

*Adopted: 08/01/06*  
*Revised: 12/16/13*  
*Reviewed: 10/21/19*

*New Discoveries Montessori Academy Policy 524P*

## **524P TECHNOLOGY RESOURCES USE POLICY**

### **I. PURPOSE**

The purpose of this policy is to set forth guidelines for access to New Discoveries Montessori Academy's technology resources.

### **II. GENERAL STATEMENT OF POLICY**

In making decisions regarding user access to NDMA's technology resources, NDMA considers its own stated educational mission, goals, and objectives. The school district expects that users will blend thoughtful use of technology resources throughout the curriculum and will provide guidance and instruction to users in their utilization of technology.

### **III. EDUCATIONAL PURPOSE**

NDMA is providing users with access to NDMA's technology resources, which includes Internet access. NDMA's technology resources have an educational purpose, which includes use of the system for classroom activities, educational research, assessment, and professional or career development activities. Users are expected to use Internet access through NDMA's technology resources to further educational and personal goals consistent with the mission of NDMA and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on NDMA network.

### **IV. USE OF TECHNOLOGY RESOURCES IS A PRIVILEGE**

The use of NDMA's technology resources and access to use of the Internet is a privilege, not a right. It is expected that anyone who has access to NDMA's network will exercise appropriate use of those resources. Heretofore, "Users," refers to everyone using NDMA's technology resources and/or internet access, including – but not limited to – students, staff, contract employees and guests.

### **V. UNACCEPTABLE USES**

A. The following uses of the NDMA's technology resources or accounts are considered unacceptable:

1. Users will not use the school district technology resources to access, review, upload, download, store, print, post, receive, transmit, or distribute:

- a. obscene or explicit material or other visual depictions that are harmful to minors;
  - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or 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 violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
2. Users will not use NDMA's technology resources 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 prejudicial or discriminatory attacks.
  3. Users will not use NDMA's technology resources to engage in any illegal act or violate any local, state, or federal statute or law.
  4. Users will not use NDMA's technology resources to vandalize, damage, or disable the property of another person or organization, make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, 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 or use the school district system in such a way as to disrupt the use of the system by other users.
  5. Users will not use NDMA's technology resources 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.
  6. Users will not use NDMA's technology resources to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, 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. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
- b. Employees creating or posting school-related webpages 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 NDMA 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 515P; or
  - (2) such information is not classified by NDMA 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 515P.

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 an 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.
- 7. Users will not attempt to gain unauthorized access to the school district system or any other system through NDMA's technology resources, 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.
  - 8. Users will not use NDMA's technology resources 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.

9. Users will not use NDMA's technology resources for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of NDMA. 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.
- B. 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 NDMA policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws. Corrective/disciplinary actions will be administered by board appointed administrator, or administrative designee and recommended for board of directors' ratification.
  - C. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other NDMA policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a school district employee or student is negatively impacted. If NDMA 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 computer system and the Internet and discipline under other appropriate NDMA policies, including suspension, expulsion, exclusion, or termination of employment.
  - D. 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 New Discoveries employee, the immediate disclosure shall be to the employee's immediate supervisor and/or an 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, an administrator.

## **VI. FILTER**

All computers equipped with Internet access and available for student use at each school site will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene or harmful to minors under state or federal law.

## **VII. CONSISTENCY WITH OTHER NDMA POLICIES**

Use of the school district technology resources and use of the Internet shall be consistent with school district policies and the mission of NDMA.

## **VIII. EXPECTATION OF LIMITED PRIVACY**

- A. By authorizing use of NDMA's technology resources, the school 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 school 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 have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.
- E. NDMA 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 Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- F. NDMA 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. TECHNOLOGY RESOURCES USE AGREEMENT**

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school district.
- 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 Technology Resources Use Policy must be read and the provisions agreed to by each user and/or parent/guardian of each user. An acknowledged user consent agreement will be kept in the school office.

## **X. LIMITATION OF SCHOOL DISTRICT LIABILITY**

Use of NDMA's technology resources 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 tapes, hard drives, servers, or other storage devices for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. NDMA 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.

## **XI. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to technology use.
- B. This notification shall include the following:
  - 1. Notification that Internet use is subject to compliance with school district policies.
  - 2. Disclaimers limiting the school district's liability relative to:
    - a. Information stored on NDMA tapes, hard drives, servers, or other storage devices.
    - 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 NDMA may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this Technology Resources Use policy.
5. Notification that goods and services can be purchased over the Internet that 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.
6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.
7. Notification that, should the user violate the school district's Technology Resources 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 Technology Resources Use policy are subordinate to local, state, and federal laws.

## **XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF TECHNOLOGY RESOURCES USE POLICY**

- A. Outside of school, parents bear responsibility for the same guidance of School related Internet use as they exercise with information sources such as television, telephones, radio, movies, and other potentially offensive media. Parents 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 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 the option to request alternative activities not requiring Internet access. This notification should include:
  1. A copy of the Technology Resources Use Policy form provided to the student user.
  2. A description of parent/guardian responsibilities.
  3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.

4. A statement that the Technology Resources Use Policy must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
5. A statement that the school district's Technology Resources Use is available for parental review.

### **XIII. IMPLEMENTATION; POLICY REVIEW**

- A. NDMA administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the board of directors for approval. Upon approval by the board of directors, such guidelines, forms, and procedures shall be an addenda to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. NDMA Technology Resources Use Policy and Form are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of technology, the board of directors shall conduct an annual review of this policy.

**Legal References:** 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. § 6751 *et seq.* (Enhancing Education through Technology Act of 2001)  
 47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))  
 47 C.F.R. § 54.520 (FCC rules implementing CIPA)  
 Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)  
 Minn. Stat. § 125B.15 (Internet Access for Students)  
 Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)  
*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*United States v. Amer. Library Assoc.*, 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)  
*Doninger v. Niehoff*, 527 F.3d 41 (2<sup>nd</sup> Cir. 2008)  
*Layshock v. Hermitage Sch. Dist.*, 412 F.Supp.2d 502 (W.D. Pa. 2006)  
*M.T. v. Cent. York Sch. Dist.*, 937 A.2d 538 (Pa. Commw. Ct. 2007)  
*J.S. v. Bethlehem Area Sch. Dist.*, 807 A.2d 847 (Pa. 2002)