

ORANGE COUNTY  
BOARD OF EDUCATION

AGENDA ITEM ABSTRACT

Meeting Date: June 11, 2012

AGENDA ITEM No. 12-06-11

ACTION ITEM (Y/N) Y

SUBJECT: Technology Policy Revisions-- 1<sup>st</sup> 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)
6. Email: suggested policy and R&P revisions in connection with 1:1 laptop program

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**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. The proposed changes to this policy are to give the district more flexibility and disciplinary authority to address student and employee negligence or misconduct.

Policy #3225/7320, *Technology and Acceptable Use* was last updated in 2011. Most of the proposed changes to policy 3225 (Technology and Acceptable Use) are intended to strengthen the district's supervisory and disciplinary authority. Federal regulations now require school districts to have policies on training to students in appropriate online behavior, including the safe use of social networking and chat websites and cyber-bullying awareness and response. For several years now in Orange County Schools, this requirement has been met by a "Digital Citizenship" component of a lesson all media specialists do each year with students as part of the introduction to the library and new media resources. The new policy language, which appears in the "Restricted Material" section of policy 3225, tracks the regulatory requirement and merely states that the superintendent or designee will ensure that each school provides such instruction to students. A copy of the procedure for student internet acceptable use is included for information.

Policy #3230/7330, *Copyright Compliance* was last updated in 2008. The proposed changes to this policy are to give the district flexibility and authority to address student and employee negligence or misconduct.

Policy #4600, *Student Fees*, is being revised to include the request for fee waivers and the process for appeals. A copy of the appeal procedures is included for information.

Policy #4317, *Portable Communication Devices*, has been recommended for deletion. The substance of this policy is adequately covered in Rule 10 of the Code of Student Conduct and the Acceptable Use Policy.

These policy revisions have been recommended and developed by counsel. Administration will revise procedures to reflect the content of this policy.

**FINANCIAL IMPACT:** None.

**RECOMMENDATION:** The Superintendent recommends the Board of Education approve for 1<sup>st</sup> 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

<b>EMPLOYEE USE OF SOCIAL NETWORKING SITES</b>	<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 ~~OCS sponsored websites~~ under the control of and officially sponsored by OCS if possible 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)

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

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 ~~Director of Technology and Media~~ 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 ~~Director of Technology and Media~~ 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 electronic resources 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 the district-owned information resources 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 laws 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 the Family Educational Rights and Privacy Act (FERPA) or 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 the 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 by of the superintendent or his or her 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.

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## 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 the 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 there is 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 such filters for an adult who uses a school-owned computer for bona fide research or other lawful educational purpose. ~~The school district shall not seek to limit access to the district-owned information resources for the purpose of restricting access to political ideas or social perspectives if the action is not rated simply by a school district official's disapproval of the ideas involved. However, the user is ultimately responsible for his or her activity on the~~

network/internet.

## SOCIAL NETWORKING WEBSITES

### 1. Students

~~Though school personnel generally do not monitor students' Internet activity conducted on non-school-district computers during non-school hours, when the students' Students~~ may be disciplined for on-line conduct, including but not limited to their conduct on social networking websites, if the on-line behavior has or is reasonably expected to have a direct and immediate effect on school safety or maintaining order and discipline in the schools; the student may be disciplined in accordance with board policy (see Student Code of Conduct Policy in the 4000 series).

### 2. Employees and school-sponsored organizations

Any employee or school-sponsored organization (e.g. sports affiliates, art affiliates) 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. ~~If this is a Facebook page, the~~ The principal/supervisor will then 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, and a page will be created under the district Facebook page to allow monitoring and administration of the page if the administrator (creator) were to leave the district. 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 OCS-sponsored websites under the control of and officially sponsored by OCS if possible when communicating with students/parents about any school related matters. Thus, e ~~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)



<b>PROCEDURE FOR STUDENT INTERNET ACCEPTABLE USE</b>	<i>Date Approved:</i>	<i>Policy Number: 3225-P</i>
<i>Rescinds Policy Number:</i>	<i>Issued: 12/1/2009</i>	

#### **USER RESPONSIBILITIES**

1. Use of the ~~electronic media~~ Internet access provided by Orange County Schools is a privilege that offers a wealth of information and resources for research. Where it is available, this resource is offered to staff, students, and other patrons at no cost. In order to maintain the privilege, users agree to learn and comply with all of the provisions of this policy.

