply with federal requirements regarding filtering software and network safety policies. The superintendent or designee shall develop any regulations necessary to meet such requirements and will submit any certifications necessary to meet the requirements of the Children’s Internet Protection Act (CIPA).

REQUIREMENTS FOR USE OF THE DISTRICT-OWNED ELECTRONIC RESOURCES

The use of the district-owned information resources is a privilege, not a right. District-owned electronic resources include computer equipment, including any desktop or laptop computers or other hardware, that is owned or leased by the school system; cell phones and other portable communication devices provided by the school district; e-mail accounts; the Orange County Schools computer network; and any computer software licensed to the Orange County School System.

Users of Orange County Schools’ electronic resources are expected to respect the school system's property and be responsible in using the equipment. Users are to follow any school system instructions regarding maintenance or care of the equipment. Users may be held responsible for any damage caused by intentional or negligent acts in caring for Orange County Schools electronic resources under their control.

All users of district-owned information resources, both staff and students, must comply with the following requirements.

- The OCS network and internet access are provided and can only be used for school-related purposes. OCS electronic resources, the Internet, and use of e-mail are not inherently secure or private. Students and employees shall have no expectation of privacy while using OCS electronic resources. The Orange County School System reserves the right to search data or e-mail stored on all district-owned or leased computers or other electronic resources at any time for any reason. The Orange County School System reserves the right to monitor the use of OCS electronic resources and to take appropriate disciplinary action based on use that is in violation of this policy. The Orange County School System reserves the right to disclose any

electronic message or data to law enforcement officials, and under some circumstances, may be required to disclose information to law enforcement officials or other third parties, for example, in response to a subpoena or court order.

- Students must meet all standards of expected student behavior and comply with all board policies and school standards and rules while using district-owned or leased computers, the OCS network, or other OCS electronic equipment or resources.
- Employees must comply with all relevant board policies when using district-owned or leased computers, the OCS network, or other OCS electronic equipment or resources.
- No user of the district-owned information resources, including a person sending or receiving electronic communications, may use those resources to engage in creating, intentionally accessing or transmitting images, documents or other material that is obscene, defamatory, pornographic, harassing or considered to be harmful to minors.
- All applicable laws and board policies apply to users of OCS electronic equipment or resources, including those relating to copyrights/trademarks, confidential information and public records. Any use that violates any applicable board policy or state or federal law is strictly prohibited.
- When using email, chat rooms or other forms of electronic communication, students must not reveal personally identifiable, private or confidential information, such as home address or telephone number, of themselves or fellow students. In addition, school personnel shall not disclose on the internet/network or on school district web sites/pages any personally identifiable information concerning students (including name, address or pictures) without the written permission of a parent/guardian or an eligible student, except as otherwise permitted by board policy 4700, Student Records and applicable law.
- Users of the school computer system or internet/network access are prohibited from engaging in unauthorized or unlawful activities such as “hacking” or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers or computer systems.
- If a user can identify a security problem on the network or the school computer system, he/she must immediately notify a system administrator. Users shall not demonstrate the problem to other users. Any user identified as a security risk shall be denied access.
- Users (other than technology staff in performance of their duties) are prohibited from using another individual’s computer account.
- Use of district-owned information resources for commercial gain or profit is not allowed.
- Views may be expressed, on websites or other electronic media, as representing the view of the school district or part of the school district only with prior written approval of the superintendent or designee.
- All users will comply with the terms of any written agreements regarding the use of district-issued computers, the OCS network, or other OCS electronic equipment or resources. Failure to strictly abide by such agreements may result in the suspension or loss of privileges and may subject the student or employee to disciplinary action in accordance with applicable

board policies.

RESTRICTED MATERIAL

Before a student may access the internet or OCS network at school for any purpose, the parent/guardian must be made aware of the possibility that the student could obtain access to inappropriate material. The parent/guardian and student must sign a consent form acknowledging that the student user is responsible for appropriate use of the technology and consenting to school district monitoring of the student's e-mail communications and use of the network.

