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BOARD OF SCHOOL TRUSTEES
SCHOOL CORPORATION

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REVISED POLICY - VOL. 24, NO. 2

Version # 2

STAFF USE OF WIRELESS COMMUNICATION DEVICES

The Board of School Trustees ^{may} ~~will~~ provide wireless communication devices ("WCDs") (i.e. cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs) BlackBerries/Smartphones, WiFi-enabled or broadcast access devices, etc.) to employees who by the nature of their job have a routine and continuing business need for the use of such devices for official Board business. WCDs are provided as a tool to conduct Board business and to enhance business efficiencies. WCDs are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct Board business (i.e. because some wireless services plan are billed on a time-used basis, Board-owned WCDs should not be used if a less costly alternative method of communication is safe, convenient and readily available).

[NOTE: START OF FIRST SET OF OPTIONS - CHOOSE OPTION #1 OR OPTION #2]

Option #1

[SELECT ONE]

- ☐ The Superintendent will recommend and the Board will approve the staff members who will be issued a Board-owned WCD and provided with a wireless service plan.
- ☒ The Superintendent is authorized to designate those staff members who will be issued a Board-owned WCD and provided with a wireless service plan.

[END OF SELECTIONS]

The Superintendent or his/her designee is responsible for verifying:

- A. the need for each Board-owned WCD and wireless service plan is clearly justified for Board business purposes;
- B. alternative solutions for work production and communication are considered;



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- C. employees provided with wireless service plans are notified of the purpose and limitations of usage;

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- D. wireless service plan invoices outlining the details of usage are received and reviewed for conformance with this policy;
- E. employees reimburse the Board for non-business use; and
- F. a Board-owned WCD is returned and the corresponding wireless service plan is terminated when it is no longer justified by business requirements, the employee leaves the Board's employment, and/or when the employee has demonstrated a disregard for the limitation of this policy.

☐ In deciding which staff members should receive a Board-owned WCD, the Superintendent will consider whether their jobs:

- A. require them to spend a considerable amount of time outside of their assigned office or work area during normal working hours and have regular access to telephone and/or Internet connections while outside their office or assigned work area;
- B. require them to be accessible outside of scheduled or normal working hours or to be contracted and respond in the event of an emergency; or
- C. consistently require timely and business critical two (2) way communication for which there is ~~not~~ **no** reasonable alternative technology. (This is not intended to include occasional, incidental access or purely voluntary access such as checking e-mail from home).
- () safety requirements indicate having a WCD is an integral part of meeting the requirements of the employee's job description;
- () more than fifty percent (50%) of the employee's work is conducted outside the employee's assigned office or work area;



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- ☐ the employee is required to be contacted on a regular basis outside normal work hours; **or**
- ☐ the employee is required to be on-call 24/7; **or**
- ☐ ~~the employee's job requirements include critical Corporation-wide decision-making.~~

[END OF OPTION #1]

Option #2

☐ The Board requires the staff members listed below to be accessible by telephone for Corporation business and exigencies when and if need arises. WCDs enable individuals to be reached whenever a situation arises necessitating immediate contact, regardless of the person's location at that time. Therefore, a Corporation-owned WCD ☐ may ☐ shall be issued to the Superintendent ☐ as well as the following staff members:

- ☐ assistant superintendent(s): _____
- ☐ Corporation-level administrators: _____
- ☐ supervisors: _____
- ☐ principals: _____
- ☐ bus drivers: _____
- ☐ teachers (specify): _____
- ☐ coaches and/or extra-curricular activity advisors: _____
- ☐ _____ (other)



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[NOTE: SELECT THE FOLLOWING PARAGRAPH(S) IF ONLY ADMINISTRATORS/SUPERVISORS ARE SELECTED ABOVE.]

- ☐ Since the staff members listed above are expected to be readily accessible day and night, seven (7) days a week during the course of their employment, the Board considers WCDs to be essential equipment for the performance of their duties, and determines that the provision of WCD to the above-mentioned staff members serves a valid public purpose.
- ☐ Accordingly, the individual employment contracts of these staff members shall affirm that the staff member shall be provided with a WCD, describe the permissible and impermissible uses of that device, and describe the staff member's financial obligations, if any, for the service.

