

Technology - Policies & Procedures

| 500 | TECHNOLOGY | PAGE |
|-------|--|------|
| 501 | GENERAL PROVISIONS | 5 |
| 501.1 | Scope and Purpose | 5 |
| 501.2 | User Risk | 5 |
| 501.3 | Limitations | 5 |
| 501.4 | Ownership, Monitoring, and Control | 5 |
| 501.5 | Privacy and Disclosure of Technology Resource Use and Data | 6 |
| 501.6 | Disclaimer Against Loss or Damage | 6 |
| 501.7 | Civil and Criminal Remedies | 6 |
| 501.8 | Procedures | 6 |
| | 501.81 Reporting Misuse or External Threats | 6 |
| | 501.82 Violations of Policy | 7 |
| | 501.83 Exceptions and Appeals | 7 |
| 501.9 | Notice and Familiarity with Technology Policies | 7 |
| 502 | ALL SCHOOL TECHNOLOGY USERS | 7 |
| 502.1 | Overview | 7 |
| 502.2 | Permissible Uses | 7 |
| 502.3 | Prohibited Uses | 7 |
| | 502.3.1 Unlawful or Generally Prohibited Uses | 7 |
| | 502.3.2 Harassing, Intimidating, Bullying, and Other Offensive Uses | 7 |
| | 502.3.3 Disrupting or Damaging Uses | 8 |
| | 502.3.4 Unauthorized Technology Access, Endangerment, or Tempering | 8 |
| | 502.3.5 Jeopardizing or Bypassing School Security Measures | 8 |
| | 502.3.6 Promotional Uses and Advocacy | 8 |
| | 502.3.7 Publishing Personal Information on the Internet | 8 |
| | 502.3.8 Downloading or Copying Files or Data | 8 |
| | 502.3.9 Unauthorized Users | 8 |
| | 502.3.10 Plagiarism and Related Acts of Academic Dishonesty | 8 |
| | 502.3.11 Copyright and Software Copying | 8 |
| | 502.3.12 Off-Campus and Personal Technology Use | 9 |
| | 502.3.13 Representation of the School's Viewpoints and Positions | 9 |
| | 502.3.14 Violating the School's Trademark, Copyright, and Other Intellectual Property Rights | 9 |

Technology - Policies & Procedures, cont.

| | PAGE |
|---|-------------|
| 503 STUDENT USE | 9 |
| 503.1 Overview | 9 |
| 503.2 Enforcement | 9 |
| 503.3 School and Parental Responsibilities | 9 |
| 503.4 Permissible Uses | 9 |
| 503.5 Prohibited Uses | 10 |
| 503.5.1 General Prohibited Uses | 10 |
| 503.5.2 Social Networking Sites | 10 |
| 503.5.3 Disclosing Personal Identifying Information | 10 |
| 503.5.4 Off-Campus and Personal Technology Use | 10 |
| 503.5.5 Personal Electronic Devices | 10 |
| 504 EMPLOYEE USE | 11 |
| 504.1 Overview | 11 |
| 504.2 Enforcement | 11 |
| 504.3 Employee Role in Promoting Safe and Effective Student Use | 11 |
| 504.4 Permissible Uses | 11 |
| 504.5 Ownership, Public Records, and Record Retention | 12 |
| 504.5.1 Right to Control, Monitor, and Search All Electronic Files | 12 |
| 504.5.2 Electronic Files as Public Records | 12 |
| 504.5.3 Electronic Public Records Subject to Record Retention Rules | 12 |
| 504.5.4 Personal Electronic Data | 12 |
| 504.6 Prohibited Uses | 12 |
| 504.6.1 General Prohibited Uses | 12 |
| 504.6.2 Improper Destruction of Public Records | 12 |
| 504.6.3 Improper Disclosure of Confidential Information | 12 |
| 504.6.4 Unauthorized Websites and Other Electronic Postings | 13 |
| 504.6.5 Improper Instructional Uses | 13 |
| 504.6.6 Personal Technology Resources to Conduct School Business | 13 |
| 504.7 Potential Sanctions and Liability | 13 |
| 505 INSTRUCTIONAL USE | 13 |
| 505.1 Overview | 13 |
| 505.2 General Considerations | 14 |
| 505.2.1 Instructional Technology Use and Resources | 14 |
| 505.2.2 Technology Proficiency | 14 |

Technology - Policies & Procedures, cont.

| | PAGE |
|--|-------------|
| 505.2.3 Legal Considerations | 14 |
| 505.2.4 Limitations and Caveats | 15 |
| 505.3 Acceptable Instructional Technology Uses and Guidelines | 15 |
| 505.3.1 General Acceptable Use | 15 |
| 505.3.2 Guidelines for Determining Acceptable ITU | 15 |
| 505.3.3 Creation and Publication of School-Related Webpages and Web Content | 16 |
| 505.3.4 Electronic Publication of Student-Authored Materials | 16 |
| 505.4 Prohibited Uses | 16 |
| 505.4.1 Generally Prohibited Uses | 16 |
| 505.4.2 Unauthorized Use of Personal Technology Resources | 16 |
| 505.4.3 Non-Approved Uses | 16 |
| 505.4.4 Unauthorized Opening of Free Speech Forums | 16 |
| 505.4.5 Copyright Violations | 17 |
| 505.4.6 Safety and Confidentiality Threats | 17 |
| 505.4.7 Harmful, Disruptive, or Threatening Personal Uses | 17 |
| 505.5 Procedures | 18 |
| 505.5.1 Notification, Awareness, and Training | 18 |
| 505.5.2 Review and Approval of ITU | 18 |
| 505.5.3 Waivers and Exceptions | 18 |
| 506 OPERATIONAL USE | 18 |
| 506.1 Overview | 18 |
| 506.2 School Control and Personal Computers | 18 |
| 506.3 Planning, Coordination, and Policy Development | 18 |
| 506.4 Information Management | 18 |
| 506.4.1 Network Monitoring and Privacy | 19 |
| 506.4.2 Public Records Compliance | 19 |
| 506.4.3 Indexing of Computer Databases | 20 |
| 506.4.4 Record Retention | 20 |
| 506.5 Procurement, Maintenance, and Disposal of Technology Resources | 21 |
| 506.5.1 Guidelines for Procurement | 21 |
| 506.5.2 Maintenance and Disposal | 22 |
| 506.6 Security | 22 |
| 506.6.1 Passwords and Access | 22 |
| 506.6.2 Vendor and Other Outside User Access | 22 |
| 506.7 E-Copyright | 23 |

Technology – Policies & Procedures, cont.

| | | |
|------------|--|-----------|
| 507 | BOARD USE | 23 |
| 507.1 | Overview | 23 |
| 507.2 | Permissible Uses | 23 |
| 507.3 | Prohibited Uses | 23 |
| 507.3.1 | General Prohibited Uses | 23 |
| 507.3.2 | Personal Use and Gain | 23 |
| 507.3.3 | Circumvention of Public Records, Confidentiality, or Open Meetings Laws | 23 |
| 507.3.4 | Use of Personal Technology Resources to Conduct School Business | 24 |
| 507.4 | Open Meetings | 24 |
| 507.5 | Public Records and Record Retention | 25 |
| 507.6 | Waivers and Exceptions | 25 |

500 TECHNOLOGY – POLICIES AND PROCEDURES

501 GENERAL PROVISIONS

501.1 Scope and Purpose

The School provides a wide array of technology resources to improve learning, communication, and organizational effectiveness. The term “Technology Resources” includes, but is not necessarily limited to School-owned, –leased, and –controlled computers, computer networks, computer files, software, electronic communications and research media such as Internet access, webpages, electronic mail (e-mail), personal digital assistants (PDAs), cellular phones, digital cameras, two-way radios, and related forms of electronic communication and electronic data files, storage, and manipulation. Recognizing that technology resources are evolving and expanding, this policy encompasses other technologies – present and future – that offer electronic means of communications and data storage and manipulation.