The board is aware that there is information on the internet that is not related to the educational program. The board also is aware that the internet provides information and opportunities to communicate on subjects that are not suitable for school-age children and that many parents/guardians would find objectionable. The school district will take reasonable precautions to prevent students from having access to inappropriate materials, such as violence, nudity, obscenity or graphic language which does not serve a legitimate pedagogical purpose. The school district will install or will ensure that its network service provider installs a technology protection measure that blocks or filters network access to audio or visual depictions that are obscene, that are considered child pornography, or that are harmful to minors. In addition, the superintendent or designee shall ensure that each school provides instruction to students regarding appropriate online behavior, including safe use of social networking and chat websites and cyberbullying awareness and response. Although it is the intent of the Orange County Schools that school system electronic information resources be used only to pursue educational goals and objectives, filters may not block all offensive material and parents are warned that students may find ways to access inappropriate materials. All users are ultimately responsible for ensuring that their own activities on the OCS network and the internet are appropriate and comply with all applicable board policies and state and federal laws. School officials may disable filters for an adult who uses a school-owned computer for bona fide research or other lawful educational purpose.

SOCIAL NETWORKING WEBSITES

1. Students

Students may be disciplined for on-line conduct, including but not limited to their conduct on social networking websites, if the online behavior has or is reasonably expected to have a direct and immediate effect on school safety or maintaining order and discipline in the schools (see Student Code of Conduct Policy in the 4000 series).

2. Employees and school-sponsored organizations

Any employee or school-sponsored organization must have written permission from the principal/supervisor before creating or posting on a social networking site in their capacity as an employee or school-sponsored organization. The principal/supervisor will notify the Director of Technology, who will advise the employee or school organization as to any conditions on the use of the social networking site in question. Requests for postings to appear on any website or social networking site owned, operated or controlled by OCS shall be submitted directly to the Director of Technology for review and approval.

All employees must use the OCS network or websites under the control of and officially sponsored by OCS when communicating with students/parents about any school related matters. Employees may not use personal websites or on-line networking profiles to post

information in an attempt to communicate with students/parents about school-related matters. Any exceptions must be approved in advance in writing by the superintendent or designee.

Employees must abide by Policy 3224, Employee Use of Social Networking Sites, when using social networking sites on or off campus.

Legal Reference: U.S. Const. Amend. I; 17 U.S.C. 100 et seq.; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Children's Internet Protection Act, 47 U.S.C. §254(h)(5); Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 115C-391, -325(e)

Cross Reference: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Citizenship and Character Education (policy 3530), Copyright Compliance (policy 3230/7330), Student Code of Conduct (policy 4300), Integrity and Civility (policy 4310), Public Records (policy 5070), Use of the Computers (policy 6523), Network Security (policy 6402), Staff Responsibilities (policy 7300)

COPYRIGHT COMPLIANCE	<i>Date Reviewed/Approved:</i> 3/03/2008	<i>Policy Number:</i> 3230/7330
<i>Rescinds Policy Number:</i> IFAB-E, ECHE		<i>Issued:</i> 12/06/2004

The board recognizes and supports the limitations on unauthorized duplication and use of copyrighted materials. The board does not condone any infringement on the property rights of copyright owners.

Employees, students and visitors are prohibited from the use or duplication of any copyright materials not allowed by copyright law, fair use guidelines sanctioned by Congress, licenses or contractual agreements. Willful or serious violations also are considered to be in violation of expected standards of behavior for employees and students and will result in disciplinary action in accordance with board policy. Use of district-issued computer equipment or electronic resources in violation of this policy may result in the loss or suspension of such privileges.

FAIR USE

Unless allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to copying copyrighted material. Fair use is based on the following standards:

- the purpose and character of the use;
- the nature of the copyrighted work;
- the amount of and the substantiality of the portion used; and
- the effect of the use upon the potential market for, or value of, the copyrighted work.

The superintendent or designee is responsible for providing information and training to personnel and students, as appropriate, to provide further guidance on the fair use of copyrighted materials, including in the following circumstances:

- single and multiple copying for instructional purposes;
- copying for performances and displays;
- off-air recording of copyrighted programs;
- use of "for home use only" videotapes;
- computer software;
- copyrighted materials on the Internet and on-line databases; and
- reproduction and loan of copyrighted materials by school media centers.

BUDGET

The budget recommended by the superintendent to the board will include sufficient funds for purchasing copyrighted materials as a necessary budget expense.