#### **ACCEPTABLE USE**

1. All use of the Internet must be in support of educational and research objectives consistent with the mission and objectives of Orange County Schools.
2. Proper codes of conduct in electronic communication must be used. In news groups, giving out personal information is inappropriate. When using e-mail, extreme caution must always be taken in revealing any information of a personal nature.
3. Network accounts are to be used only by the authorized owner of the account for the authorized purpose.
4. All communications and information accessible via the network should be assumed to be private property.
5. Subscriptions to mailing lists and bulletin boards must be reported to the system administrator. Prior approval for such subscriptions is required for students and staff.
6. Mailing list subscriptions will be monitored and maintained, and files will be deleted from the personal mail directories to avoid excessive use of fileserver hard-disk space.
7. Exhibit exemplary behavior on the network as a representative of your school and community. Be polite!
8. From time to time, Orange County Schools will make determinations on whether specific uses of the network are consistent with the acceptable use policy.

#### **UNACCEPTABLE USE**

1. Giving out personal information about another person, including home address and phone number, is strictly prohibited.
2. Any use of the network for commercial or for-profit purposes is prohibited.
3. Excessive use of the network for personal business shall be cause for disciplinary action.
4. Any use of the network for product advertisement or political lobbying is prohibited.
5. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the network.

6. No use of the network shall serve to disrupt the use of the network by others. Hardware and/or software shall not be destroyed, modified, or abused in any way.
7. Malicious use of the network to develop programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.
8. Hate mail, chain letters, harassment, discriminatory remarks, and other antisocial behaviors are prohibited on the network.
9. The unauthorized installation of any software, including shareware and freeware, for use on Orange County Schools computers is prohibited.
10. Use of the network to access or process pornographic material, inappropriate text files (as determined by the system administrator building administrator), or files dangerous to the integrity of the local area network is prohibited.
11. The Orange County Schools network may not be used for downloading entertainment software or other files not related to the mission and objectives of Orange County Schools for transfer to a user's home computer, personal computer, or other media. This prohibition pertains to freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software and files not directly related to the instructional and administrative purposes of the Orange County Schools.
12. Downloading, copying, otherwise duplicating and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except that duplication and/or distribution of materials for educational purposes is permitted when such duplication and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC). Use of the network for any unlawful purpose is prohibited.
13. Use of the network for any unlawful purpose is prohibited.
14. Use of profanity, obscenity, racist terms, or ~~other language that may be offensive to another user~~ is reasonably likely to cause a substantial disruption in the school environment is prohibited.
15. Playing games is prohibited unless specifically authorized by a teacher for instructional purposes.
16. Establishing network or Internet connections to live communications, including voice and/or video (relay chat), is prohibited unless specifically authorized by the system administrator.

I have read, understand, and will abide by the Acceptable Use Policy when using computers and other electronic resources owned, leased, or operated by the Orange County Schools. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be initiated. The Orange County School System seeks to promote positive, responsible and appropriate use of the Internet/Network. The user is ultimately responsible for his or her activity on the Internet/Network connection provided by Orange County Schools.

Student's Name (please print) \_\_\_\_\_  
Parent's Name (please print) \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

*Adapted from the National Center for Education Statistics suggested Acceptable Use Policy template.*

<b>COPYRIGHT COMPLIANCE</b>	<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)

<b>STUDENT FEES</b>	<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 ~~indigent 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.
- ~~2-3.~~ A final administrative decision denying a fee waiver or reduction request may be appealed to the Board of Education.
- ~~3-4.~~ 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.
- ~~4-5.~~ 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

<b>STUDENT FEES</b>	<i>Date Approved:</i>	<i>R&amp;P Number: 4600</i>
<i>Issued:</i>		

The following regulations and procedures will govern all requests for a waiver or reduction of fees pursuant to Policy 4600:

1. Requests for waivers or reductions of school-based fees shall be addressed to the school principal. Requests for waivers or reductions of fees assessed by central administration shall be addressed to the Superintendent or designee.
2. All requests for fee waivers or reductions shall be made in writing within thirty days of the assessment of the fee.
3. The principal shall review all written fee waiver or reduction requests, along with any supporting documentation, and shall approve any particular request only if the family's income level is below the threshold approved by the Board of Education pursuant to Policy 4600. The principal shall send written notice of his/her decision within ten days of the date the request is received.
4. If the principal denies a fee waiver or reduction request for any reason, the parent/guardian may appeal in writing to the superintendent within five days of receipt of the principal's decision.
5. The superintendent shall review the documentation submitted and send written notice of his/her decision within fifteen days of receiving the appeal. The superintendent will waive or reduce any fee based only on demonstrated economic hardship.
6. Within five days of receiving the superintendent's decision, the parent/guardian may appeal to the Board of Education. Any such appeals shall be governed by Policy 2500 (Hearings Before the Board).

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*

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*Rescinds Policy Number:*

*Issued: 5/3/04*

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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.





Patrick Rhodes &lt;patrick.rhodes@orange.k12.nc.us&gt;

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**suggested policy and R&P revisions in connection with 1:1 laptop program**

1 message

Neal Ramee &lt;NRamee@tharringtonsmith.com&gt;

Wed, Jun 6, 2012 at 3:44 PM

To: Patrick Rhodes &lt;patrick.rhodes@orange.k12.nc.us&gt;

Cc: Jonathan Blumberg &lt;JBlumberg@tharringtonsmith.com&gt;, Angie Veitch &lt;angie.veitch@orange.k12.nc.us&gt;

Patrick,

Attached you will find three documents: (1) a redline showing my suggested changes to board policies 3230, 3224, 3225, and 4600, (2) a clean version of the same revised policies, and (3) a proposed new R&P 4600 addressing fee waivers. As previously discussed, I limited my review to making discrete changes I believe are necessary or advisable because of the 1:1 laptop program. To save on costs and expedite turnaround, I did not do a more thorough legal review but would be happy to do so upon request.

Except as otherwise noted below, the suggested changes are primarily designed to strengthen your existing policies and procedures in light of the fact that every teacher and student in the district will soon have a district-issued laptop. Given that the use of district equipment and networks will rise substantially, the chances of students or employees abusing privileges and/or causing harm to district property will also increase. Most of my proposed changes are intended to give the district flexibility and strong disciplinary authority to address student and employee negligence or misconduct. I understand from my discussions with Angie that the district would prefer not to confiscate laptops from students if they violate rules or damage equipment, as the laptop is seen as an important educational tool. I have tried to draft policy language that is mindful of this preference but also provides the Board with the ability to adequately safeguard its property. In essence, the proposed language gives the district the right to take laptops away or revoke or restrict network privileges but does not require the district to do so under any circumstances. This allows for the possibility, for example, of refusing to issue a fourth laptop to a student who has intentionally defaced, destroyed, or sold on the black market three laptops in the same school year. In an extreme case like this, the preference for equipping all students with laptops may yield to the need to protect Board property and public funds.

In connection with this project, I also quickly reviewed policies 3220, 3227, 3532, 4020, 4300, 4700, 8220, 8350, 8775, 9000, many of which were listed in table of relevant policies Angie provided me. I do not think it is necessary to make any changes to these policies in light of the laptop program. I do, however, recommend the deletion of policy 4317 (portable communication devices). The substance of that policy is adequately covered in Rule 10 of the Code of Student Conduct and the Acceptable Use policy, and having multiple policies addressing the same subject in slightly different ways may cause confusion and uncertainty about policy implementation.

Here are few issues particular I wanted to bring to your attention:

1. Policy 3224 (Employee Use of Social Networking Sites) currently forbids employees using any electronic media other than the OCS network or OCS sponsored websites to communicate with students or parent. While I agree that this is a generally sound approach, at least with respect to social media like Facebook and Twitter, I am suggesting that the policy allow for exceptions to be made on a case-by-case basis if approved in advance in

writing by the superintendent or designee. This will give you more flexibility to consider pedagogically valuable uses of private social networking media that may emerge in the future.