[NOTE: END OF FIRST SET OF OPTIONS]

- ☒ Board-owned WCDs and/or their related wireless service plan are to be used only to place calls, access the Internet, or receive/send e-mails, instant messages or text messages for Corporation-related business.
- ☐ Furthermore, Board-owned WCDs are not to be used to place calls or send/receive e-mails, instant messages or text messages of a personal nature, or access the Internet for personal business.

Wireless service plans are expected to be set at the minimum level that fulfills the business need for the position in question. The wireless service plan that is selected for an employee should be the one that provides a combination of services including number of minutes, coverage, and local call zone most nearly matching the employee's recurring business needs as well as whether or not the service plan includes text messaging, instant message and/or e-mail capability, and ability to access the Internet. If the wireless plan is based on minutes used for calls made or includes a charge regarding e-mail or instant messages, the smallest plan available to accommodate the particular business need shall be utilized.

The Board shall approve the Superintendent's recommendation regarding the type and level of wireless service appropriate for each staff member listed above. In all cases, the Superintendent shall take the steps necessary to secure the most economical and responsible service available.



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Thereafter, an annual review of the service plans available shall be made to determine if the Corporation's wireless service plans are the most economical and responsible available. Additionally, at least once annually, the Superintendent shall review the employee's actual usage (i.e. type and level of service) with the employee and, if warranted, authorize the acquisition of a different WCD and/or selection of a different wireless service plan that more nearly matches the employee's recurring business needs. Any such change in provider and/or necessary adjustments to individual staff member's devices and/or service plans shall be presented to the Board for consideration and approval.

Possessing a Board-owned WCD is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost effectiveness of WCD use by utilizing assigned landline and/or designated computers as available and appropriate. Employees should know that using a WCD to place calls outside the immediate area might result in roaming charges, in addition to long distance and regular charges, and that the Board is charged for both outgoing and incoming calls.

In order to continue to be eligible to receive a Board-owned WCD, staff members are required to answer all calls on his/her WCD and promptly respond to any messages.

[] **[Select this alternative language if non-exempt (for Fair Labor Standard Act ("FLSA")) purposes employee's receive the Board-owned WCD]** In order to continue to receive the Board-owned WCD, non-exempt employees are required to answer all calls on his/her WCD and promptly respond to any messages during his/her work hours.

Employee safety is a priority of the Board, and responsible use of WCDs includes safe use.



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**[NOTE: START OF SECOND SET OF OPTIONS - CHOOSE OPTION #1 OR
OPTION #2 OR OPTION #3]**

Option #1

- [] Employees whose job responsibilities include regular or occasional driving and who are issued a Board-owned WCD for business use are expected to refrain from using the device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call, reading or sending a text message, instant message or e-mail, or browsing the Internet. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g. headsets or voice activation) if available, refrain from discussion of complicated or emotional topics, and keep their eyes on the road. Additionally, special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving **(including any laws that prohibit texting with the WCD or using the WCD in its entirety while driving).**

- [] In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment may be provided to facilitate the provisions of this policy.

Option #2

- [] Employees are responsible for operating Board-owned vehicles and potentially hazardous equipment in a safe and prudent manner and therefore, employees are prohibited from using WCDs while operating such vehicles or equipment. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving.



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Option #3

- ☒ Using a WCD while operating a vehicle is strongly discouraged. Employees should plan accordingly so that calls are placed, text messages, instant messages or e-mails sent/read, and/or the Internet browsed either prior to traveling or while on rest breaks. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving **(including any laws that prohibit texting with the WCD or using the WCD in its entirety while driving)**.

[NOTE: END OF SECOND SET OF OPTIONS]

Duty to Maintain Confidentiality of Student Personally Identifiable Information; Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their Board-owned WCDs.

Wireless communications, including calls, text messages, instant messages, and e-mails sent from WCDs may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using their Board-owned WCD may constitute public records if the content of the message concerns Corporation business, or an education record if the content includes personally identifiable information about a student. Wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 - Public Records. Wireless communications that are student records should be maintained pursuant to Policy 8330 - Student Records. Finally wireless communications and other electronically stored information (ESI) stored on the staff member's Board-owned WCD may be subject to a Litigation Hold pursuant to Policy 8315 - Information Management. Staff are required to comply with Corporation requests to produce copies of wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.



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Except in emergency situations, employees are prohibited from using WCDs to capture, record or transmit the words (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal or Superintendent.

