

# HAMBURG AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: ACCEPTABLE USE OF  
DIGITAL TECHNOLOGY

ADOPTED: September 28, 2015

REVISED:

	<p style="text-align: center;">815. ACCEPTABLE USE OF DIGITAL TECHNOLOGY</p>
1. Purpose	<p>The Hamburg Area School District makes various forms of digital technology available to advance the education of students or to advance the legitimate business of the district. The district makes digital technology available to its students and its employees for these exclusive purposes.</p>
2. Definitions	<p>The following terms shall have the meaning set forth in the following definitions unless the context clearly indicates otherwise.</p> <p><b>Computer(s)</b> shall mean desktops, laptops, workstations, servers, and tablets, or any other digital device in the nature of a desktop, laptop, workstation, server or tablets, that is owned, leased, or licensed by or to the district.</p> <p><b>Digital Technology</b> shall mean all forms of digital technology including software, hardware, and digital services of any nature and kind that is based on digital technology, that is provided directly or indirectly by the district to its employees or students, and that is: owned, leased or licensed to the district; or that is accessed by or through digital technology that is owned, leased or licensed to the district. Digital technology includes computers; servers; networks; programs; software; digital files, folders, data and records of any nature; the Internet; cell phones; Tablets, Access Points; modems; voicemail; e-mail; chat-rooms; instant messaging; user groups; and such similar technologies.</p> <p><b>Include and Including</b> shall mean inclusive of but not limited to and/or by way of example and not limitation.</p> <p><b>User ID</b> shall mean the identification number(s) or letter(s) that is unique and that is assigned to the individual student or employee.</p>

<p>18 U.S.C. Sec. 2256</p>	<p>The term child pornography is defined under both federal and state law.</p> <p><b>Child pornography</b> - under federal law, is any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:</p> <ol style="list-style-type: none"> <li>1. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;</li> <li>2. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or</li> <li>3. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.</li> </ol>
<p>20 U.S.C. Sec. 6777 47 U.S.C. Sec. 254</p>	<p>The term <b>harmful to minors</b> is defined under both federal and state law.</p> <p><b>Harmful to minors</b> - under federal law, is any picture, image, graphic image file or other visual depiction that:</p> <ol style="list-style-type: none"> <li>1. Taken as a whole, with respect to minors, appeals to a prurient interest in nudity, sex or excretion;</li> <li>2. Depicts, describes or represents in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or lewd exhibition of the genitals; and</li> <li>3. Taken as a whole lacks serious literary, artistic, political or scientific value as to minors.</li> </ol>
<p>18 Pa. C.S.A. Sec. 5903</p>	<p><b>Harmful to minors</b> - under state law, is any depiction or representation in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:</p> <ol style="list-style-type: none"> <li>1. Predominantly appeals to the prurient, shameful, or morbid interest of minors;</li> <li>2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and</li> </ol>

18 Pa. C.S.A. Sec. 5903	<p>3. Taken as a whole lacks serious literary, artistic, political, educational or scientific value for minors.</p> <p><b>Obscene</b> - any material or performance, if:</p> <ol style="list-style-type: none"> <li>1. The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;</li> <li>2. The subject matter depicts or describes in a patently offensive way, sexual conduct described in the law to be obscene; and</li> <li>3. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.</li> </ol>
47 U.S.C. Sec. 254	<p><b>Technology protection measure</b> - a specific technology that blocks or filters Internet access to visual depictions that are obscene, child pornography or harmful to minors.</p>
47 U.S.C. Sec. 254	<p><b>CIPA Compliant Software</b> shall mean the firewall and filtering software that the district and the Internet Service Provider (ISP) provide for the users while connected to the district network. For licensing and product information, please view the files on record with the Technology Coordinator and/or the district ISP.</p>
<p>3. Authority 47 U.S.C. Sec. 254</p> <p>Pol. 103, 103.1, 104, 248, 348</p> <p>Pol. 249</p> <p>Pol. 218.2</p>	<p>The Board establishes the following materials, in addition to those stated in law and defined in this policy, that are inappropriate for access by minors:</p> <ol style="list-style-type: none"> <li>1. Defamatory.</li> <li>2. Lewd, vulgar, or profane.</li> <li>3. Threatening.</li> <li>4. Harassing or discriminatory.</li> <li>5. Bullying.</li> <li>6. Terroristic.</li> </ol>

