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INDEPENDENT SCHOOL DISTRICT NO. 761
OWATONNA, MINNESOTA

524 INTERNET, TECHNOLOGY, AND PERSONAL ELECTRONIC COMMUNICATION DEVICE ACCEPTABLE USE AND SAFETY POLICY

I. PURPOSE

The purpose of this policy is to set forth procedures and guidelines for access to the School District computer system and acceptable and safe use of the Internet, including electronic communications and the District's Electronic Technologies. District Electronic Technologies include but are not limited to computers and peripherals, printers, phones and the applications they support and/or access.

II. GENERAL STATEMENT OF POLICY

In making decisions regarding all users' access to the School District Electronic Technologies and the Internet, including electronic communications, the School District considers its own stated strategic plan, educational mission, goals, and objectives. The goal in providing these resources is to facilitate resource sharing, innovation and communication and to support the mission of the District in ensuring our students develop a love of learning and core life skills, excel academically, and are inspired to realize their dreams through high expectations for all. The School District expects that faculty will blend thoughtful use of the School District Electronic Technologies and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

The School District is providing students and employees with access to the School District Electronic Technologies, which includes Internet access. It is not the purpose of the system to provide students and employees with unlimited access to the Internet or to create a limited public forum for the discussion of issues. Access to the School District system is limited to educational purposes, which includes use of the system for classroom activities, educational research, and professional or career development activities and for school administration. Users are expected to use Internet access through the District system to further educational and professional goals consistent with the mission of the School District and school policies.

Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

IV. USE OF SYSTEM IS A PRIVILEGE

The use of the School District system and access to use of the Internet is a privilege, not a right. Acceptable use of the School District's computer system is the responsibility of the user. District information on the district network system is the property of the District and unauthorized accessing and altering of this data is prohibited. The School District has a right to monitor its computer system and enforce this policy. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the School District system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate School District policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

A. Users are responsible for anything set on the network with their name and IP address on it. Users shall not engage in any activity that disrupts or hinders the performance of the District's Electronic Technologies. Specifically, the following uses of the District's Electronic Technologies and Internet resources or accounts are considered to be unacceptable:

1. Users will not use the School District system to access, review, upload, download, store, print, post, receive, transmit or distribute:

a. pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;

b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;

c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;

d. information or materials that could cause damage or danger of
disruption to the educational process;

e. materials that use language or images that advocate illegal or dangerous acts or that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.

2. Personal photos, files or music not related to educational purposes shall not be viewed or accessed for any period of time during work hours and during classroom hours.

3. Users will not use the School District system to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including the creation of impersonating or fake accounts, prejudicial or discriminatory attacks.

4. Users will not use the School District system to engage in any illegal act or violate any local, state or federal statute, regulation or law.

5. Users will not use the School District system to vandalize, damage or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means, will not tamper with, modify or change the School District system software, hardware or wiring or take any action to violate the School District's security system, and will not use the School District system in such a way as to disrupt the use of the system by other users.

6. Users will not use the School District system to gain unauthorized access to information resources or to access another person's materials, information or files without the implied or direct permission of that person.

7. Users will not use the District's Electronic Technologies to post, transmit or distribute private information about themselves or

another person. This prohibition shall not prevent private information from being posted in the ordinary course of business by school personnel per District policy. Private information includes personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, identification numbers, account numbers, access codes or passwords, labeled photographs or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.

a. The paragraph above does not prohibit the posting of employee contact information on School District web pages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents/guardians or other staff members related to students).

b. Employees creating or posting school-related web pages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:

(1) Such information is classified by the School District as directory information, and verification is made that the School District has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or

(2) Such information is not classified by the School District as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related

webpage, employees shall obtain written approval of the content of the postings from the building administrator.

c. These prohibitions specifically prohibit a user from utilizing the School District system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "Facebook," "Twitter," "Instagram," "Snapchat," "TikTok," "Reddit," and similar websites or applications.

8. Users will not attempt to gain unauthorized access to the School District system or any other system through the School District system, attempt to log in through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user. Messages and records on the School District system may not be encrypted without the permission of appropriate school authorities.