At no time may any WCD be utilized by an employee in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Employee's Responsibilities

Employees are responsible for the safekeeping, care and custody of the WCDs assigned to them. Further, employees are responsible for the cost of misuse, intentional damage or reckless loss of the WCDs provided to them. The Corporation does not provide or purchase insurance to allow for loss or damage to its WCDs.

Reasonable precautions should be taken to prevent unauthorized use/access to, or loss, damage, theft and/or vandalism to said devices. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the WCD for return or inspection. Employees unable to present the device in good working condition within the time period requested (e.g. twenty-four (24) hours) ~~(✓)~~ might ~~(-)~~ will be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

[] Each employee issued a Board-owned WCD is required to keep a log documenting the calls made, e-mails, instant messages, or text messages sent/receive, or Internet sites accessed with a notation of the purpose of each action.



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Each employee issued a Board-owned WCD will receive a detailed monthly statement for all charges. The employee must review the monthly statement for billing accuracy, then sign and date it verifying the employee's review and attesting that there are no charges for personal calls, text messages, instant messages or e-mails. A copy of the signed and dated statement is to be submitted to the Superintendent within 6 ~~days~~ ^{months} of receipt of it by the employee. In the event that a personal call is inadvertently made or received, or a text message, instant message or e-mail of a personal nature is sent or received on the employee's Board-owned WCD, the employee shall be billed for the actual cost of the personal calls made or received, or the text messages, instant messages or e-mails sent or received. In addition, the employee shall also be charged a portion of the monthly service fee. If the employee's service plan is all-inclusive and charges are not assessed for individual calls, text messages, instant messages or e-mails, then the employee will be charged a pro-rated share of the monthly charge. Any amount owed will be deducted from the employee's paycheck in the following pay cycle.

Any employee who regularly places or receives personal calls, or uses his/her Board-owned WCD to send/receive personal e-mails, text messages, or instant messages, shall be subject to disciplinary action. Use of a Board-owned WCD by an employee to access a personal e-mail account or connect to the Internet for personal business is strictly prohibited.

WCDs may not be transferred to any other employee without prior notification and approval of the Superintendent. Employees provided with a WCD understand that the WCD is owned by the Board. Any alteration or switching of WCDs must be approved in advance by the Superintendent.

- [k] Cellular telephone numbers provided by the Board, via contract with a wireless service provider/vendor, are considered business numbers of the Corporation which shall remain and belong to the Board for its use, unless otherwise changed by the service provider/vendor or as mandated by the Federal Communications Commission. (v) Employees are not allowed to transfer/port a previous personal cellular telephone number to a Board-owned WCD.

The Board reserves the right to audit all Board-owned WCDs, which will include but not be limited to, a review of the detailed monthly statement upon submission after the requisite review by the employee. The detailed monthly service statements for all Board-owned WCDs as well as invoices and payment documents related to these accounts are public records and, as such, may be subject to disclosure and review.



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Privacy Issues

[NOTE: START OF THIRD SET OF OPTIONS - CHOOSE OPTION #1 OR OPTION #2 OR OPTION #3 OR OPTION #4]

Option #1

- ☐ The use of WCDs that contain built-in cameras (i.e. devices that take still or motion pictures, whether in a digital or other format) is prohibited in locker rooms, classrooms, bathrooms () and/or swimming pool.

Option #2

- ☐ The use of WCDs in locker rooms, classrooms, bathrooms and/or () swimming pool is prohibited.

Option #3

- ☐ WCDs, including but not limited to those with cameras, may not be possessed, activated or utilized at any time in any school situation where reasonable expectation of personal privacy exists. These locations and circumstance include but are not limited to locker rooms, shower facilities, restrooms, () classrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a WCD is absolutely prohibited.

Option #4

- ☒ The use of WCDs that contain built-in cameras is prohibited in school, on school property, during after school activities, and at school-related functions. *without the permission of the Executive Director.*

[NOTE: END OF THIRD SET OF OPTIONS]



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Use of Board-owned WCDs for Personal Calls

The Board recognizes that in rare circumstances it may be necessary for an employee to use a Board-owned WCD for personal business. The Board generally prohibits such conduct as emphasized by this policy, but realizes there may be limited situations when such use is justified. Employees are advised not to take advantage of this provision and that repeated use of a Board-owned WCD for personal business will result in disciplinary action.