These policies shall govern the use of the School’s technology resources and, to the extent allowed by law, the use of personal technology resources as they impact the School.

501.2 User Risk

There are many risks – known and unknown – associated with technology use, particularly the use of the Internet, e-mail, and related electronic communications. Such risks include unauthorized access by others to one’s personal information, computer hacking, fraud, defamation, exposure to harmful materials (e.g., those that are pornographic, obscene, threatening, violent, abusive, or otherwise improperly offensive), financial exploitation, and conveying inaccurate, provocative, or false information.

Officials of the School will strive to take all reasonable measures to minimize these risks for users and will provide users with instruction and guidelines to assist them. Because Internet filtering controls are imperfect, they cannot block all undesirable content or protect against all risks. Likewise, they may inadvertently block access to educationally appropriate and valuable information. Users, therefore, assume these risks for themselves when they use the school’s technology resources.

501.3 Limitations

The availability to users of the school’s technology resources, particularly of electronic communications tools like e-mail and the Internet, is intended primarily for furthering the school’s educational mission and not for any non-educational personal user benefit.

501.4 Ownership, Monitoring, and Control

All school technology resources are owned or leased by the School. Use of the school’s technology resources is a privilege, not a right. Any files, documents, communications, etc., generated by using technology resources remain the property of the School, which reserves the right to direct, monitor, control, and limit or revoke the use of those resources. The availability of these resources does not confer upon any user a legal expectation of privacy free from such monitoring or control. Authorized officials may, at any time, reasonably review, restrict or otherwise regulate the use of these resources. Furthermore, the School reserves the right to deny or restrict user access to technology resources by implementing monitoring and/or blocking devices and software.

501.5 Privacy and Disclosure of Technology Resource Use and Data

The School will strive to fulfill its obligations to protect all legally confidential information. The school's technology resources, however, are not inherently secure or private and may be subject to unauthorized intrusion or hacking. In addition, the School reserves the right to disclose any user's electronic communications or data to school or non-school's personnel or agencies to the extent permitted or required by law, including disclosure to public safety and social service officials or other legitimate third parties.

Users should be aware that, because the primary function of such technology resources is to further the school's public educational mission, many records produced by these resources are subject to the state's public records laws. Thus, for example, the Internet sites viewed or the e-mails sent by school staff may be public records subject to disclosure. Regardless of whether such uses generate public records, the School has the right to review and monitor ALL uses of its technology resources.

501.6 Disclaimer Against Loss or Damage

The School does not offer any warranty against defect or damage to users of its technology resources. The School is not responsible for damages or losses suffered by users, including loss of data resulting from delays, disruptions, or other causes. Furthermore, the School provides no assurance regarding the accuracy or quality of information obtained through such resources, particularly via e-mail or the Internet.

501.7 Civil and Criminal Remedies

In addition to administrative actions and sanctions, the School reserves the right to pursue civil and criminal actions against individuals or entities that threaten the safety and security, of the school's operations or any member of its community. This includes, but is not limited to, the following claims or actions: illegal harassment; threatening, tampering with, or destroying school property and technology resources; cyberstalking, invasion of privacy; identity theft; defamation; copyright, patent and trademark infringement; communication or carrying out of threats of violence; tampering with school's technology resources; transmitting pornographic, obscene, or other sexually prohibited communications; or conspiracy to engage in any illegal activity. The School also reserves the right, to the extent permitted by law, to collect all damages, attorney fees, and other costs incurred to pursue its rights.

501.8 Procedures

501.8.1 Reporting Misuse or External Threats

Any member of the school community shall promptly report any violation or threat of violation under these policies to an appropriate school official. Specifically, students shall report to their teacher or the Managing Director or his designee, and employees shall report to their immediate or higher level supervisor the following types of abuses of or threats to school property or members:

- a. Illegal use of the school's technology resources and violations of the school's policies or rules by any user;
- b. Receipt of or access to any electronic information made available from individuals or entities outside the School if the communications of such information is illegal, threatening to the safety or security of persons or property of the school community, or that contains any content that is otherwise prohibited by school policies; or
- c. Use of technology resources that threatens the integrity or security of any school technology resources or otherwise undermines the purpose for their use.

501.8.2 Violations of Policy

Misuse of technology resources may subject violators to discipline pursuant to School disciplinary policies and procedures. Any violation may also result in the curtailment, suspension, or complete loss of technology privileges.

501.8.3 Exceptions and Appeals

If any user believes an exception to the School's technology resources policies is necessary, the user may seek prior approval for such exception through the general grievance procedures available to students and staff.

501.9 Notice and Familiarity with Technology Policies

The Managing Directors and other supervisory staff or their designees shall notify employees and students of all technology resource policies. All users should be familiar and comply with these provisions (Policy 501), General Use for All Users (Policy 502), and such other policies that govern technology resource use for their respective user group (e.g., Policy 503) for student users, Policy 504 for employee users, etc.).

502 ALL SCHOOL TECHNOLOGY USERS

502.1 Overview

This policy regarding acceptable and prohibited uses of technology resources applies, to the extent allowed by law, to all users of the School's technology resources: students, employees, board members, contractors, guests, and other authorized individuals. It shall be enforced in conjunction with all other technology resources and general policies, including Policy 501 regarding General Provisions" and other specific policies governing specific user groups.

502.2 Permissible Uses

The School's technology resources are made available to fulfill the purposes directly related to its educational mission and programs, and in support of users' roles within the School. Unless otherwise prohibited, personal or incidental use of school technology resources is permitted if such use conforms to these policies, is reasonably limited and does not interfere or threaten to interfere with school's operational or educational mission.

502.3 Prohibited Uses

Users of school technology resources shall not intentionally or negligently engage in any of the following.

502.3.1 Unlawful or Generally Prohibited Uses

Users may not use technology resources in violation of any local, state, or federal law, or any other school policy or rule.