9. Users will not use the School District system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.

10. Users will not use the School District system for conducting business, for unauthorized commercial purposes, for promotion of political views or social agendas, including political campaigning, or for financial gain unrelated to the mission of the School District. Users will not use the School District system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.

11. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district's Bullying Prohibition Policy. This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.

12. Users will not access, download, or use a school district website, application, software, program, or other service (1) to nudify an image or video; or (2) nudify an image or video on behalf of a user.

    a. "Identifiable individual" means a person that is identifiable:

        (1) from the image itself, by the person depicted in the image, or by another person; or

        (2) from personal information displayed in connection with the image.

    b. "Intimate part" has the meaning given in Minnesota Statutes, section 609.341, subdivision 5.

    c. "Nudify" or "nudified" means the process by which:

        (1) an image or video is altered or generated to depict an intimate part not depicted in an original unaltered image or video of an identifiable individual; and

        (2) the altered or generated image or video is so realistic that a reasonable person would believe that the intimate part belongs to the identifiable individual.

B. The school district has a special interest in regulating off-campus speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others. Users engaging in the foregoing unacceptable uses of the internet when off School District premises and/or without the use of the District system also may be in violation of this policy as well as other School District policies. Examples of such violations may include, but are not limited to, serious or severe bullying or harassment targeting particular individuals, threats aimed at teachers or other students, failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities, and breaches of school security devices. If the School District receives a report of an unacceptable use originating from a non-school computer or resource, the School District may investigate such reports to the best of its ability. Students or employees may be subject to

disciplinary action for such conduct including, but not limited to, suspension or cancellation of the use or access to the School District Electronic Technologies and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.

C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate School District official. In the case of a District employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a School District employee, the building administrator or designee.

VI. FILTER

The Owatonna Public Schools, as the recipient of certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers is subject to the federal Children's Internet Protection Act, effective in 2001. This law requires OPS to adopt an Internet safety policy which contains the provisions set forth herein. Also, the Act requires the District to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation.

A. With respect to any of its computers with Internet access, the School District will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:

1. Obscene in nature;
2. Contain child pornography;
3. Violent; or
4. Harmful to minors.

B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

D. An administrator, supervisor or other person authorized by the Superintendent or designee may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of the School District Electronic Technologies and use of the Internet shall be consistent with District policies and the mission of the School District.

VIII. LIMITED EXPECTATION OF PRIVACY

A. By authorizing use of the School District system, the District does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the District system.

B. Routine maintenance and monitoring of the School District system may lead to a discovery that a user has violated this policy, another School District policy, or the law.

C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or School District policy.

D. Parents/Guardians may have the right at any time to investigate or review the contents of their child's files and e-mail files in accordance with the school district's Protection and Privacy of Pupil Records Policy. Parents/Guardians have the right to request the termination of their child's individual account at any time.

E. School District employees should be aware that the School District retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, School District employees should be aware that data and other materials in files maintained on the School District system may be subject to review, disclosure or discovery under Minnesota Statutes, Chapter 13 (Minnesota Government Data Practices Act).

F. The School District will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with School District policies conducted through the School District system.

IX. SOCIAL MEDIA

The district recognizes the importance of using social media as a communication and learning tool. Use of social media tools will comply with the District Social Media Guidelines located at www.isd761.org/our-district/school-board/policies.

X. INTERNET USE AGREEMENT

A. The proper use of Electronic Technologies and Internet, and the educational value to be gained from proper use of Electronic Technologies and the Internet, is the joint responsibility of students, parents/guardians and employees of the School District. Technology tools, including appropriate use of Electronic Technologies and Internet are expected components of the Owatonna learning experience.

B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.

C. The Electronic Technologies Policy will be referenced in the Student Handbook, Employee Handbook(s) and will be posted on the District website. These regulations are reviewed on a regular basis. It is the

Parent/Guardian and employee's responsibility to be knowledgeable of the published Policy. An Agreement form for students must be read and signed by the user and the parent/guardian. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office.

D. All users shall be responsible for the protection and security of their passwords. Users shall have the ability to change passwords and maintain the confidentiality of logon codes.