[NOTE: START OF FOURTH SET OF OPTIONS - CHOOSE OPTION #1 OR OPTION #2]

Option #1

- ☒ If unforeseen circumstances develop where employees must use their Board-issued WCD for personal reasons (i.e. to let family know that the employee will be home late, etc.) it is up to the Superintendent or his/her designee to determine whether the employee should reimburse the Board.
- ☐ Employees are responsible for maintaining a log/record of the telephone numbers dialed or calls received and/or e-mails, text messages or instant messages sent or received, and names of persons or businesses that were contacted, or who contacted the employee for personal reasons and provide a copy of the records to _____.
- ☐ The Board will routinely audit the phone log/record provided by employees to confirm that no personal calls were made and/or to ensure that the costs associated with any personal calls made by the employee (including the employee's pro rata share of the monthly service charge) are timely reimbursed to the Board.



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Option #2

- [] WCDs provided by the Board are a public resource and may be used for Board business only. Employees are advised to obtain and carry their own WCD for personal use at their own expense. Board-owned WCDs may not be used for personal uses, except in clearly urgent situations, when no other telephone is readily available, and the call is related to the conduct of official business. Thus, calls, e-mails, text messages, or instant messages home notifying family of the employee's whereabouts, etc. when required to work extended hours shall be considered business-related. Such communications should be kept brief and to the point. Board-owned WCDs should not be misused for personal business. If an employee determines the need to make or receive a personal call on a Board-owned WCD, or send or receive a text message, instant message or e-mail of a personal nature then the employee is required to pay the Board the full cost related to such activity, including the pro rata amount of the monthly service charge. Employees in such circumstances are responsible for generating their own log/record of business and personal communications made on the Board-owned WCD, reviewing the monthly statement to differentiate between business-related and personal calls, and remitting the full amount owed for personal calls within thirty (30) days of the receipt of the monthly statement. The Board will engage in a mandatory monthly audit of the employee's records and the monthly statement to verify that reimbursements are both accurate and timely made, and to verify that the employee is charged the appropriate pro rata amount of the monthly service charge. Failure to reimburse the Board within the specified period may result in deduction of the amount due from the employee's paycheck, or final check upon termination of employment, or garnishment of wages if the employee has received his/her final check upon termination of employment.
- [] The Board reserves the right to withhold any unreimbursed amount from the employee's wages.
- [] Employees will be expected to sign an agreement that allows the Board to deduct the cost of unpaid calls from the employee's paycheck.

[NOTE: END OF FOURTH SET OF OPTIONS]



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Use of a Personal WCD While at Work

[NOTE: START OF FIFTH SET OF OPTIONS - CHOOSE OPTION #1 OR OPTION #2]

Option #1

- ☐ During work hours, personal communications made or received, regardless of whether on a WCD, regular telephone, or network computer, can interfere with employee productivity and/or distract others. Employees are expected to use discretion in using personal WCDs while at work. Employees are asked to limit personal communication to breaks and lunch period and to inform friends and family members of the Board's policy in this regard.

Option #2

- ☒ Board employees may carry personal WCDs with them while on Board time and/or while operating Board equipment, but are subject to the following restrictions:
- A. Excessive use of a WCD for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.
 - B. Employees are responsible for operating Board-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees are prohibited from using WCDs while operating such vehicles or equipment.
 - C. Employees are personally and solely responsible for the care and security of their personal WCDs. The Board assumes no responsibility for theft, loss, damage, or vandalism to WCDs brought onto its property, or the unauthorized use of such devices.



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- D. When authorized in writing by the Superintendent the cost of using a personal WCD for official business may be reimbursed to the employee. Having a personal WCD is a choice the employee makes, and if the device is used for business purposes, any reimbursement will be for reasonable costs in excess of the base service plan plus any additional charges such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instances will the employee be reimbursed more than the monthly cost to the employee. To receive the reimbursement, the employee must document the inbound/outbound telephone number, name of person called, texted, or e-mailed or the individual who called, texted or e-mailed the employee, and the date and purpose of the communication along with the original service plan bill.

[NOTE: END OF FIFTH SET OF OPTIONS]



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Potential Disciplinary Action/Cancellation of Board-Owned WCD

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of the WCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in the Board immediately canceling the employee's privilege to use a Board-owned WCD and return the device.

[]

Reimbursement for Business Calls on Personal WCD [NOTE: This language may be used in place of Paragraph D in the preceding set of options.]