502.3.2 Harassing, Intimidating, Bullying, and Other Similarly Offensive Uses

Users may not use technology resources to engage in conduct involving harassment, intimidation, bullying, discrimination, or similarly offensive or harmful communications as defined and prohibited by any other school policies. This includes conduct that:

- a. a reasonable person should know, under the circumstances, will have the effect of harming or humiliating a student or damaging the student's property or of placing a student in reasonable fear of harm to his person or damage to his property; or

- b. has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

502.3.3 Disrupting or Damaging Uses

Users may not use school technology resources in any way that threatens their safe, secure, and orderly operation. This includes, but is not limited to, creating, installing, or forwarding computer viruses; consuming inordinate and unauthorized electronic storage space; sending “chain letters,” “spam” e-mail, or similar types of communications; or downloading software, media files, or data streams without proper authorization.

502.3.4 Unauthorized Technology Access, Endangerment, or Tampering

Users may not obtain, alter, obstruct access to, or in any other way intrude upon or damage. The School’s or any other user’s computer files, programs, or hardware without proper authorization.

502.3.5 Jeopardizing or Bypassing School Security Measures

Users shall not, without proper authorization, intentionally disclose or aid in the disclosure of computer passwords, codes, or similar information designed to secure the school’s computer resources and to protect private or confidential information.

Users also shall not intentionally bypass Internet filters or other devices or measures used by the School to restrict access to school, Internet, or other electronic information. In addition users shall not provide information or other means to allow others users to engage in similar bypassing activity. Thus, for example, using or providing information about Internet proxy sites to bypass school internet filters is prohibited.

502.3.6 Promotional Uses and Advocacy

Users shall not use the school technology resources for commercial gain or for political, social, religious, or other personal advocacy except as allowed by right under law and otherwise permitted.

502.3.7 Publishing Personal Information on the Internet

No user shall electronically distribute or post personal information about himself/herself or about any other person associated with the School unless (a) the distribution is legal and properly authorized by school officials, and (b) the distribution does not or is not likely to threaten that person’s or any other person’s privacy or safety.

502.3.8 Downloading or Copying Files or Data

Users, without proper authorization and legal right, may not download programs, files, or other data onto school computers or other technology equipment. This includes downloading or copying entertainment audio or video files and images, software, or other similar data not directly related to school objectives.

502.3.9 Unauthorized Users

Users of school technology resources may not permit, without proper authorization, any person to use such resources who is not a member of the school community or not otherwise authorized to have such access. Users are prohibited from using another individual’s computer account or accessing such person’s electronic data without prior permission from an authorized official.

502.3.10 Plagiarism and Related Acts of Academic Dishonesty

Users shall not use technology resources to plagiarize or otherwise illegally copy or use another person’s work or to engage in any other form of academic dishonesty.

502.3.11 Copyright and Software Copying

Users shall not use school technology resources in violation of state or federal copyright laws.

Users shall not, without proper authorization, copy school-owned computer files or software onto

any computer. Use of any files, software, or other program or data must be authorized and legally licensed or permitted for such use.

502.3.12 Off-Campus and Personal Technology Use

The School reserves the right, to the maximum extent permitted by law, to discipline or take any other action against persons related to their personal electronic technology use (e.g., communications generated via private computers and/or Internet accounts) when such use poses a substantial threat to others' safety or to the operations of the School. This includes uses that cause or are likely to cause a substantial disruption or material interference with the school's educational objectives or operations, or that otherwise injure or threaten to injure persons or property within the school community.

502.3.13 Representation of the School's Viewpoints and Positions

Views and position statements may be expressed as representing the position of the Board, administration, or staff only with prior approval by the Managing Director or his designee. Otherwise, no user may use any technology resources to communicate in a way that indicates or implies that the views or positions expressed are established, supported, or endorsed by the Board, its administrators, or other school officials.

502.3.14 Violating the School's Trademark, Copyright, and Other Intellectual Property Rights

Users may not copy, mimic, sell, or otherwise use the school's trademarks, images, documents, or other intellectual property without proper and legal authorization. The School reserves all rights to such intellectual property.

503 STUDENT USE

503.1 Overview

The School provides students with technology resources to support the school's educational and organizational objectives. This policy establishes proper and improper student uses of these resources in conjunction with other related policies. Specifically, student users shall be familiar with and comply with this policy, the General Provisions (Policy 501), General Use Policy for All Users (Policy 502), and any other applicable policies and rules.

503.2 Enforcement

School officials retain reasonable discretion to apply this and related school policies to determine when a proper or improper use exists and what sanctions, if any, may apply.

503.3 School and Parental Responsibilities

The School and its staff seek to take all reasonable measures to guide, monitor, and protect students in their use of the school's technology resources, consistent with student age and maturity. Parents, however, are primarily responsible for instructing their children in the proper values governing the use of such resources. The School requests that parents, in cooperation with the School, communicate to their children an understanding of responsible and safe use of these resources and to monitor their children's use of such resources at home or anywhere outside the school's jurisdiction.

503.4 Permissible Uses

School technology resources are to be used for educational, organizational, and communication purposes directly related to the school's educational mission and program. Unless otherwise prohibited, limited personal or incidental use of school technology resources is permitted if

such use complies with these policies, is reasonably limited, and does not interfere or threaten to interfere with the school's operational and educational objectives.

503.5 Prohibited Uses

Students shall not engage in prohibited uses of technology resources. Prohibited uses include, but are not necessarily limited to, the following types.

503.5.1 General Prohibited Uses

General prohibited uses include all uses prohibited in the School's General Use Policy (Policy 502).

503.5.2 Social Networking Sites

A student may not use social networking sites unless such use is explicitly authorized by an appropriate school official, is used for school-related instructional purposes, and such use is consistent with school and individual school policies. In addition, a student may not use technology resources, including the Internet and e-mail, to arrange for him/herself or any other student to meet another person.

Social Networking sites include, but are not limited to Internet sites like MySpace or Facebook, or Blogs and other Internet sites involving publication or interaction of a personal nature.

503.5.3 Disclosing Personal Identifying Information

In addition to related prohibitions in the General Use Policy (Policy 502) students are prohibited, without proper authorization, from disclosing personal identifying information about themselves or others through the use of the School's or personal technology resources, e.g., Personal Digital Assistants (PDAs), cell phones, pagers or other communications devices, while on school premises or during school functions.

"Personal identifying information" includes, but is not necessarily limited to, a person's name, phone number, address, e-mail address, social security number, or other information that is reasonably likely to allow a person's identity to be determined from disclosing such information outside the school community.

503.5.4 Off-Campus and Personal Technology Use

The School reserves the right, to the maximum extent permitted by law, to discipline a student for off-campus or other personal electronic technology use (e.g., communications generated via private computers and/or Internet accounts). This includes uses that cause or are likely to cause a substantial disruption or material interference with the school's educational objectives or operations, or that otherwise injure or threaten to injure persons or property within the school community. In addition, violators may also be subject to civil or criminal actions and penalties under local, state, and federal laws.

503.5.5 Personal Electronic Devices

Except as permitted by this policy or otherwise authorized, no student shall, during regular school hours or while participating in school-sponsored curricular functions, turn on or use a personal electronic device.