<p>4. Delegation of Responsibility</p> <p>24 P.S. Sec. 4604</p> <p>20 U.S.C. Sec. 6777 47 U.S.C. Sec. 254 47 CFR Sec. 54.520</p>	<p>The Supervisor of Information Technology shall take such action as necessary to develop and adopt administrative regulations that are not inconsistent with any applicable law or Board policy pertaining to the following:</p> <ol style="list-style-type: none"> <li>1. Posting and Dissemination of Policy - This policy shall be posted, properly disseminated, and accepted by students and employees. The district shall provide a copy of this policy to parents/guardians, upon written request.</li> <li>2. Integration into Curriculum and School Program - How digital technology will be integrated into the curriculum and school program.</li> <li>3. Training Students and Employees - Students and employees shall be appropriately trained with respect to the permissible uses of digital technology.</li> <li>4. Code(s) of Student Conduct - Any Code(s) of Student Conduct issued by the district and/or its related entities and distributed to students who use district owned, leased or licensed digital technology shall be amended as appropriate to reflect the applicable terms and conditions of Board policy.</li> <li>5. Updating/Upgrading Digital Technology - Digital technology shall be updated and upgraded in a systematic and cost effective manner.</li> <li>6. Access To and Safekeeping of Digital Technology - Governing who will be provided with digital technology, how digital technology will be provided to students and employees, and how digital technology will be properly safeguarded.</li> <li>7. Enforcement - Administrative regulations shall ensure enforcement of this policy and administrative regulations.</li> <li>8. District Web Site - Detailing the content of the district's web site and the links that are placed on the web site.</li> </ol> <p>The Technology Coordinator or designee shall be responsible for recommending technology and developing procedures used to determine whether the district's computers are being used for purposes prohibited by law or for accessing sexually explicit materials. The procedures shall include but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Utilizing a technology protection measure that blocks or filters Internet access for minors and adults to certain visual depictions that are obscene, child pornography, harmful to minors with respect to use by minors, or determined inappropriate for use by minors by the Board.</li> </ol>
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<p>47 U.S.C. Sec. 254</p>	<ol style="list-style-type: none"> <li>Maintaining and securing a usage log.</li> <li>Monitoring online activities of minors.</li> </ol>
<p>SC 1303.1-A Pol. 249</p>	<p><u>Privacy</u></p> <p>No employee or student using the district's digital technology shall have any right of privacy or expectation of privacy with respect to anything done with said digital technology. The digital technology belongs to, is licensed to, or is accessible through digital technology that is owned by or licensed to the district. The district retains all rights as an owner or licensee with respect to all digital technology that it owns or licenses and has, unless restricted by an express agreement with a third party supplier, the rights of an owner or licensee, including, the rights to use, transfer, inspect, examine, read or store any such digital technology.</p> <p>Users of district networks or district-owned equipment shall, prior to being given access or being issued equipment, sign user agreements acknowledging awareness of the provisions of this policy, and awareness that the district uses monitoring systems to monitor and detect inappropriate use.</p> <p>Student user agreements and/or student handbooks shall also be signed by a parent/guardian.</p> <p><u>Educating Students On Appropriate Online Behavior</u></p> <p>The Superintendent or designee shall develop and implement administrative regulations that ensure students are educated on network etiquette and other appropriate online behavior, including:</p> <ol style="list-style-type: none"> <li>Interaction with other individuals on social networking websites and in chat rooms.</li> <li>Cyberbullying awareness and response.</li> </ol> <p style="text-align: center;"><b>PERMISSIBLE AND IMPERMISSIBLE USES OF DIGITAL TECHNOLOGY</b></p> <p><u>Students</u></p> <ol style="list-style-type: none"> <li>Digital technology may be used only for legitimate educational purposes.</li> </ol>