If a Board employee's job duties do not include frequent need for a WCD, the employee is not eligible to receive a Board-owned WCD. Such employees, however, may request reimbursement for the actual extra expenses of business cell phone calls. Reimbursement for per-minute "air time" charges is limited to the total overage charge shown on the invoice; expenses for minutes included in the employee's personal plan will not be reimbursed. The employee should make personal payment to the provider, and then submit a request for reimbursement, which details the date/time of the call, to whom the call was placed or from whom the call was received, and a brief description of the purpose of the call. A copy of the employee's wireless service bill must be attached to the request for reimbursement (the employee () may () should redact any personal calls from the bill prior to submitting it). Business calls made on school property should be made from traditional land-line phones, when readily accessible, and therefore will not be reimbursed if made on a personal WCD.

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STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Internet. The School Board is pleased to provide Internet services to its students. The Corporation's Internet system has a limited educational purpose. The Corporation's Internet system has not been established as a public access service or a public forum. The Corporation has the right to place restrictions on its use to assure that use of the Corporation's Internet system is in accord with its limited educational purpose. Student use of the Corporation's computers, network and Internet services ("Network") will be governed by this policy and the related administrative guidelines, and the Student Code of Conduct. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Network. Users have a limited privacy expectation in the content of their personal files and records of their online activity while on the Network.

The Board encourages students to utilize the Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The instructional use of the Internet will be guided by the Corporation's policy on instructional materials.

The Internet is a global information and communication network that provides students and staff with access to up-to-date, highly relevant information that will enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.



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First, and foremost, the Corporation may not be able to technologically limit access, to services through the Corporation's Internet connection, to only those that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, will open classrooms and students to electronic information resources which have not been screened by educators for use by students of various ages.

The Corporation has implemented the use of technology protection measures which are specific technologies that will protect against (e.g. filter or block) access to visual displays/depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Corporation or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measures may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Superintendent or Technology Director may temporarily or permanently unblock access to sites containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.



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The Corporation utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. Nevertheless, parents/guardians are advised that a determined user may be able to gain access to services on the Internet that the Corporation has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents/guardians may find inappropriate, offensive, objectionable or controversial. Parents/Guardians assume risks by consenting to allow their child to participate in the use of the Internet. Parents/Guardians of minors are responsible for setting and conveying the standards that their children should follow when using the Internet. The Board supports and respects each family's right to decide whether to apply for independent student access to the Internet.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of **direct** electronic communications;
- B. the dangers inherent with the online disclosure of personally identifiable information; ~~and,~~
- C. the consequences of unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by students online.; **and**
- D. **unauthorized disclosure, use, and dissemination of personal information regarding minors.**

Staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities of students while in school.

- ☒ Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.



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Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Internet. All Internet users (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Students and staff members are responsible for good behavior on the Corporation's computers/network and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Corporation does not sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

[NOTE: If language about social media is added to Policy 7540, it is recommended that this language be added to this policy.]

☒ Students shall not access social media for personal use from the Corporation's network, ~~(b)~~ but shall be permitted to access social media for educational use in accordance with their teacher's approved plan for such use.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the Board's computers assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by this Board policy and its accompanying guidelines.



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The Board designates the Superintendent and the Technology Director as the administrator responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to students' use of the Network.

P.L. 106-554 (2000), Children's Internet Protection Act
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)
18 U.S.C. 1460
18 U.S.C. 2246
18 U.S.C. 2256
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)
20 U.S.C. 6777, 9134 (2003)
| **76 F.R. 56295, 56303**

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REVISED POLICY - VOL. 24, NO. 2

STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Internet. The School Board is pleased to provide Internet service to its staff. The Corporation's Internet system has a limited educational purpose. The Corporation's Internet system has not been established as a public access service or a public forum. The Corporation has the right to place restrictions on its use to assure that use of the Corporation's Internet system is in accord with its limited educational purpose. Staff use of the Corporation's computers, network and Internet services ("Network") will be governed by this policy and the related administrative guidelines, and any applicable employment contracts and collective bargaining agreements. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Network. Users have a limited privacy expectation in the content of their personal files and records of their online activity while on the Network.

The Corporation encourages staff to utilize the Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet will be guided by the Corporation's policy on Instructional Materials.

The Internet is a global information and communication network that provides students and staff with access to up-to-date, highly relevant information that will enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.



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First, and foremost, the Corporation may not be able to technologically limit access to services through the Corporation's Internet connection to only those that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, will open classrooms and students to electronic information resources which have not been screened by educators for use by students of various ages.