"Personal electronic devices" include, but are not necessarily limited to, cellular phones, pagers, two-way radios, CD/DVD/MP3 or other audio/video players, electronic games, PDAs, laser pointers, or any other similar devices not owned, issued or controlled by the School.

Any device used in violation of this policy may be confiscated by the Managing Director or his designee at his discretion and consistent with other school policies and

rules. Similarly, a Managing Director or his designee may determine the terms under which the device may be returned to the student or student's guardian.

Notwithstanding the prohibited uses identified above, exceptions to such prohibited uses shall apply in the following circumstances:

- a. when a Managing Director or his designee permits a student or students, in case-by-case instances, to turn on or use such electronic device(s) if there is a reasonable need to do so, or
- b. emergency conditions exist which seriously threaten one's safety or property, and such use is the only reasonable means of avoiding such threat, or
- c. when a Managing Director or his designee determines that such use, generally, is otherwise necessary or prudent and is not in violation of any other law or policy.

Personal electronic devices may be used after regular school hours and at extra-curricular school functions when such use is:

- a. consistent with other student conduct policies;
- b. does not or is not likely to disrupt any school function or operation; and
- c. has not otherwise been prohibited by the Managing Director or his designee.

504 EMPLOYEE USE

504.1 Overview

The School provides employees with technology resources to support the school's educational, organizational, and communication objectives. Like any other educational resources, employees are expected to exercise sound judgment when using technology resources in their professional roles. This policy establishes proper and improper employee uses of these resources in conjunction with other related policies. Specifically, employees shall comply with this policy, the General Provisions (Policy 501), General Use Policy for All Users (Policy 502) and any other applicable policies.

An "employee," for purposes of this policy is anyone retained to carry out the work of the School including, but not necessarily limited to, paid employees, board of education members, contractors, consultants, temporary staff members, and volunteers.

504.2 Enforcement

School supervisory officials retain reasonable discretion to apply this and related school policies to determine when a proper or improper use exists and what sanctions, if any, shall apply.

504.3 Employee Role in Promoting Safe and Effective Student Use

All employees are expected to model and promote proper technology use for and by students. Employees should take all reasonable measures, consistent with their job duties, to guide, instruct, monitor, and protect students in their use of the school's technology resources.

504.4 Permissible Uses

The school's technology resources are to be used for educational, organizational, and communication purposes directly related to the school's mission and objectives. Unless otherwise prohibited, personal incidental use of school technology resources is permitted if such use is consistent with these policies, is reasonably limited, and does not interfere or threaten to interfere with the school's operations or with the performance of an employee's duties. Supervisors retain discretion to curtail or prohibit personal use of technology resources by any subordinate employee or student.

504.5 Ownership, Public Records, and Record Retention

Employees shall use technology resources subject to the following principles and requirements set forth elsewhere, including Policy 506 (Operational Use Policy).

504.5.1 Right to Control, Monitor, and Search All Electronic Files

The School owns and has the right to control, monitor, and search technology resources issued to employees as well as any data, files, or other product of such use, to the maximum extent allowed by law.

504.5.2 Electronic Files as Public Records

All records generated by employees in their use of the school's technology resources are or may be public records to the extent that such records relate to the conduct of the business of the School. Such records include, but are not limited to, any electronic document such as a memo, letter, spreadsheet, financial compilation, or database; e-mail messages; and Internet usage records (e.g., cookies, Internet logs, data downloads). Therefore, the School may be required to make such records available for public inspection unless such records are otherwise protected from disclosure by law.

504.5.3 Electronic Public Records Subject to Record Retention Rules

Any electronic file or data that is a public record is subject to federal, state, and local record retention rules. All employees will be instructed in and shall comply with such rules, including those rules contained in other Technology Policies.

504.5.4 Personal Electronic Data

Personal files, data and other electronic information ("personal electronic data") generated or stored on technology resources or networks owned or issued by the School is subject to control and inspection by appropriate school officials even though such personal electronic data is not a public record.

Employees who generate such personal electronic data, consistent with reasonable personal use rules, shall delete or remove such data from the school's technology resources and networks within a reasonable time. Such deletion and removal must take place immediately if the presence of such data interferes with or is likely to interfere with the safe, efficient, and orderly operations of the School.

504.6 Prohibited Uses

An employee shall not engage in prohibited uses of technology resources. Prohibited uses include, but are not necessarily limited to, the following:

a. General Prohibited Uses

Prohibited uses include all prohibited uses contained in the School's General Use Policy for All Users (Policy 501) and other applicable policies.

b. Improper Destruction of Public Records

Any electronic record that pertains to the conduct of business of the School is a public record and may not be destroyed or altered in any way unless permitted by law and local rules and procedures.

c. Improper Disclosure of Confidential Information

Employees shall not disclose to unauthorized recipients any electronic file or other information that is protected from such disclosure by law or local policy. This includes but is not limited to protected personnel files, student records, or other organizational data that is exempt from public records rules.

d. Unauthorized Websites and Other Electronic Postings

Employees shall not, without proper authorization, send or post webpages, e-mail messages, blogs, or other electronic communications that bear the name of, represent, or otherwise imply the sponsorship or activity of the School. This prohibition includes, but is not limited to, school, class or club related webpages, blog sites, listserv communications, social networking, or other website postings and communications.

e. Improper Instructional Uses

Instructional staff and supervisors shall not engage in instructional uses of technology resources that are contrary to policies and rules governing such uses under Policy 505.

f. Personal Technology Resources to Conduct School Business

Unless otherwise authorized or approved by proper supervisory staff, employees shall not use personal electronic devices to create, store, transmit or otherwise process electronic data and communications when such use involves any of the following:

- i. private, confidential, or otherwise sensitive educational or school school-related information;
- ii. school public records when such information is not also contained in appropriate computer or other electronic media owned or controlled by the School; or
- iii. school information when such use otherwise impedes or is intended to impede the ability of the School from complying with all public records, record retention, open meetings, and related laws and rules.

Examples of such prohibited conduct include, but are not limited to:

- i. Using a personal computer, laptop, or other similar device to view or store confidential student, employee, or other school-related records;
- ii. Using a personal digital camera or cell phone to create, store, or transmit pictures, records, or other information that is otherwise protected from public disclosure;
- iii. Using personal e-mail to conduct school business; or
- iv. Posting or storing protected school or job-related information on a private, non-school website or other technology venue.

504.7 Potential Sanctions and Liability

An employee who violates any of these policies may be subject to disciplinary or other legal actions initiated by the School, other government agencies, and/or by aggrieved persons or entities. Such actions may include, but are not limited to, one or more of the following:

- a. Warning or reprimand;
- b. Curtailment, suspension, or revocation of technology resource privileges;
- c. Suspension with or without pay;
- d. Demotion or loss of salary;
- e. Termination of employment;
- f. Licensure sanctions;
- g. Personal civil liability and damages for conduct within and/or outside the scope of the employee's duties; or
- h. Conviction for a criminal offense.