2. While most of the proposed changes to policy 3225 (Technology and Acceptable Use) are intended to strengthen the district's supervisory and disciplinary authority, I have added one sentence that is needed to ensure compliance with a recent change in federal law. Federal regulations now require school districts to have policies on training to students in appropriate online behavior, including the safe use of social networking and chat websites and cyber-bullying awareness and response. The new policy language, which appears in the "Restricted Material" section of policy 3225, tracks the regulatory requirement and merely states that the superintendent or designee will ensure that each school provides such instruction to students. The law does not give guidance on the specifics of such a training programs, but here are some resources that may be helpful in developing one:

- a. U.S. Federal Trade Commission safety guidelines on social networking sites: <http://www.ftc.gov/opa/2006/05/socialnetworking.shtm>
- b. FBI publication titled "Parent's Internet Guide to Safety": <http://www.fbi.gov/publications/pguide/pguidee.htm>
- c. National Center for Missing and Exploited Children's documents for educators on Internet safety: <http://www.netsmartz.org/educators.htm>
- d. U.S. Department of Education's "Preventing Youth Hate Crime - A Manual for Schools and Communities": <http://www.ed.gov/pubs/HateCrime/start.html>

3. The proposed changes to policy 4600 (Student Fees) and the proposed new R&P 4600 are designed to create an orderly process for handling fee waiver or reduction requests that would apply to all fees, including but not limited laptop fees. Given that every student in the district will initially be assessed a \$25 fee, the number of fee waiver requests is sure to increase. It is also important that your process comply with the rules set out in a 1980 decision from the North Carolina Supreme Court on school district fees and fee waivers. The basic rules are that (1) school may assess "modest" and "reasonable" fees so long as exemptions will be made for "real economic hardship"; (2) there is a prescribed process for requesting a waiver or reduction on the basis of economic hardship; (3) the process is sufficiently confidential so that students do not risk the "stigma of being picked out from their peers" in order to request a fee waiver or reduction; and (4) the process is sufficiently clear and parents have adequate notice of it. The revised policy and R&P accomplish these requirements in the following way:

- a. Parents first submit a confidential, written fee waiver or reduction request. If the fee is assessed by the school, it is sent to the school principal. If the fee is assessed by the district (as with a laptop fee, I would suppose), the request is submitted to a designated central office administrator. I have not filled in the position of the administrator who will consider such requests. I would suggest you select someone who would normally have access to confidential information about students and can be expected to maintain confidentiality.
- b. The only reason a fee can be reduced or waived by a principal or the designated central office administrator is if the family demonstrates that their family income is below the federal poverty line or such other income level as is established by the board. This tracks the current policy.
- c. If, however, the initial fee request is denied, parents can appeal to the superintendent or superintendent's designee. The appeal is in writing only – there are no hearings before the principal or the superintendent/designee. In considering the written appeal, the superintendent or designee may reduce or waive a fee even if the family is above the federal poverty line if he/she decides that there is "demonstrated economic hardship." This tracks the standard that the Supreme Court articulated in 1980.

- d. If the superintendent or superintendent's designee denies the waiver request, the parents can appeal to the Board pursuant to your policy on board hearings.
- e. I do not recommend that you use the grievance policy for fee waiver requests, because the timelines and hearing requirements for the grievance policy are fairly burdensome. Under the approach I am recommending, the first two steps of the process are decided only on the basis of written submissions. The only live hearing occurs if family appeals the denial of a fee waiver all the way to the board.
- f. It may be a good idea to develop a "Fee Waiver or Reduction" form that can be readily made available to parents on the website, at each school, and in connection with the issuance of student laptops. I would be happy to develop such a form if you would like.

I will send you proposed staff and student/parent laptop agreements tomorrow, likely in the afternoon or evening. I would also be happy to speak with you or your staff in more detail about these policy recommendations and any related issues. I will be in the office all day tomorrow and can be reached at 919-821-4711 (office) or 919-604-1016 (cell).

Best regards,

Neal A. Ramee


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**3 attachments**

 **Proposed Policy Revisions (CLEAN 6-5-12) (R0809166).DOCX**  
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 **Proposed Policy Revisions (REDLINE 6-5-12) (R0808843).DOCX**