The Corporation has implemented the use of technology protection measures, which are specific technologies that will protect against (e.g. filter or block) access to visual displays/depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Corporation or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The technology protection measures may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The Superintendent or Technology Director may temporarily or permanently unblock access to sites containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. **[M] The Superintendent or Technology Director may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.**

The Corporation has implemented technology protection measures which block/filter Internet access to visual displays that are obscene, child pornography or harmful to minors. The Corporation utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The Superintendent or Technology Director may disable the technology protection measures to enable access for bona fide research or other lawful purposes.



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Staff members will participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social media, and other forms of **direct** electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online; and,
- C. the consequences of unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by students online.; **and**
- D. **unauthorized disclosure, use, and dissemination of personal information regarding minors.**

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security and specified above, **and staff members will monitor students' online activities while at school.**

☒ **Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.**

The disclosure of personally identifiable information about students online is prohibited.

Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Internet. All Internet users are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Staff members are responsible for good behavior on the Corporation's computers/network and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature.



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[NOTE: If language about social media is added to Policy 7540, it is recommended that this language be added to this policy.]

☒ Staff members shall not access social media for personal use on the Corporation's network, and shall access social media for educational use only after submitting a plan for that educational use and securing the principal's approval of that plan in advance.

☐ ~~Staff members shall not access social media from the Corporation's network for either personal or educational use.~~

General school rules for behavior and communication apply. The Board does not sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines. Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the Board's computers assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and the Technology Director as the administrator responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of the Network.

[Optional]

☒ **Social Media Use**

An employee's personal or private use of social media, such as Facebook, Twitter, MySpace, blogs, etc., may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the Corporation's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.



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In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parent consent (see Policy 8330). Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential student or employee information may be disciplined.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

P.L. 106-554 (2000), Children's Internet Protection Act
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)
18 U.S.C. 1460
18 U.S.C. 2246
18 U.S.C. 2256
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)
20 U.S.C. 6777, 9134 (2003)

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REVISED POLICY – VOL. 24, NO. 1

PUBLIC RECORDS

~~The School Board recognizes its responsibility to maintain the public records of this Corporation and to make such records available for inspection and reproduction.~~
The Board recognizes its responsibility to maintain and protect the public records of the Board and to make these records available for inspection and the purchase of copies in compliance with the Indiana Access to Public Records Act, I.C. 5-14-3-4 ("APRA").

"Public Records" Defined and Mandatory and Discretionary Exemptions

~~The public records of this Corporation include any record that has been required by law to be made, maintained, or kept on file by this Board or its officials, but does not include certain records described under I.C. 5-14-3-4, including the disclosure or use of any list of Corporation employees for commercial purposes nor any record or part of a record the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack.~~
The public records of this Board are those records that are created, received, retained, maintained, or filed with the board or its officers, employees, or agents in any form including on paper and in any computer readable media. Certain records covered by this definition must be maintained as confidential records pursuant to I.C. 5-14-3-4(a) unless production is ordered by a court under the rules of pre-trial discovery, while other records covered by this definition are subject to a discretionary exemption listed in I.C. 5-14-3-4(b).

Protection of Public Records

A person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Class D felony in violation of I.C. 5-15-6-8. Public records may be destroyed when the Shelby County Commission on Public Records created pursuant to I.C. 5-15-6 has given written approval for the destruction of the record, or authority for destruction of the records is addressed by a retention schedule established and approved under I.C. 5-15-6.

Protection of Confidential Information in Public Records

As used in this policy, the term "redact" means to black out or cover with a permanent opaque material so that the content cannot be ~~ready~~ ^{read}. Where redaction is necessary, sufficient content shall be redacted so that the redacted content cannot be identified from the context.



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~~A social security number contained in the records of the school corporation (student or employee) may not be disclosed or released by the school corporation unless the record is specifically required by a State or a Federal Statute or is ordered by a court under the rules of discovery.~~ **The Board directs the Superintendent and Board employees having custody and supervision over public records to protect the confidentiality of records that are not to be disclosed under I.C. 5-14-3-4(a). This includes a person's Social Security Account Number ("SSAN") which shall be redacted from any public record released unless the SSAN is specifically required to be disclosed by a State or a Federal law or is ordered by a court under the rules of discovery.**

Other information that must be kept confidential includes personally identifiable information about a student protected by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g and 34 CFR Part 99, medical or genetic information about an employee, and information containing a trade secret as defined in I.C. 24-2-3-2.

