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## **AGAMIM CLASSICAL ACADEMY POLICY**

*Students, No. 522*

### **INTERNET ACCEPTABLE USE AND SAFETY**

#### **I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for access to the Agamim Classical Academy computer/electronic device system and acceptable and safe use of the Internet, including electronic communications.

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

In making decisions regarding student and employee access to the Agamim computer/electronic device system and the Internet, including electronic communications, Agamim considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to Agamim's computer/electronic device system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. Agamim expects that faculty will blend thoughtful use of the Agamim computer/electronic device system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

#### **III. LIMITED EDUCATIONAL PURPOSE**

Agamim provides students and employees with access to the Agamim computer/electronic device system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. Agamim's system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the school system to further educational and personal goals consistent with the mission of Agamim 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 Agamim system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the Agamim 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 Agamim policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

**V. UNACCEPTABLE USES**

A. The following uses of the Agamim system and Internet resources or accounts are considered unacceptable:

1. Users will not use the Agamim 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 violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
2. Users will not use the Agamim 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 prejudicial or discriminatory attacks.
3. Users will not use the Agamim system to engage in any illegal act or violate any local, state, or federal statute or law.
4. Users will not use the Agamim 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 Agamim system software, hardware, or wiring or take any action to violate Agamim's security system, and will not use the Agamim system in such a way as to disrupt the use of the system by other users.

5. Users will not use the Agamim 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.

6. Users will not use the Agamim system 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 Agamim 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 Agamim as directory information and verification is made that Agamim 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 Agamim Policy 108 (School Directory), Policy 510 (Special Education Student Records Retention), and/or Policy 518 (Protection and Privacy of Student Records); or

(2) such information is not classified by Agamim 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 Agamim Policy 108 (School Directory), Policy 510 (Special Education Student Records Retention), and/or Policy 518 (Protection and Privacy of Student Records). 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 Agamim system to post personal information about a user or another individual on social networks, including, but not limited to, social networks.

7. All account information and passwords are managed by a designated Agamim official. Users will not attempt to gain unauthorized access to the Agamim system or to any other system through the Agamim 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 Agamim system may not be encrypted without the permission of appropriate school authorities.

8. Users will not use the Agamim 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.

9. Users will not use the Agamim system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of Agamim. Users will not use the Agamim system to offer or provide goods or services or for product advertisement. Users will not use the Agamim system to purchase goods or services for personal use without authorization from the appropriate Agamim official.

10. Users will not use the Agamim system, or any other technology or forms of electronic communication to engage in bullying or cyberbullying in violation of Agamim Policy 506 (Bullying Prevention and Response). 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.

- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off Agamim premises also may be in violation of this policy as well as other Agamim policies. Examples of such violations include, but are not limited to, situations where the Agamim system is compromised or if an Agamim employee or student is negatively impacted. If Agamim receives a report of an unacceptable use originating from a non-school computer or resource, Agamim 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 Agamim computer system and the Internet and discipline under other appropriate Agamim 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 Agamim official. In the case of an Agamim employee, the immediate disclosure shall be made to the employee's immediate supervisor and/or the head 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 an Agamim employee, the head administrator.

## **VI. FILTER**

- A. All Agamim computers/electronic devices with Internet access and available for student use will restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, pornography, or harmful to minors under state or federal law.
- B. All Agamim computers/electronic devices with Internet access, not just those accessible and available to students, will restrict, by use of available software filtering technology or other effective methods, all adult access to materials that are reasonably believed to be obscene or pornography under state or federal law.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

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

Use of the Agamim computer/electronic device system and use of the Internet shall be consistent with Agamim policies and the mission of Agamim Classical Academy.

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

- A. By authorizing use of the Agamim system, Agamim 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 Agamim system.
- B. Routine maintenance and monitoring of the Agamim system may lead to a discovery that a user has violated this policy, another Agamim 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 Agamim policy.
- D. Parents have the right at any time to investigate or review the contents of their child's files and email files. Parents have the right to request the termination of their child's individual account at any time.
- E. Agamim employees should be aware that Agamim retains the right at any time to investigate or review the contents of their files and email files. In addition, Agamim employees should be aware that data and other materials in files maintained on the Agamim system may be subject to review, disclosure, or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- F. Agamim 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 Agamim policies conducted through the Agamim system.

