



- 29                   c. Such visual depiction has been created, adapted, or modified to appear that an  
30                   identifiable minor is engaging in sexually explicit conduct.<sup>2</sup>
- 31       2) **Harmful to minors** means any picture, image, graphic image file or other visual  
32       depiction that:
- 33                   a. Taken as a whole, with respect to minors, appeals to a prurient interest in nudity,  
34                   sex or excretion;
- 35                   b. Depicts, describes or represents in a patently offensive way with respect to what is  
36                   suitable for minors, an actual or simulated sexual act or sexual contact, actual or  
37                   simulated normal or perverted sexual acts, or lewd exhibition of the genitals.
- 38       3) **Technology protection measure** means a specific technology that blocks or filters  
39       Internet access to visual depictions that are obscene, child pornography or harmful to  
40       minors.<sup>3</sup>
- 41       4) **Minor** means an individual who has not attained the age of 18.<sup>4</sup>
- 42       5) **Computer** means any hardware, software, or other technology attached or connected to,  
43       installed in, or otherwise used in connection with a computer.<sup>5</sup>
- 44       6) **Access to Internet** means a computer that is equipped with a modem or is connected to a  
45       computer network that has access to the Internet.<sup>6</sup>

46  
47 **Policy**

48 Access to District electronic resources including the Internet will be available to students and  
49 staff who agree to abide by the requirements of this policy and accompanying procedures. User  
50 agreements, except as otherwise described in this policy, will be required prior to allowing any  
51 individual unsupervised access to District electronic resources.

52 The availability of access to electronic information does not imply endorsement by the district of  
53 the content, nor does the district guarantee the accuracy of information received. The district  
54 shall not be responsible for any information that may be lost, damaged or unavailable when using  
55 the network or for the content of any information that is retrieved via the internet.

56 The use by students, staff or others of district electronic resources is a privilege, not a right. The  
57 district's computer and network resources are the property of the district. Users shall have no  
58 expectation of privacy in anything they create, store, send, receive or display on or over the  
59 district's computers or network resources, including personal files. The district reserves the right  
60 to monitor, track, and log network access and use; monitor fileserver space utilization by district  
61 users; or deny access to prevent unauthorized, inappropriate or illegal activity and may revoke  
62 access privileges and/or administer appropriate disciplinary action for misuse of its electronic  
63 resources. The district shall cooperate to the extent legally required with local, state and federal  
64 officials in any investigation concerning or related to the misuse of the district's Internet,  
65 computers or network.

66 The district shall work to ensure Internet safety for minors by taking steps that include  
67 monitoring the online activities of minors and the operation of technology protection measures

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<sup>2</sup> 18 U.S.C. § 2256. See, 13 V.S.A. § 2801(6) for the state definition of this term. Federal law requires the use of the federal definition in this policy.

<sup>3</sup> 47 U.S.C. § 254

<sup>4</sup> See footnote 3 above.

<sup>5</sup> 20 U.S.C. § 6777(e)(1)

<sup>6</sup> 20 U.S.C. § 6777(e)(2)

68 with respect to any of its computers with Internet access that protects against access through such  
69 computers to visual depictions that are obscene, child pornography or harmful to minors.<sup>7</sup>

70 The following materials, in addition to those stated in law and defined in this policy, are  
71 inappropriate for access by minors:

- 72 • Defamatory
- 73 • Lewd, vulgar, or profane
- 74 • Threatening
- 75 • Harassing or discriminatory
- 76 • Bullying
- 77 • Terroristic
- 78 • Gambling

79 The district shall operate technology protection measures during the use of any of its computers  
80 with Internet access, including those computers not accessible to minors, that protect against  
81 access through such computers to material inappropriate for minors, including but not limited to,  
82 visual depictions that are obscene or child pornography.<sup>8</sup>

### 83 **Administrative Responsibilities**

84 The Superintendent or designee shall coordinate and oversee the use of the District electronic  
85 resources including the Internet, and will develop procedures necessary to implement this policy.  
86 In addition, the Superintendent or his or her designee shall ensure that the district, as part of its  
87 implementation of this policy, is educating minors about appropriate on-line behavior, including  
88 interacting with other individuals on social networking websites and in chat rooms and cyber  
89 bullying awareness and response.<sup>9</sup>

90 Administrative procedures developed under this policy shall include provisions necessary to  
91 ensure that Internet service providers and other contractors comply with applicable restrictions  
92 on the collection and disclosure of student data and any other confidential information stored in  
93 District electronic resources.

94 In addition, the administrative procedures developed under this policy shall include Internet  
95 safety measures that provide for the monitoring of online activities by minors<sup>10</sup> and address the  
96 following:

- 97 1. Control of access by minors to inappropriate matter on the Internet and World Wide  
98 Web.
- 99 2. Safety and security of minors when using electronic mail, chat rooms, and other forms of  
100 direct electronic communications.
- 101 3. Prevention of unauthorized online access by minors, including “hacking” and other  
102 unlawful activities.
- 103 4. Unauthorized disclosure, use, dissemination of personal information regarding minors.

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<sup>7</sup> 47 U.S.C. § 254(h)(B)

<sup>8</sup> 20 U.S.C. § 6777(a)(2)(A); 47 U.S.C. § 254

<sup>9</sup> Required by 47 U.S.C. § 254(h)(5)(B)

<sup>10</sup> Required by 47 U.S.C. § 254(h); 47 C.F.R. § 54.520(C)(i)

104 5. Restriction of minors' access to materials harmful to them.<sup>11</sup>

105 The administrative procedures developed under this policy shall also provide that authorized  
106 individuals may temporarily disable the District's technology protection measures to enable  
107 access for bona fide research or other lawful purpose.<sup>12</sup>

108 The Superintendent or his or her designee shall conduct an annual analysis of the implementation  
109 of this policy, and shall make recommendations to the Board as needed to ensure that the  
110 District's approach to Internet safety is effective.