<p>Pol. 220</p>	<p>2. Digital technology is being provided or made available to students solely as part of the educational program, for the purpose of teaching students how to use and employ digital technology, and to further the teaching of the district's curriculum and educational programs. The district is not, through digital technology that is being made available by the district to students, creating a public forum, an open public forum or a limited public forum.</p> <p>3. Digital technology may not be used by students for speech or expressive conduct:</p> <ul style="list-style-type: none"> <li>a. That materially and substantially interferes with the education process.</li> <li>b. That threatens immediate harm to the welfare of the school community, or to any individual.</li> <li>c. That is lewd, vulgar, indecent or obscene or which contains sexual innuendo, metaphor or simile.</li> <li>d. That encourages unlawful activity.</li> <li>e. That interferes with another individual's rights.</li> <li>f. That constitutes libel, slander or defamation.</li> </ul>
<p>Pol. 103, 248</p>	<ul style="list-style-type: none"> <li>g. That is sexually, racially or ethnically related, that is offensive, threatening or an affront to the sensibilities of others, and that is unlawful under the standards of the anti-discrimination laws of the United States.</li> </ul> <p>4. All expressive conduct or material; whether verbal, written, or graphic-created, downloaded, maintained, copied, pasted, harvested or otherwise obtained, used or transmitted by, to, from or with the district's digital technology, is required to be related to the adopted curriculum, assigned classroom activities, or school programs, such as the development of writing skills, the learning of legal, moral and ethical restrictions imposed upon speech and the acceptance of criticism. Consequently, all expressive conduct by students shall be: age-appropriate; consistent with the rules of grammar, spelling, sentence structure and format being taught by the district; and consistent with the abilities of the student.</p> <p>5. No program, software, application or patch may be installed or placed in any district computer that is not licensed to and in the name of the district or that is not authorized in writing to be installed or placed in any district computer.</p>

<p>5. Guidelines</p>	<p><u>Employees</u></p> <ol style="list-style-type: none"> <li>1. The components of the district's digital technology may only be used in a way that is consistent with the intended purpose of the digital technology.</li> <li>2. Digital technology may only be used to further the curriculum, business or programs of the district.</li> <li>3. Communication by employees reflects on the district. Consequently, expressive activity through digital technology shall exhibit proper grammar, proper style, and proper spelling.</li> <li>4. No program, software, application or patch may be installed or placed in any district computer that is not licensed to and in the name of the district or that is not authorized in writing to be installed or placed in any district computer.</li> </ol> <p><u>Provision Of Digital Technology Services</u></p> <p>The Board establishes that digital technology use is a privilege, not a right; inappropriate, unauthorized and illegal use will result in cancellation of those privileges and appropriate disciplinary action.</p> <p>Students shall be provided with only the following digital technology services, subject to the policies, limitations, exclusions and conditions established by the district and/or the programs in which they are enrolled:</p> <ol style="list-style-type: none"> <li>1. Access to the Internet.</li> <li>2. Access to software as provided from time-to-time by the district.</li> <li>3. Digital files from which to access or save work.</li> <li>4. Print servers.</li> </ol> <p>Employees, as designated by the Supervisor of Information Technology or designee, shall be provided with only the following digital technology services, subject to the policies, limitations, exclusions and conditions established by the district:</p> <ol style="list-style-type: none"> <li>1. Access to the Internet.</li> <li>2. E-mail.</li> <li>3. Access to software as provided from time-to-time by the district.</li> </ol>
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<p>24 P.S. Sec. 4604 20 U.S.C. Sec. 6777 47 U.S.C. Sec. 254</p> <p>24 P.S. Sec. 4604</p> <p>47 U.S.C. Sec. 254 47 CFR Sec. 54.520</p>	<ol style="list-style-type: none"> <li>4. Digital files from which to access or save work.</li> <li>5. Print servers.</li> <li>6. Employees, with prior written consent from the Supervisor of Information Technology or designee and their building administrator, may connect personal computer equipment to the district network for the express purpose of curriculum integration and/or enhancement. Approval for such devices is contingent upon inspection of said equipment by the Supervisor of Information Technology.</li> </ol> <p>No digital services shall be provided by the district to other individuals or outside companies, entities or suppliers, unless the district is contracted with said individuals, companies, entities or suppliers for the specific services in question.</p> <p>The district shall not be responsible for any unauthorized charges or fees resulting from access to the Internet or other digital technology.</p> <p>The information available to students and employees through digital technology does not imply endorsement by the district of the content or accuracy of the information received. The district shall not be responsible for any information that may be retrieved, lost, damaged or unavailable when using the Internet or other digital technology. The district makes no warranties, either express or implied, for any of the digital services it is providing and will not be responsible for any damages suffered by the user of its digital technology.</p> <p><u>Internet Safety</u></p> <p>Any district computer/server utilized by students and staff shall be equipped with Internet blocking/filtering software.</p> <p>The Board shall designate an online server/technology protection measure that blocks access to visual depictions of obscenity, child pornography, or material harmful to minors.</p> <p>Internet safety measures shall effectively address the following:</p> <ol style="list-style-type: none"> <li>1. Control of access by minors to inappropriate matter on the Internet and World Wide Web.</li> </ol>
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2. Safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications.
3. Prevention of unauthorized online access by minors, including "hacking" and other unlawful activities.
4. Unauthorized disclosure, use, and dissemination of personal information regarding minors.
5. Restriction of minors' access to materials harmful to them.