### **IX. INTERNET 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 Agamim.
- B. This policy requires the permission of and supervision by Agamim's designated professional staff before a student may use a school account or use a device/resource to access the Internet.

- C. The Internet Use Agreement form for students must be read and signed by the user and the parent or guardian. This form will be kept as a part of the student's cumulative file.
- D. All Agamim employees must follow all technology procedures and guidelines laid out in the Employee Handbook.

**X. LIMITATION ON SCHOOL DISTRICT LIABILITY**

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

**XI. USER NOTIFICATION**

- A. All users shall be notified of Agamim's policies relating to Internet use.
- B. This notification shall include the following:
  - 1. Notification that Internet use is subject to compliance with Agamim policies.
  - 2. Disclaimers limiting Agamim's liability relative to:
    - a. Information stored on Agamim diskettes, hard drives, or servers.
    - b. Information retrieved through Agamim computers/electronic devices, networks, or online resources.
    - c. Personal property used to access Agamim computers/electronic devices, networks, or online resources.
    - d. Unauthorized financial obligations resulting from use of Agamim resources/accounts to access the Internet.
  - 3. A description of the privacy rights and limitations of Agamim sponsored/managed Internet accounts.
  - 4. Notification that, even though Agamim may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable 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 Agamim Policy 406 (Public and Private Personnel Data), Policy 510 (Special Education Student Records Retention), and/or Policy 518 (Protection and Privacy of Student Records).
7. Notification that, should the user violate the Agamim'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.

**XII. PARENTS'/GUARDIAN'S 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 Agamim system and of the Internet if the student is accessing the Agamim system or using an Agamim computer/electronic device from home or a remote location.
- B. Parents/Guardians will be notified that their students will be using Agamim resources/accounts to access the Internet and that Agamim 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 have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.



4. A statement that the Internet Use Agreement must be signed by the user and the parent or guardian.
5. A statement that Agamim's acceptable use policy is available for parental review.

### **XIII. NOTIFICATION REGARDING TECHNOLOGY PROVIDERS**

- A. "Technology provider" means a person who:
  1. contracts with Agamim, 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 Agamim.
- 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, Agamim 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. Agamim 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 Agamim 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.

#### **XIV. SCHOOL-ISSUED DEVICES**

- A. "School-issued device" means hardware or software that Agamim, 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, Agamim 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. Agamim 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 Agamim employees, student teachers, staff contracted by Agamim, a vendor, or the Minnesota Department of Education, and notice is provided in advance;
  2. the activity is permitted under a judicial warrant;
  3. Agamim 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 Agamim 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/guardian 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.

#### **XV. 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.

#### **XVI. IMPLEMENTATION; POLICY REVIEW**

- A. Agamim administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the Board for approval. Upon approval by the 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 notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. Agamim 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 Board shall 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. § 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)

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)

Mahanoy Area Sch. Dist. V. B.L., 594 U.S. \_\_\_\_, 141 S. Ct. 2038 (2021)

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)

Sagehorn v. Indep. Sch. Dist. No. 728, 122 F.Supp.2d 842 (D. Minn. 2015)

R.S. v. Minnewaska Area Sch. Dist. No. 2149, No. 12-588, 2012 WL 3870868 (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. Camdenon 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:***

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 406 (Public and Private Personnel Data)

MSBA/MASA Model Policy 505 (Distribution of Non-School-Sponsored Materials on School Premises by Students and Employees) 524 pg.1

Agamim Policy 108 (School Directory)

Agamim Policy 406 (Public and Private Personnel Data)

Agamim Policy 506 (Bullying Prevention and Response)

Agamim Policy 510 (Special Education Student Records Retention)

Agamim Policy 518 (Protection and Privacy of Student Records)