Legal Reference: 17 U.S.C. 101, 102, 106, 108, 110, 117

Cross Reference: Technology in the Educational Program (policy 3220), Internet/Network and the Educational Program (policy 3224/7320), Citizenship and Character Education (policy 3530), Staff Responsibilities (policy 7300), Budget Planning and Adoption (policy 8100)

STUDENT FEES	<i>Date Approved:</i> 11/17/2004	<i>Policy Number:</i> 4600
<i>Rescinds Policy Number:</i> JSA, JS, JSA-E, JBCBAA		<i>Issued:</i> 11/3/1980

The superintendent will submit the schedule of fees to the board each year for approval. Any fees imposed will be waived or reduced for students who demonstrate real economic hardship. The superintendent will be responsible for establishing procedures to review requests for fee waivers or reductions, including the process for appeals.

1. The board will hold student fees to a minimum.
2. The superintendent or designee may authorize fee waivers or reductions in individual cases based on demonstrated economic hardship. A student whose family unit has a monthly income from all sources other than from governmental agencies which is less than that shown in tables developed and supplied annually by the U. S. Office of Management and Budget as the official poverty threshold and are used by the Orange County Department of Social Services in determining eligibility for food stamps shall be deemed to have an economic hardship and shall be entitled to a waiver of fees. These income levels are subject to annual review by the board in order to make appropriate adjustments to reflect changes in the cost of living and other economic factors.
3. A final administrative decision denying a fee waiver or reduction request may be appealed to the Board of Education.
4. All applications for waiver or reduction of fees shall be handled in a confidential manner and no public reference shall be made by any school personnel to the fact that a student has not paid a fee or fees or has applied for or received a waiver or reduction with regard to the payment of fees.
5. Each principal will publish or post the schedule of fees and notify students and parents of the availability of and the process for requesting a fee waiver or reduction.

Legal References: N.C. Const. art. IX, § 2(1); G.S. 115C-47(6), -384

**PORTABLE
COMMUNICATION DEVICES
(PCD)**

Date Reviewed/Approved: 05/19/2008 Policy Number: 4317

Rescinds Policy Number:

Issued: 5/3/04

The Orange County Board of Education has as its highest priority a strong commitment to preserving an atmosphere that enhances the learning process in schools. Therefore, to avoid disruption to instruction, the use of electronic devices, including, but not limited to cellular telephones, pagers, and other portable communication devices (PCDs) are allowed only with the restrictions outlined below.

- A. Students in elementary schools are not allowed to possess cellular telephones or other PCDs on any school site except for health or other unusual reasons approved on an individual basis by the school principal and subject to regulations developed by the Superintendent.
- B. The use or possession of cellular telephones and other PCDs is a privilege the board extends to high school and middle school students only before and after the official school day subject to regulations developed by the Superintendent. The school day for middle school is defined as the hours between 8:20 a.m. and 3:20 p.m. High school hours are between 8:45 a.m. and 3:45 p.m. Middle/high school students are allowed to use cellular phones for athletic events and after school events; i.e., dances. PCDs will be prohibited during the school day.
- C. During the school day, all devices must be out of sight and inactivated.
- D. Students violating this policy and the associated regulations shall be deemed to have created a disruption to the instructional environment and are subject to appropriate disciplinary action. Please see OCS Code of Student Conduct, Rule # 11.
- E. Staff members and visitors shall turn off the audible notification on their cell phones and pagers during the school day when they are supervising students or participating in an activity with students. School bus drivers may not use a cellular phone while operating a school bus.
- F. Students must insure that all cellular phones remain turned off and not visible when being transported to and from home by district owned vehicles; i.e., school buses. The school bus is viewed as an extension of the school and therefore, all regulations apply.
- G. Students shall be personally and solely responsible for the security of their cellular telephones and other PCDs. The Orange County Board of Education shall not assume responsibility or liability for the theft, loss or damage to a student's cellular telephone or other PCD's and does not assume responsibility for the unauthorized use of any device.
- H. Using portable communication devices to reproduce images of tests, to access unauthorized school information or to assist students in any aspect of their instructional program in a manner that violates any school board policy, district or school code of conduct.
- I. Using cellular telephones or other devices with photographic capabilities in student locker-rooms, restrooms or any other student changing areas, at any time is prohibited.

Violation of this policy may result in disciplinary action against the student that may result in confiscation of the device, in-school suspension or out-of-school suspension.

- A. Cell phones are banned for all students attending Partnership Academy Alternative School.