Authorization to Assert Mandatory and Discretionary Exemptions

Given the time limitations established for compliance with a response to a request for records under the APRA, the Board directs the Superintendent to assert any exemption required to protect information that must be kept confidential pursuant to I.C. 5-14-3-4(a); and the Board authorizes the Superintendent to assert any discretionary exemption to the APRA found in I.C. 5-14-3-4(b) including: records that are intra-agency or inter-agency advisory or deliberative material; diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal; files of applicants for Board employment, and personnel files of Board employees, except that the following information from personnel files must be disclosed:

- A. the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the Board;**
- B. information relating to the status of any formal charges against a Board employee; and**
- C. the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.**



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If personnel file information about a current or former employee is disclosed, the current or former employee shall be advised of the release of the information from their personnel file and a description of the released information.

Limited Access to Requests for Lists of Persons

Notwithstanding any other provisions of law or this policy, in compliance with I.C. 5-14-3-4(f), the Board will not create a new list or provide a copy of an existing list that includes the names and addresses of persons (including e-mail addresses) in response to a request unless the Board is required by law to publish and disseminate the list to the public.

However, if the Board has created a list of names and addresses of persons, it will permit a person to inspect and make memoranda abstracts from the list, excluding e-mail addresses unless access to the list is prohibited by law.

(☒) **OPTIONAL [NOTE: The section below is optional.]**

Requests for Lists of Employees or Students for Commercial or Political Purposes

When a list of employees and/or students is requested from the Corporation, notwithstanding the general prohibition of asking a requesting party for the purpose of their request, the requesting party will be required to disclose the proposed use of the list in writing, before their request is considered.

If the request is for:

- A. a list of all employees of the Board, the employees in a particular school, a particular program, or classification of employee;
- B. a list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution;



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- C. A list of students who are enrolled in the Corporation, or sorted by any criterion or criteria;

and the proposed use of the list is for political or commercial purposes, the request shall be denied (see I.C. 5-14-3-3(f)).

For purposes of this policy, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question, or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question and "commercial purposes" means promotion of a product or service available from a business.

If all or any portion of a list of employees or student is disclosed, the party receiving the list shall be required to agree in writing that as a condition of release of the information, any information provided to them will not be used for political or commercial purposes. A person or entity that violates such a written agreement and any person or entity that used a list obtained through them shall not be eligible to receive lists of persons through the Board in the future. The Superintendent is directed to provide for consistent and uniform enforcement of this prohibition among all similarly situated commercial and political entities.

[NOTE: End of optional section.]

Lists of Students for Use by Official Recruiting Representative of Armed Forces

Notwithstanding any policy to the contrary, a request for a list containing "directory information" as defined at I.C. 20-33-10-3 and the Family Rights and Privacy Act ("FERPA") from an official recruiting representative of an armed force of the United States pursuant to I.C. 20-33-10 and/or 9528 of the ESEA (20 U.S.C. 7908), as amended by the No Child Left Behind Act of 2001 (P.L. No. 107-110), shall not be denied. However, an official recruiting representative may be required to pay a fee that represents the actual costs of copying and mailing the student directory information to the recruiter.



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This information shall not be provided if a high school student or the parent of a high school student submits a signed, written request at the end of the student's sophomore year that states that the student or the parent of the student does not want the student's directory information to be provided to official recruiting representatives of the armed forces of the United States. Notice of the right to object to the release of student directory information generally under FERPA, and to official recruiting representatives of the armed forces of the United States, specifically, shall be provided in annual notices given to all high school students and their parents, guardian, or custodian.

~~A written request to inspect and copy by hand the public records of this Corporation may be made during the regular business hours of the office in which such records are maintained, provided that advance notice of such intended inspection has been given the custodian of the records not less than one (1) working day before the inspection. The Superintendent is authorized to grant or refuse access to the records of this Corporation in accordance with the intent of this policy.~~**A request to inspect and/or purchase copies of a public record in the custody of the Board may be submitted orally during the regular business hours in the office in which such records are maintained. A written request to inspect and make notes from public records in the custody of the Board may be submitted by e-mail, facsimile, or USPS mail. Such a request submitted outside of the regular business hours in the office in which such records are maintained, shall be received at the beginning of the next regularly scheduled work day in that office.**

A requesting party shall be required to describe the records sought with reasonable particularity.