505 INSTRUCTIONAL USE

505.1 Overview

Like any means of instruction – textbooks, worksheets, blackboards, etc. - technology is an aid to learning, albeit a remarkable and growing one. It is, however, the *ends*, *objectives*, and *measures* of

education, not their means that ultimately determine instructional effectiveness. For this reason, the use of technology as a *means* of academic achievement should always be *measured* by how well it facilitates the *ends* – i.e., the fundamental objectives – of education: student learning, critical thinking, and character development. As long as technology offers the best means to foster these educational objectives, the School seeks to promote its safe, legal, and responsible use. Technological advances in society undeniably require the use of technology in education.

The availability of new technological tools challenges educators to consider their use to enhance student instruction. The School recognizes the need to seize the useful opportunities these tools offer. Balancing efficiency and student safety with educational quality and innovation, the School encourages the use of these tools in a way that promotes its mission and academic objectives and is safe, legal, and age- and pedagogically-appropriate.

505.2 General Considerations

505.2.1 Instructional Technology Use and Resources

Instructional technology use (ITU) generally refers to the use of traditional and emerging electronic devices and other means of communication available for teaching, including more recent technologies commonly referred to as “Web 2.0.” These include, but are not limited to: computers, the Internet and worldwide web, e-mail, chat forums, web logs (blogs), listservs, instant messaging, audio or video (A/V) streaming or presentation, teleconferences, use of A/V media such as DVDs, digital images, videotapes, MP3 and other media storage files and formats, online or distance instruction, cellular phones, Personal Digital Assistants (PDAs), electronic slide projection (e.g., PowerPoint), and more traditional means such as audio tape and television.

505.2.2 Technology Proficiency

Federal and State Law, including the North Carolina Standard Course of Study, mandate that students be proficient in the use of technology. Teachers and administrators, increasingly, should model such proficiency. Recognizing that the abilities of individual staff members to integrate technology into classroom instruction vary widely; all instructional staff are nevertheless expected to increase their technological proficiency whenever it will reasonably improve their instructional effectiveness.

505.2.3 Legal Considerations

Instructional staff shall be informed of and, to the extent feasible, trained in sound legal and pedagogical ITU. Predominant legal considerations include:

- a. First Amendment:
 - i. Preserving, except where appropriate, all school-related websites and other electronic forums as “closed forums” and, therefore, not expanding the First Amendment rights of students or other users when using such forums unless otherwise interested and approved.
 - ii. Understanding that the use of technology resources does not convey or involve any constitutional right of academic freedom for instructional staff;
 - iii. Refraining from limiting student use of otherwise available technology in a way that infringes their free speech rights, either to express or to access information or ideas.
- b. Privacy and Confidentiality: ITU must avoid the disclosure of sensitive, personal, or confidential information in violation of state or federal records and sound ethical considerations.
- c. Defamation and Harassment: ITU must not include communications that allow or foster harassing, defamatory, intimidating or other harmful or potentially harmful expression.

- d. Copyright and Trademark: ITU must avoid the unauthorized use of protected intellectual property without permission or by legal right to do so.
- e. Public Records and Retention: ITU must not involve the illegal production or destruction of electronic records or files that constitute public records and/or that must be stored or archived under state or federal record-keeping requirements.
- f. Local Policies and Procedures: ITU must conform to all other objectives, policies, rules, and practices of the School and its constituent schools. This includes following all procedures for review and approval of instructional technology resources.

505.2.4 Limitations and Caveats

Instructional staff should always be mindful of the limitations and dangers of technology. For example, much information on the Internet is of questionable validity or accuracy. Therefore, a more traditional means of obtaining information or teaching a particular subject may be required. Because the School cannot guarantee the educational value of information accessed electronically, instructional staff is expected to use sound judgment and discretion when planning for ITU.

505.3 Acceptable Instructional Technology Uses and Guidelines

505.3.1 General Acceptable Use

School technology resources are to be used for educational, organizational, and communication purposes directly related to the School's educational mission and program. ITU should always be consistent with principles of effective pedagogy and with all other policies pertaining to proper instruction and technology use. Furthermore, instructional staff shall make reasonable efforts to supervise a student's use of the Internet and other electronic resources during school-sponsored activities

505.3.2 Guidelines for Determining Acceptable ITU

The following criteria should guide the consideration and implementation of ITU:

- a. Educationally Important and Appropriate
Any ITU in question should be the most or one of the most effective ways of instructing students on a particular matter. It should also account for the age, maturity, and skill levels of student users. If another means of instruction exists that is more effective, it should normally be selected except for other compelling reasons. Technology should not be used as end in itself; e.g., just because others are using it or because it is readily available or easy to use.
- b. Administratively Manageable
ITU should not require an undue consumption of resources (e.g., finances, time, supervision) compared to other traditional means of instruction. Generally, ITU should save time or offer better educational value compared to traditional instruction except when the ITU offers other compelling benefits. Instructional staff should be sufficiently skilled to implement the ITU effectively.
- c. Operationally Compatible
ITU should not interfere with, obstruct, or otherwise be incompatible with the network, hardware, or software used by the School. Instructional staff should confer and, where necessary, obtain approval for ITU if there is a risk or uncertainty regarding the compatibility of a particular ITU.
- d. Legally Permissible
Instructional staff should be adequately informed of the legal principles applicable to ITU. Instructional staff should ensure that their ITU is legally permissible by confirming its propriety with and obtaining approval from appropriate supervisory staff or legal counsel in accordance with applicable procedural requirements. If

uncertainty exists as to the legality of any ITU, instructional staff shall refrain from such use until proper approval is granted.

e. Locally and Logically Consistent

ITU shall conform to all other school policies, rules, and practices and with general principles of sound pedagogy and prudent judgment.

f. Publicly Defensible

Instructional staff should consider how any ITU would be viewed in the public eye, especially by the parental community. If reasonable doubt exists as to public perceptions of the ITU, instructional staff shall seek advanced approval from an appropriate supervisor and, when appropriate, from the parents of the students who would experience the ITU.

505.3.3 Creation and Publication of School-Related Webpages and Web Content

Web pages produced, maintained, and/or supervised by instructional staff must conform to any Webpage Development standards and rules approved by the Managing Directors or their designees. Unless otherwise provided, instructional staff members responsible for a school webpage are also responsible for editing and controlling its content. Such editorial control remains subject to review by the Managing Directors or their designees.

505.3.4 Electronic Publication of Student-Authored Materials

Students may not post a webpage within, or linked from, another school webpage unless the student webpage is for instructional or other school-related purposes. Such student pages shall be subject to instructional staff supervision and control and, to the extent the page reveals information about the student or any other person associated with the School, requires advanced approval from a Managing Director or his designee.

505.4 Prohibited Uses

505.4.1 Generally Prohibited Uses

General prohibited uses include those identified in the School Policy 502 and other technology policies.

505.4.2 Unauthorized Use of Personal Technology Resources

Unless otherwise approved by an authorized school official, ITU shall not involve personally-owned electronic communication forums and devices or those owned, created, or operated for personal use. This includes, but is not limited to, the use of personal websites, e-mail addresses or networks, blogs, social networking sites, PDAs, or any other communication forum or technology device. Furthermore, school webpages shall not include links to student or employee personal webpages or other electronic communication forum without advanced approval by appropriate supervisory personnel and assurances that such use furthers an important educational purpose without creating a foreseeable risk of harm or liability.