### 111 **Staff Responsibilities**

112 All school staff members are responsible for assuring that students are instructed and supervised  
113 in a manner that is appropriate to the age of the students and circumstances regarding the safe,  
114 ethical, legal, and responsible use of electronic resources including the Internet. The Principal or  
115 designee will develop and disseminate staff supervision guidelines for their respective schools.

116 Student electronic records are confidential and should be treated like all other student records.

### 117 **User Responsibilities**

118 At all times, users may access electronic resources including the Internet for school related  
119 purposes only. The term "school related purpose" includes use of the system for classroom  
120 activities, which may involve e-mail communication, career development, and curriculum-driven  
121 research. It also includes use of the system for other school activities such as sports, other co-  
122 curricular activities, and school-sponsored fundraising activities.

123 Students will not post personal contact information about themselves or other people and agree  
124 to follow communication safety requirements outlined in administrative procedures when using  
125 electronic communications including the Internet.

126 All users of District electronic resources are expected to act in a responsible, ethical and legal  
127 manner. Specifically, the following uses are prohibited:<sup>13</sup>

- 128 1. Commercial or for-profit uses.
- 129 2. Product advertisement or political lobbying.
- 130 3. Bullying or harassment<sup>14</sup>
- 131 4. Offensive or inflammatory communication, including hate mail, discriminatory remarks  
132 or "sexting."<sup>15</sup>
- 133 5. Unauthorized or illegal installation, distribution, reproduction or use of copyrighted  
134 materials.

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<sup>11</sup> Required by 47 U.S.C. § 254(1); 47 C.F.R. § 54.520(c)(ii)

<sup>12</sup> Required by 20 U.S.C. § 6777(c)

<sup>13</sup> This list of prohibited uses is not specifically required by federal or state law. It is suggestive, and can be modified by boards that adopt acceptable use policies.

<sup>14</sup> 13 V.S.A. § 1027 makes it a crime in Vermont to "disturb peace by use of telephone or other electronic communications." Actionable activities under the statute include threatening, harassing, intimidating communications as well as the use of "obscene, lewd, lascivious or indecent language" with intent to harass or intimidate by telephone or other electronic communication.

<sup>15</sup> 13 V.S.A. § 2802b makes activities commonly referred to as "sexting" by minors illegal in Vermont.

- 135 6. Accessing sending, receiving, transferring, viewing sharing or downloading obscene,  
136 pornographic, lewd or otherwise illegal materials, images or photographs.  
137 7. Inappropriate language or profanity.<sup>16</sup>  
138 8. Impersonation of another user.  
139 9. Loading or using unauthorized games, programs, files or other electronic media.  
140 10. Disabling or bypassing the Internet blocking/filtering software without authorization.  
141 11. Accessing, sending, receiving, transferring, viewing, sharing or downloading confidential  
142 information without authorization.

143 Staff may access the District's electronic resources for limited personal use. Limited personal use  
144 of the District's electronic resources including the Internet shall be allowed if permission is  
145 granted by the superintendent or his or her designee, and the use:

- 146           o imposes no tangible cost to the District;  
147           o does not unduly burden the District's electronic resources;  
148           o occurs during non-instructional time and does not impede other student or staff  
149           access for educational purposes; and  
150           o does not violate this policy.<sup>17</sup>

151 **Parental Notification and Responsibility**

152 Each school will provide written annual notice to parents/guardians about student use of District  
153 electronic resources including the Internet, the policies and procedures governing their use, and  
154 the limitation of liability of the District.

155 Parents/guardians must sign an agreement to allow their child(ren) to access District electronic  
156 resources, including the Internet, and return this agreement to the school before access will be  
157 granted. Students 18 years of age or older must sign their own agreement. A signed user  
158 agreement will not be required when students are using school computers for research as part of  
159 a course requirement and the use is supervised by a responsible adult.<sup>18</sup>

160 **Limitation/Disclaimer of Liability**

161 The District is not liable for unacceptable use or violations of copyright restrictions or other  
162 laws, user mistakes or negligence, and costs incurred by users. The District is not responsible for  
163 ensuring the accuracy, age appropriateness, or usability of any information found on the  
164 District's electronic resources network including the Internet.

165 The District is not responsible for any damage experienced, including but not limited to loss of  
166 data or interruptions of service. The District is not responsible for the accuracy or quality of  
167 information obtained through or stored on the electronic resources system including the Internet,  
168 or for financial obligations arising through their unauthorized use.

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<sup>16</sup> 13 V.S.A. § 2605 makes "voyeurism" illegal in Vermont.

<sup>17</sup> This section on Limited Personal Use is not a required component of this policy, and is therefore an option for consideration by boards adopting acceptable use policies.

<sup>18</sup> As an alternative to requiring signed user agreements, a district could provide clear notice that it will allow access to its electronic resources unless notified in writing by parents that they do not consent to such use by their children.

169 **Enforcement**

170 In the event there is an allegation that a user has violated this policy, a student will be provided  
171 with notice and opportunity to be heard in the manner set forth in the student disciplinary policy.

172 Allegations of staff member violations of this policy will be processed in accord with contractual  
173 agreements and legal requirements.

174 The District will cooperate fully with local, state, or federal officials in any investigation  
175 concerning or relating to illegal activities conducted through the use of the District's electronic  
176 resources including the Internet.<sup>19</sup>

177 Date Warned:

178 Date Adopted:

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<sup>19</sup> See 13 V.S.A. §§ 2802b and 1027 for examples of criminal activities involving electronic resources.