XI. LIMITATION ON SCHOOL DISTRICT LIABILITY

Use of the School District system is at the user's own risk. The system is provided on an "as is, as available" basis. The School District will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on School District diskettes, tapes, hard drives or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The School District is not responsible for the accuracy or quality of any advice or information obtained through or stored on the School District system. The School District will not be responsible for financial obligations arising through unauthorized use of the School District system or the Internet.

XII. USER NOTIFICATION

A. All users shall be notified of the School District policies relating to Electronic Technologies Acceptable use.

B. This notification shall include the following:

1. Notification that Electronic Technologies Acceptable Use is subject to compliance with School District policies.

2. Disclaimers limiting the School District's liability relative to:

a. Information stored on diskettes, hard drives or servers, CD, DVD, jump drives, memory sticks, or any other storage device.

b. Information retrieved through School District computers, networks or online resources.

c. Personal property used to access School District computers, networks or online resources.

d. Unauthorized financial obligations resulting from use of School District resources/accounts to access the Internet.

3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.

4. Notification that, even though the School District may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this Electronic Technologies Acceptable Use policy.

5. Notification that goods and services purchased over the Internet could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents/guardians.

6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Public and Private Personnel Data Policy, and Protection and Privacy of Pupil Records Policy.

7. Notification that, should the user violate the School District's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.

8. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.

9. Notification that student email addresses may be provided to District-approved third-party organizations for access to educational tools and content.

XIII. PARENTS/GUARDIANS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

A. Outside of school, parents/guardians bear responsibility for the same guidance of Internet use as they exercise with information sources

such as television, telephones, radio, movies and other possibly offensive media. Parents/Guardians are responsible for monitoring their student's use of the School District system and of the Internet if the student is accessing the School District system from home or a remote location.

B. Parents/Guardians will be notified that their students will be using School District resources/accounts to access the Internet and that the School District will provide parents/guardians the option to request alternative activities not requiring Internet access. This notification should include:

1. A copy of the user notification form provided to the student user.

2. A description of parent/guardian responsibilities.

3. A notification that the parents/guardians have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.

4. A statement that the Electronic Technologies Acceptable Internet Use Agreement must be signed by the user and the parent/guardian prior to use by the student.

5. A statement that the School District's Electronic Technologies Acceptable Use policy is available for parental/guardian review.

XIV. NOTIFICATION REGARDING TECHNOLOGY PROVIDERS

A. "Technology provider" means a person who:

1. contracts with the school district, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and

2. creates, receives, or maintains educational data pursuant or incidental to a contract with the school district.

B. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

C. Within 30 days of the start of each school year, the school district must give parents and students direct and timely notice, by United States

mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:

1. identify each curriculum, testing, or assessment technology provider with access to educational data;

2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and

3. include information about the contract inspection and provide contact information for a school department to which a parent or student may direct questions or concerns regarding any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.

D. The school district must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.

E. A contract between a technology provider and the school district must include requirements to ensure appropriate security safeguards for educational data. The contract must require that:

1. the technology provider's employees or contractors have access to educational data only if authorized; and

2. the technology provider's employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.

F. All educational data created, received, maintained, or disseminated by a technology provider pursuant or incidental to a contract with a public educational agency or institution are not the technology provider's property.

XV. SCHOOL-ISSUED DEVICES

A. "School-issued device" means hardware or software that the school district, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.

B. Except as provided in paragraph C, the school district or a technology provider must not electronically access or monitor:

1. any location-tracking feature of a school-issued device;

2. any audio or visual receiving, transmitting, or recording feature of a school-issued device; or

3. student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.

C. The school district or a technology provider may only engage in activities prohibited by paragraph B if:

1. the activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring by school district employees, student teachers, staff contracted by the school district, a vendor, or the Minnesota Department of Education, and notice is provided in advance;

2. the activity is permitted under a judicial warrant;

3. the school district is notified or becomes aware that the device is missing or stolen;

4. the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;

5. the activity is necessary to comply with federal or state law, including but not limited to Minnesota Statutes section 121A.031; or

6. the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.

D. If the school district or a technology provider interacts with a school-issued device as provided in paragraph C, clause 4, it must, within 72 hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within 72 hours after that imminent threat has ceased.