505.4.3 Non-Approved Uses

Instructional staff shall avoid any ITU that has not received proper advanced review and approval by supervisory staff or other authorized individuals. The School may establish additional procedures for specific types of ITU in line with school policy. In cases when uncertainty or ambiguity exists as to whether advanced approval is required for a particular ITU, instructional staff shall seek approval from appropriate supervisory staff for such use

505.4.4 Unauthorized Opening of Free Speech Forums

Students do not shed their free speech rights when they are at school. However, their rights are limited because, under First Amendment Law, public schools are a “closed forum” with a defined purpose of educating students. Therefore, in ordinary circumstances, school officials may reasonably regulate and direct curricular matters and

classroom activities (i.e., take actions that are “reasonably related” to any “legitimate” school purpose).

A school's “closed forum” might become an “open forum” and subject to greater First Amendment scrutiny if school officials or employees do anything that invites students, parents, or other members of the public to express their viewpoints beyond the narrower boundaries of instructional assignments. For instance, a teacher who creates a website for posting student opinions, but does not carefully define the purpose of the site and the rules for expression, might, in that instance, inadvertently “open” or “broaden” the speech forum. The effect of this action could render comments made on the site protected speech. This could be the case even if objectionable or offensive to some readers.

Thus, instructional staff shall not, without prior supervisory consideration and approval, prepare and implement ITUs such as a class blog site, listserv, chat room, or webpage that invites student expression beyond specific curricular boundaries. If permission for such a site is granted, the instructor shall clearly communicate to students or other users the limited educational or school-related purpose of such forum along with specific instructions and guidelines for conforming to that purpose.

No school electronic forum shall be “opened” or “widened” under the First Amendment without good reason and without careful supervisory deliberation and approval and, where necessary, the advice of legal counsel. Specifically, ITU shall be limited to strictly school-related purposes consistent with the educational objectives and policies of the School. In all cases where reasonably feasible, ITU shall include a clear notice to students and other authorized users of the specific purposes, guidelines, and rules for engaging in the ITU.

505.4.5 Copyright Violations

The School prohibits copyright violations. Instructional staff members are expected to exercise diligent care to ensure their use of ITU and that of their students does not violate this prohibition. The use of others’ materials is appropriate and, in fact, encouraged to accomplish legitimate instructional objectives when such use is properly approved by the property holder, is exempted by the copyright doctrine of **fair use**, is part of the public domain, or is permitted by other legal means.

Instructional staff should, in advance, consult appropriate supervisors and resources to determine how their planned ITU complies with copyright rules and exceptions. The School and its Managing Directors shall strive to ensure that instructional staff are regularly notified and adequately informed of copyright principles and/or available resources in relation to ITU.

505.4.6 Safety and Confidentiality Threats

Instructional staff shall not engage in ITU that creates an undue risk of disclosure of confidential or sensitive student or other personal information, including but not limited to, disclosing student identifying information such as student names, contact information, grades, or pictures, unless a disclosure involves “directory information” or is otherwise properly approved.

505.4.7 Harmful, Disruptive, or Threatening Off-Duty or Personal Uses

Instructional staff shall not, whether on or off duty, engage in personal communications or other electronic activities (e.g., the use of personal websites or other non-school pages or forums, personal social networking sites, personal blog sites, personal e-mail) when such use causes or is likely to cause harm, substantial disruption, or material interference related to any individual, operation, or property of the School.

505.5 Procedures

505.5.1 Notification, Awareness, and Training

Instructional staff members are expected to be familiar and to comply with these and other policies and procedures related to ITU. The Directors or their designees shall strive to regularly inform and educate instructional staff regarding such policies and procedures.

505.5.2 Review and Approval of ITU

The Managing Director or his designee may develop rules and guidelines for reviewing, recommending, and approving ITU those recommended by the Technology Director or other technology staff.

505.5.3 Waivers and Exceptions

Any instructional staff member may request a waiver or exception to any provision within this Instructional Use Policy pursuant to any employee grievance or other applicable procedure. Any request for a waiver or exception and any decision in response thereto, shall normally be documented in writing and a copy provided to the Director of Technology of the School and/or any other official designated by the Managing Director.

506 OPERATIONAL USE

506.1 Overview

The backbone of effective technology use involves commitments, policies, and practices to support safe, efficient, and beneficial implementation. The School is committed to providing a sound operational infrastructure through this and related technology policies. This policy shall be interpreted and applied consistently with other technology policies of the School.

506.2 School Control and Personal Computers

All computers and other technology resources owned by the School are under the control of the School, including hardware, software, and data and word processing files stored on such computer and related equipment. No personal software, media files or other large data files, are to be kept on the computers without prior approval. Approved personal software or files are not to be used on the computer unless sufficient steps, as defined by the Managing Director or his designee, have been taken to protect a computer from viruses or any other potential damage.

506.3 Planning, Coordination, and Policy Development

The Managing Director, with assistance from the Technology Director and other staff or panels, shall periodically audit, assess, and strategically plan for effective technology use in the School. Such assessment and planning should occur frequently enough to allow for necessary modifications in policy and practice that reflect changes in technical, instructional, and legal developments.

506.4 Information Management

The School shall strive to implement and maintain an efficient and orderly system of recording, maintaining, protecting, and disposing of electronic records to conform with effective organizational practices and legal requirements, particularly regarding privacy and confidentiality, accessibility for necessary administrative and legal disclosure, public access, and record retention and disposal.

An “Electronic Record” is defined as a record created or reproduced in any medium by means of any system requiring the aid of electronic technology to make the record readable or otherwise comprehensible by ordinary human sensory capabilities.

The state Department of Cultural Resources (DCR) offers guidelines and practices to guide state agencies.

These are available at,
<http://www.records.ncdcr.gov/erecords>.

In addition, the DCR provides an “Electronic Records Production Control Self-Warranty” to offer agencies a tool with which to assess their record-keeping practices. The Managing Director and technology staff shall strive to remain informed of best practices and legal requirements in order to continually monitor and improve the school electronic data management practices. School officials responsible for record management and disposal should participate in training available to them for such purposes. All school staff should also be trained in proper electronic records management.

506.4.1 Network Monitoring and Privacy

The School shall implement all reasonable measures necessary to protect sensitive and confidential school records from unauthorized or accidental access, manipulation, and disclosure. Technology users who are responsible for preserving the integrity of school records should be trained regularly regarding the measures they are to employ.

Examples of common confidentiality violations to be protected against include:

- a. mistaken network or website availability or network hacking of personal information such as social security numbers, passwords, student grades, or personnel data;
- b. posting student identifying information on school webpages;
- c. sending confidential information via e-mail to improper recipients; and
- d. leaving confidential information open on computer screens or other equipment and available for unauthorized viewing; improperly downloading, storing, or sharing confidential information on personal computers or devices.