The Board Public Access Officer ("PAO") designated by the Superintendent or a Board employee acting at the discretion of the PAO will advise the requesting party whether any records specified in the request are available for inspection and copying. When the person making the request is physically present in a Board office makes the request by telephone, or requests enhanced access to a record, a denial of disclosure occurs at the earlier of the time an employee of the Board refuses to permit inspection and copying of the requested record; or twenty-four (24) hours elapse after the request is received. When a request is made by mail, e-mail, or by facsimile, a denial of the request occurs at the earlier of the time a Board employee refuses to permit inspection and copying of the requested record or when seven (7) days have elapsed from the date the request was received by the Corporation.



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The initial response to a request required by these time limitations does not need to be the final response of the Board to a request, but the initial response shall at least acknowledge receipt of the request and provide an initial assessment of the existence of records covered by the request. In preparing a final response of the Board following the initial response, the PAO shall comply with I.C. 5-14-3-7 and shall take into account the other duties to be performed by Board employees with custody of the requested record and shall not cause or permit a material interference with the regular discharge of the other functions or duties of the Corporation or its employees.

~~Purchase of copies of the Corporation's public records may be made upon payment of a fee. No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.~~

Enhanced Access to Corporation Records

[NOTE: Choose Option #1 or Option #2.]

() Option #1

As used in this policy, "enhanced access" means the inspection of a public record by a person other than a governmental entity by means of an electronic device other than an electronic device provided by the Corporation, or requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

~~The Board authorizes the Superintendent to provide, upon written request, enhanced i.e. immediate access to any public record which the Corporation has stored in an electronic database and is not confidential or exempt from disclosure by State or Federal statute. Such a record may be provided by means of a computer disk provided by the requestor, electronic mail, or a modem providing the requestor has paid the fee established for such transmission.~~ **The Board authorizes the Superintendent to provide enhanced access to any public record the Board has stored in an electronic database that is not confidential or exempt from disclosure. Enhanced access may be provided by means of copying on to an electronic data storage device a transmission attached to an e-mail or direct access to the Board network through a temporary and limited access portal.**



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The Superintendent shall establish a fee for enhanced access that does not exceed the Corporation's "direct cost", i.e. one hundred five percent (105%) of the sum of: the initial development of a program, if any, the labor required to retrieve electronically stored data and any medium used for electronic output for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval.

[END OF OPTION # 1]

(A) Option #2

~~The Board chooses not to provide for enhanced access to any of its public records~~**In order to assure the integrity of the data maintained on the Corporation's computer network, and protect the confidentiality of protected information maintained by the Corporation, the Board will not authorize enhanced access to public records on its computer network. However, records that are not confidential may be viewed by a requesting party in paper form printed out for inspection on paper by the PAO or a Board employee acting at the direction of the PAO.**

~~Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this Corporation, except student records and certain portions of personnel records.~~

[END OF OPTION # 2]

Fees for Purchasing Copies of Public Records

~~The Board establishes the following fee schedule for public records. These fees will be uniform through the Corporation and uniform to all purchasers.~~**Board public records may be inspected without charge. Purchase of copies of public records may be made upon payment of a fee. The Board establishes the following fee schedule for purchase of a copy of public records. These fees will be uniform at all purchasers.**



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Copies shall be prepared by a Corporation employee and provided to a requesting party upon payment of a fee which is the greater of:

A. Copies

The greater of:

1.A. ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or

2.B. the actual cost of copying the document.

"Actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs.

B.C. Certification of document as a true and accurate copy of an original record in the custody of the Corporation, five dollars (\$5.00).

C.D. Other

~~The Corporation may charge a fee for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the Corporation or entrusted to it that does not exceed the sum of:~~ **The Board will charge a fee for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing a public record in the custody of the Corporation. The fee shall not exceed the sum of:**

1. the Corporation's direct cost of supplying the information in that form; and
2. the standard cost of selling the same information to the public in the form of a publication if the Corporation has published the information and made the publication available for sale.



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(+) ~~Enhanced Access~~

~~The Corporation may charge a reasonable fee for providing enhanced access to public records. [NOTE: This choice is only needed if enhanced access is offered earlier in this policy.]~~

| I.C. 5-14-3, 5-15-6, 20-33-10

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