XVI. PERSONAL COMMUNICATION DEVICE USE

The school board directs the superintendent and school district administration to establish rules and procedures regarding student possession and use of

personal communication devices, including cell phones, wearable devices such as smart watches, personal headphones, earbuds or pods, laptops, tablets, virtual reality devices, and other personal electronic communication devices in schools. These rules and procedures should seek to minimize the impact of personal electronic communication devices on student behavior, mental health, and academic attainment. These rules and procedures may be designed for specific school buildings, grade levels, or similar criteria.

1. The District will craft rules that are specific to grade levels and buildings and will be communicated through student handbooks.

2. Students are prohibited from using a cell phone or other electronic communication device to engage in conduct prohibited by school district policies including, but not limited to, cheating, bullying, harassment, and malicious and sadistic conduct.

3. If the school district has a reasonable suspicion that a student has violated a school policy, rule, or law by use of a cell phone or other electronic communication device, the school district may search the device. The search of the device will be reasonably related in scope to the circumstances justifying the search.

4. Students who use a cell phone or other electronic communication device in violation of school district policies may be subject to disciplinary action pursuant to the school district's discipline policy. In addition, a student's cell phone or electronic communication device may be confiscated by the school district and, if applicable, provided to law enforcement. Cell phones or other electronic communication devices that are confiscated and retained by the school district will be returned in accordance with school building procedures.

XVI. LIMIT ON SCREEN TIME FOR CHILDREN IN PRESCHOOL AND KINDERGARTEN

A child in a publicly funded preschool or kindergarten program may not use an individual-use screen, such as a tablet, smartphone, or other digital media, without engagement from a teacher or other students. This section does not apply to a child for whom the school has an individualized family service plan, an individualized education program, or a 504 plan in effect.

XVII. IMPLEMENTATION; POLICY REVIEW

A. The School District administration may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the School Board for approval. Upon approval by the School Board, such guidelines, forms and procedures shall be an addendum to this policy.

B. The administration shall revise the user notifications, including student and parent/guardian notifications, if necessary, to reflect the adoption of these guidelines and procedures.

C. The School District Internet policies and procedures are available for review by all parents, guardians, staff and members of the community.

D. Because of the rapid changes in the development of the Internet, the School Board may conduct an annual review of this policy.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act
Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.73 (School Cell Phone Policy)
Minn. Stat. § 124D.166 (Limit on Screen Time for Children in Preschool and Kindergarten)
Minn. Stat. § 125B.15 (Internet Access for Students)
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
Minn. Stat. § 325E.91 (Prohibition on Nudification Technology)
Minn. Stat. § 609.341, Subd. 5 (Definitions)
15 U.S.C. § 6501 *et seq*. (Children's Online Privacy Protection Act)
17 U.S.C. § 101 *et. seq.* (Copyrights)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
47 C.F.R. § 54.520 (FCC rules implementing CIPA)
Mahanoy Area Sch. Dist. Vv. B.L., 594 U.S. 180, 141 S. Ct. 2038 (2021)
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503
United States v. Amer. Library Assoc., 539 U.S. 194 (2003)

Sagehorn v. Indep. Sch. Dist. No. 728, 122 F.Supp.2d 842 (D. Minn. 2015)
R.S. v. Minnewaska Area Sch. Dist. No. 2149, 894 F.Supp.2d 1128 (D. Minn. 2012)
Tatro v. Univ. of Minnesota, 800 N.W.2d 811 (Minn. App. 2011), aff'd on other grounds 816 N.W.2d 509 (Minn. 2012)
S.J.W. v. Lee's Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012)
Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist., 853 F.Supp.2d 888 (W.D. Mo. 2012)
M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)

Cross References:

Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
Policy 406 (Public and Private Personnel Data)
Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
Policy 506 (Student Discipline)
Policy 514 (Bullying Prohibition Policy)
Policy 515 (Protection and Privacy of Pupil Records)
Policy 519 (Interviews of Students by Outside Agencies)
Policy 521 (Student Disability Nondiscrimination)
Policy 522 (Title IX Sex Nondiscrimination Grievance and Process)
Policy 603 (Curriculum Development)
Policy 604 (Instructional Curriculum)
Policy 806 (Crisis Management Policy)
Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)