506.4.2 Public Records Compliance

North Carolina’s public records law establishes the public’s right of access to all government records except those specifically exempted. Public records include, all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

Particular electronic requirements apply as follows:

- a. Database Indexes: requires schools to maintain an index identifying the contents of all databases.
- b. Accessible and Reliable Data Storage: requires a determination that an agency network or computer system will not impair the public’s right to inspect the records maintained in that system.
- c. Inspection Format: entitles members of the public to receive requested documents “in any and all media in which the agency is capable of providing them,” including electronic files. (This does not require, however, an agency to put into an electronic medium any document not kept in such format.)

Examples of electronic records conveyed or stored on School equipment that may be subject to public records laws and production requests include: e-mail messages involving the conduct of school business, internet usage data (including cache files, websites histories, “cookies,” downloaded documents), and phone and text message records. Staff of the School should always be mindful to use school technology resources as public

stewards of such resources and strive to use them in a way that, if publicly disclosed, would reflect well on the staff and the School.

The Managing Director, with the assistance of the Technology Director, public records employees, and other staff, shall ensure that electronic public record files are preserved, accessible, and made available for public inspection and preservation according to state guidelines.

506.4.3 Indexing of Computer Databases

All computer databases compiled must be indexed as required by law. The form and content of the indexes will conform to the guidelines issued by the North Carolina Division of Archives and History.

Any computer database that is being considered for purchase or lease by the School and that will be subject to the indexing requirements should include the statutorily required index provided by the vendor at no additional cost to the School.

506.4.4 Record Retention

Federal and state law and effective management practices require certain electronic records to be stored and preserved for varying lengths of time depending on their value. State law states that “[e]lectronic data processing records . . . regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business” are public records subject to state records retention requirements. It further directs that “[n]o person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural Resources” (DCR). Thus, to the extent that electronic records fall into the same categories as their hardcopy counterparts, they are subject to the same general retention requirements unless otherwise directed.

DCR publications and resources offer interpretive guidance and practical recommendations regarding electronic records; these are available on the DCR web site and should guide the School in its electronic record retention practices.

<http://www.ncdcr.gov>

Specific guidelines and tools are available at,
<http://www.records.ncdcr.gov/erecords/default.htm#guide>.

State law allows local agencies to develop their own retention schedules, subject to approval by the DCR. Therefore, the Managing Director, with input from the Technology Director and public records staffs or panels, should periodically assess whether to develop and maintain a particularized record disposition schedule or whether to follow the rules and guidelines established by the DCR schedule for LEAs.

The enormous number of e-mail messages and constantly developing and changing webpages of the School make compliance with public records and record-retention requirements for these media a difficult challenge. Nevertheless, the School shall work diligently to ensure compliance with retention schedules and to provide adequate backup capabilities, recovery technology, physical and electronic security, and general record integrity. In addition, it shall strive to avoid excessive and unnecessary record retention of files to avoid inefficiencies and waste, and potentially subject the School to additional legal liability. Guidelines and principles governing specific types of electronic records such as e-mail and webpages are described below.

a. E-mail

Generally, the electronic files, like their hardcopy counterparts, should be catalogued and disposed of, or retained, based on their ongoing “value.” Files with no further reference value should be discarded when their reference value ends; messages specifically

concerning the School policies, procedures, directives, regulations, rules, or other information that might provide the public with evidence of the organization, functions, and accomplishments of the School.

E-mail records should normally be handled in accordance with the following principles:

- i. Most e-mail documents are minor administrative records having only brief reference value; such records should be destroyed within three months of creation.
- ii. E-mail having significant administrative, legal, research, or other value should not be maintained in an active or dynamic e-mail system, but should be transferred to an off-line digital storage medium and appropriately scheduled for retention and disposition. (Such transfers permit the purging of records from the active e-mail system at regular intervals while also providing a capability for restoring the records to their original condition, without loss of format or informational content.)
- iii. Messages should remain in an e-mail system no longer than one year and preferably no longer than six months.
- iv. Handle e-mail backups separately (from regular system backups) to avoid long e-mail retention periods.
- v. Examples of e-mail to be filed (as valuable records) include those that involve policy decisions, outline procedures, show agency action, give guidance, are unique, or have an uncertain status.
- vi. Examples of e-mail to be discarded (as records of ephemeral value) include reservations for travel, confirmation of appointments, personal messages, transmission of other documents without comment, or junk mail.

State resources available for E-mail use and retention include the following:

- i. E-mail as a Public Record in North Carolina: Guidelines for its Retention and Disposition:
http://www.records.ncdcr.gov/erecords/Email_8_02.pdf
- ii. E-mail User Guidelines Checklist:
<http://www.records.ncdcr.gov/erecords/Emailchecklist.pdf>
- iii. Managing Your Inbox: E-mail as a Public Record (online tutorial):
http://www.records.ncdcr.gov/tutorial_email_20080801/index.html

b. Website Records

Webpages are often dynamic, changing frequently. To the extent that each edition of a webpage contains certain unique information concerning the business of the School, each edition, technically, should be archived. This may become practically unfeasible though every reasonable effort should be made to comply with archiving rules. At a minimum, “snapshot” copies of webpages should be taken on a reasonably recurring basis and stored in archives. School staff responsible for records compliance should consult additional DCR and other useful resources for maintaining webpage records.

506.5 Procurement, Maintenance, and Disposal of Technology Resources

The School shall strive to procure, maintain, and dispose of technology resources and materials in a legal and cost-effective manner, consistent with the School’s mission.

506.5.1 Guidelines for Procurement

Technology resources are to be purchased and used which best promote the school’s educational mission and comply with its policies and governing laws, including state bidding and purchase requirements. Procurement decisions should be guided by prudence, including but not limited to, the following principles and practices:

- a. The resource is necessary to support, directly or indirectly, the educational and/or operational objectives of the School.
- b. The resource is compatible, or can be made compatible, with other technology resources, including the School network.
- c. The Technology Director will set minimum standards for technology resources that are purchased or donated. Upgrading, hardware conditions, and similar requirements will reflect high performance standards.
- d. Staff training should be offered where necessary to maximize the benefits of technology resources.
- e. Sufficient staff and other support exist to adequately evaluate, use and maintain technology resources.

506.5.2 Maintenance and Disposal

The Technology Director and staff shall develop procedures for the maintenance, upgrading, replacement, and disposal of technology resources. This shall include provision for donations to and from the School. These procedures shall follow state rules and guidelines and prevailing best practices.

506.6 Security

The Managing Director, with the assistance of the Technology Director and staff, shall develop and implement reasonable measures, protocols, and regulations to secure School technology resources and data from damage, theft, unintended disclosure, and other measures that threaten technology resource integrity and user safety and rights. Such measures shall conform, to the extent necessary and feasible, with prevailing industry standards, shall comport with applicable laws, and shall be addressed as necessary in all user training to ensure School-wide understanding and compliance. If the School receives federal E-rate funding, the Managing Director shall ensure that the School conforms to the requirements of the Children’s Internet Protection Act (CIPA) and federal E-rate requirements to minimize the risk of harm to students through the use of Internet safety devices and procedures, and to maximize the receipt of federal funding for internet access and other resources.