Prohibitions

Students and employees shall not:

1. Use any digital technology for any purpose other than for the legitimate educational purposes of the district's students or for purposes of advancing the legitimate business of the district.
2. Use any digital technology for personal business or affairs, except as expressly provided in this policy or in administrative regulations.
3. Use any computer unless and until a confidential User ID and password have been assigned to the student or employee.
4. Use any computer without using their User ID and password.
5. Terminate use of any computer without logging off the computer.
6. Disclose their User ID or password to any other individual.
7. Use the User ID and/or password belonging to or assigned to any other individual, except for repair or maintenance.
8. Open or log onto any computer, software, program or application using or inputting the User ID and/or password of any other individual or entity.
9. Misrepresent their identity when using the district's computers.
10. Bypass CIPA compliant software or any other blocking software that may be used or installed by the district.

<p>Pol. 814</p>	<ol style="list-style-type: none"> <li>11. Intentionally, willfully, maliciously or through reckless indifference damage or corrupt the functioning of any digital technology or any data stored, either temporarily or permanently, on any digital technology.</li> <li>12. Visit or access pornographic web sites.</li> <li>13. Violate any applicable Code of Student Conduct.</li> <li>14. Use any computers unless and until the individual has signed an acknowledgment, in the form prescribed by the district, attesting to the individual's understanding of the rules governing the use of digital technology.</li> <li>15. Intentionally enter any secure or confidential area of the district's systems or computers without proper authority.</li> <li>16. Violate any copyright laws or the ownership or license rights of any person or entity.</li> <li>17. Violate the legal rights of others.</li> <li>18. Knowingly infect any computer with any virus or spyware.</li> <li>19. Use any software or Internet site in violation of any applicable licensing agreement or applicable terms of use.</li> <li>20. Use any digital technology to hack into anyone else's computers or networks in any way or manner that is not authorized.</li> <li>21. Use any data mining, robots, or similar data gathering and extraction methods in violation of any person's or entity's rights.</li> <li>22. Use digital technology to violate any applicable law, including wiretap and electronic surveillance laws.</li> <li>23. Install any software program onto or in, or download any software program onto or in, any computers without the express approval of the Technology Coordinator or designee.</li> <li>24. Fail to report to the Technology Coordinator or designee any time when s/he inadvertently visits or accesses a pornographic or other restricted site.</li> <li>25. Violate any applicable work rule when using the district's digital technology.</li> </ol>
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<p>SC 1303.1-A Pol. 249</p> <p>24 P.S. Sec. 4604 Pol. 218, 233, 317</p>	<p>26. Delete, disable, change, create or remove any program, application, security feature, or virus protection from any district computer.</p> <p>27. Use digital technology to bully/cyberbully another individual.</p> <p><u>Discipline</u></p> <p>Students and employees shall be subject to appropriate discipline, including dismissal in the case of employees and permanent expulsion in the case of students, in the event that any one (1) or more provisions of this policy are violated.</p> <p><u>Contracts And Agreements</u></p> <p>Nothing in this policy shall be construed nor is intended to prohibit the district from providing digital technology or services related to digital technology to others pursuant to contracts or other arrangements.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 1303.1-A</p> <p>PA Crimes Code – 18 Pa. C.S.A. Sec. 5903, 6312</p> <p>Child Internet Protection Act – 24 P.S. Sec. 4601 et seq.</p> <p>U.S. Copyright Law – 17 U.S.C. Sec. 101 et seq.</p> <p>Sexual Exploitation and Other Abuse of Children – 18 U.S.C. Sec. 2256</p> <p>Enhancing Education Through Technology Act – 20 U.S.C. Sec. 6777</p> <p>Internet Safety, Children’s Internet Protection Act – 47 U.S.C. Sec. 254</p> <p>Children’s Internet Protection Act Certifications, Title 47, Code of Federal Regulations – 47 CFR Sec. 54.520</p> <p>Board Policy – 103, 103.1, 104, 218, 218.2, 220, 233, 237, 248, 249, 317, 348, 814</p>
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