506.6.1 Passwords and Access

All technology users of the School shall normally be required to identify themselves by using a user identification (ID) and personal password before using the School network or any other major technology resources, such as workstations and computers. The Technology Director and staff shall implement and oversee the assignment of user IDs and passwords and other processes to protect against unauthorized user access, damage, and harm. Users who no longer are a part of the School community or otherwise not entitled to use its technology resources shall have their access rights terminated or limited promptly.

506.6.2 Vendor and Other Outside User Access

Vendors, consultants, or contractors retained by the School and volunteers, government agents, or other individuals not a regular part of the School community may require access to technology resources and to school data, some of which may be confidential including access codes, user records, or other sensitive information. The Managing Director, with the aid of the Technology Director and other staff or committees, shall implement any procedures and rules necessary to minimize the risk of a breach to network and technology security, privacy, or integrity, using as necessary, prevailing practice standards, protocols, and rules. All staff involved in hiring and oversight for such outside users shall be regularly and fully informed of these protocols and rules and trained in their implementation and in security protection.

506.7 E-Copyright

Electronic documents can be reproduced and distributed electronically with great speed, ease, and anonymity. This significantly increases the potential for liability of the School and its agents.

Users may not illegally copy another person's copyrighted materials, including those available or obtained via electronic sources such as e-mail or the Internet unless (1) the material is in the public domain, (2) the author grants permission to do so, or (3) the use is permitted by some exception in the copyright law, the most common and widely applied being the "fair use" exception to the federal Copyright Act. The **fair use** exception applies in contexts such as teaching, scholarship, or research and involves consideration of four primary factors:

- a. purpose and character of the use;
- b. nature of the copyrighted work.
- c. amount and substantiality of the portion used in relation to the work as a whole; and
- d. effect of the use on the potential market for the copyrighted work.

Other helpful guidelines regarding electronic media are available from various sources, including the North Carolina State Board of Education's webpage on "Copyright for the Electronic Environment" at:

<http://www.dpi.state.nc.us/copyright1.html>

507 BOARD USE

507.1 Overview

The use of technology resources by members of the Board, due to their unique status and role, is subject to certain special considerations and requirements addressed in this policy. Board members shall comply with these requirements and shall report to the board chairman or to the entire board, as the case may require, any abuses thereof by any board member or employee.

507.2 Permissible Uses

Board members may use school technology resources to fulfill their responsibilities in furtherance of the school's educational mission. Board members shall engage in such use in a responsible and prudent manner. Unless otherwise prohibited, limited personal or incidental use of school technology resources is permitted if such use complies with school policies, is reasonably limited and not disruptive, and does not interfere or threaten to interfere with the operational and educational objectives of the School or violate any law.

507.3 Prohibited Uses

Board members shall not engage in any prohibited uses of technology resources. Prohibited uses include, but are not necessarily limited to, the following uses.

507.3.1 General Prohibited Uses

General prohibited uses include all uses prohibited in the School General Use Policy (Policy 502).

507.3.2 Personal Use and Gain

Technology resources shall not be used for inordinate personal use or for personal advancement. Board members shall not allow any other person to use any technology resource, including a school-owned laptop computer issued to the board member, unless such other use is by a school official and necessary for the board member to carry out his duties.

507.3.3 Circumvention of Public Records, Confidentiality, or Open Meetings Laws

Technology resources may not be used to communicate or create records that violate the

state's public records and open meetings laws. Board members shall not access or disclose to unauthorized recipients any electronic file or other information that is protected from such access or disclosure by law, local policy, or generally accepted ethical principles. This includes but is not limited to protected personnel files, student records, or other organizational data that is exempt from public records rules.

507.3.4 Use of Personal Technology Resources to Conduct School Business

Unless otherwise authorized or approved, board members shall not use personal electronic devices to create, store, transmit, or otherwise process electronic data and communications when such use involves any of the following:

- a. Private, confidential, or otherwise sensitive school-related information;
- b. School public records when such information is not also contained in or conveyed to appropriate computer or other electronic media owned or controlled by the School;
- c. School information when such use otherwise impedes or is intended to impede the ability of the School from complying with all public records, record retention, open meetings, and related laws and rules; or
- d. Circumvention, intentional or otherwise, of state or federal law.

Examples of such prohibited conduct include, but are not limited to:

- a. Using a personal computer, laptop, or other similar device to view or store confidential student, employee, or other school-related records unless otherwise authorized;
- b. Using a personal digital camera or cell phone to create, store, or transmit pictures, records, or other information that is otherwise protected from public disclosure;
- c. Using personal e-mail to conduct school business unless such use is otherwise authorized or necessary; or
- d. Posting or storing protected school or job-related information on a private, non-school website or other technology venue unless otherwise authorized.

507.4 Open Meetings

In North Carolina the public is entitled by law to observe the official meetings of public bodies like school boards, subject to certain exceptions. The state's open meetings law defines an official meeting as any "meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body" to conduct its business. The law requires a public body to provide advance notice when it will conduct business through electronic means and must "provide a location and means" by which members of the public may "listen" to the meeting. Although this provision was written primarily with telephone conference meetings in mind, it presumably applies to e-mail, "chat rooms," "blogs," and other electronic forums as well. Thus, when a majority of board members communicate via e-mail or other electronic means about school business, the communications are presumably subject to the Open Meetings law, at least to the extent that the communications are deemed to occur "simultaneously." Board members should be aware of these requirements and should not use e-mail or other electronic devices to circumvent the Open Meetings law.

507.5 Public Records and Record Retention

All records generated by board members in their use of school technology resources are or may be public records to the extent that such records relate to the conduct of the business of the School. Such records include, but are not limited to, any electronic document such as a memo, letter, spreadsheet, financial compilation, or database; e-mail messages; and Internet usage records (e.g., cookies, Internet logs, data downloads). Therefore, the School may be required

to make such records available for public inspection unless such records are otherwise protected from disclosure by law or subject to disposal by approved record disposal schedules. For these reasons, any such records must be created, retained, and stored according to the school record retention policies. They may not be deleted or discarded except as permitted by the School's record retention policy. Typically, e-mail that has lost its value may be discarded; however, board members should be cautious to avoid premature or otherwise improper storage and deletion of such records to avoid subjecting themselves and the School to potential liability.

Personal files, data and other similar electronic information (i.e., "personal electronic data") generated or stored on technology resources or networks owned or issued by the School should be kept to a minimum. Such data, though it is not a public record, may be subject to control, monitoring, and inspection by appropriate school officials.

Board members who generate such personal electronic data, consistent with reasonable personal use rules, should delete or remove such data from school technology resources and networks within a reasonable time. Such deletion and removal must take place immediately if the presence of such data interferes with or is likely to interfere with safe, efficient, and orderly operations of the School.

507.6 Waivers and Exceptions

Board members may request waivers and exceptions to this policy by submitting such request to the whole Board.