Office of Superintendent of Schools
Board Meeting of April 18, 2007

April 18, 2007

Ofelia San Pedro, Deputy Superintendent
Business Operations

SUBJECT: **PROPOSED AMENDMENT OF SCHOOL BOARD RULE: INITIAL READING 6Gx13- 6A-1.112, ACCEPTABLE USE POLICY FOR THE EXPLORATION AND UTILIZATION OF THE INTERNET AS A TOOL FOR LEARNING**

COMMITTEE: **INNOVATION, EFFICIENCY, AND GOVERNMENT RELATIONS**

LINK TO DISTICT STRATEGIC PLAN: IMPROVE AND EXPAND CURRENT CURRICULUM

This item is submitted for consideration by the Board to amend School Board Rule 6Gx13- 6A-1.112, Acceptable Use Policy for the Exploration and Utilization of the Internet as a Tool for Learning. The proposed amendment to the rule will:

- update existing District standards for acceptable use of computer network systems and the Internet,
- add sections to bring the policy in line with recent technological developments,
- clarify expected user behavior, and
- set forth the consequences for failing to abide by these standards.

This rule was reviewed by a committee composed of:

- representatives of United Teachers of Dade (UTD)
- parent representatives
- the Board Attorney's Office
- Instructional Technology
- Information Technology
- School Operations.

} Added

Attached are the Notice of Intended Action and the proposed amended Board Rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

REVISED
E-200

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 6A-1.112, Acceptable Use Policy for the Exploration and Utilization of the Internet as a Tool for Learning.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 6A-1.112, Acceptable Use Policy for the Exploration and Utilization of the Internet as a Tool for Learning.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 18, 2007, its intention to amend Board Rule, 6Gx13- 6A- 1.112, Acceptable Use Policy for the Exploration and Utilization of the Internet as a Tool for Learning, at its meeting on June 13, 2007.

PURPOSE AND EFFECT: The purpose of the proposed Board rule is to provide the district with a policy containing the standards and guidelines for the acceptable use of district network computer systems and the Internet by users and of the consequences for failure to abide by these standards.

SUMMARY: The proposed rule contains language describing acceptable uses and activities for the District's networks and the Internet. In addition, it provides for limited personal use by users and establishes constraints within which personal use is acceptable. The proposed rule also lists prohibited activities and uses.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING AUTHORITY IS AUTHORIZED: 1001.41(1) (2); 1001.42(23); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.42 (5) and (6); 1012.53 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 13, 2007 which begins at 1:00 p.m. in the School Board Auditorium, 1450 N.E. Second Ave., Miami, Florida, 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower regulatory alternative as provided by Section 120.541(1), Florida Statutes, must do so in writing by May 14, 2007, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO WISHES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED AMENDED RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Ofelia San Pedro
Date: March 29, 2007

Instruction-Elementary and Secondary

~~ACCEPTABLE USE POLICY FOR THE EXPLORATION AND UTILIZATION OF THE INTERNET AS A TOOL FOR LEARNING~~

ACCEPTABLE USE POLICY FOR THE ~~INTERNET~~ NETWORK

Purpose of the rule

The purpose of this rule is to establish a policy for the acceptable use of the network ~~Internet~~ as a tool for learning in ~~the School District of~~ Miami-Dade County Public Schools (M-DCPS) ~~Florida~~ (hereinafter referred to as District). The M-DCPS network is defined as all computer resources, including software, hardware, lines and services that allow connection of District computers to other computers, whether they are within the District or external to the District. This includes connection to the Internet. In summary, the rule affirms that ~~neither employees nor students~~ no user may use the ~~Internet~~ network to ~~do~~ take any action or receive and/or communicate any language that the employee or student could not ~~do~~ take or communicate in person. Users are defined as anyone authorized by administration to use the Network. This includes, but is not limited to, staff, students, parents, vendors, contractors, and volunteers. Prohibitions in applicable federal, state and/or local law or regulation, collective bargaining agreements and Board Rules are included. ~~Any act or word prohibited by federal, state, and/or local law or regulation, including Miami-Dade County Public Schools (M-DCPS) Rules, and/or collective bargaining agreement if done by a M-DCPS employee or student in person is similarly forbidden by this rule to be done by any employee or student by or through the Internet.~~ Additionally, ~~the~~ this rule reflects that there is no expectation of privacy in the use of e-mail or ~~Internet~~ network communications when such communications occur over M-DCPS provided equipment by M-DCPS employees, students, or others.

Purpose of Access to the ~~Internet~~ Network

~~The purpose of providing students and employees access to the Internet is to promote academic excellence in the District's educational objectives. This computer technology provides resource sharing, innovation and communication that will help launch today's schools into the information age.~~ Networks give schools the ability to share educational and research resources from around the world with all students. These resources include access to instructional applications, interactive collaboration between teachers, students and other users, document sharing, communications of all forms with people from around the world and libraries, museums and research facilities.

~~I. Resources Available on the Internet~~

~~Students and employees of the District have access to the following resources:~~

~~A. Electronic mail communication throughout the world;~~

~~B. Local, national and world-wide information and news;~~

~~C. Correspondence with scientists at research institutions;~~

~~D. Access to public domain software of all types;~~

~~E. Collaboration with peers on projects and problem solving strategies;~~

~~F. Science Learning Network (SLN), Library of Congress, Educational Resource and Information Center (ERIC), Smithsonian Museums, and many university library catalogs.~~

~~H~~ I. Acceptable Use Policy

Utilization of the ~~Internet~~ network by ~~students and employees~~ users must be in support of and consistent with the educational objectives of the District. When utilizing the ~~Internet~~ network all users must adhere to the provisions of this rule and the standards of conduct established in the *M-DCPS Code of Student Conduct* (both elementary and secondary), *Code of Conduct for Adult Students,* the *Code of Ethics of the Education Profession in the State of Florida, the M-DCPS Network Security Standards and* School Board Rule 6Gx13- 4A-1.21, Responsibilities and Duties.

A. Transmission of any material in violation of local, state, and federal law or regulation is prohibited. This includes, but is not limited to copyright material, threatening or obscene material or material protected by trade secret.

1. Obscene material is that material which:

a. The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest;

b. Depicts or describes, in a patently offensive way, sexual conduct as defined in Section 847.001 (11) F.S. (1995); and

c. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

B. Procedures concerning the protest of instructional materials and educational media as they are accessed through the Internet are governed by School Board Rule 6Gx13- 6A-1.26, Instructional Materials and Resources.

C. School Board Rule 6Gx13- 1C-1.06, Politics--Participation of Staff, governs the use of the Internet for political activities.

D. Use of the ~~Internet~~ network for product advertisement, commercial activities, political campaigning or solicitation is prohibited.

E. The Children's Internet Protection Act (CIPA) requires school districts to prevent students from viewing objectionable material. Pursuant to CIPA, M-DCPS uses an Internet Content Filter to prevent user access to prohibited material.

Users of the M-DCPS network are charged with notice that besides obscene material, there are other potentially objectionable materials available on the Internet, including sites with adult content, nudity, and gambling, as well as sites advocating violence and illegal activities. No content filter will ever be 100% accurate, and on occasion either objectionable material may get through or non-objectionable material may be blocked.

Bypassing the M-DCPS content filter without authorization is strictly prohibited. M-DCPS has procedures in place to evaluate requests from users to block or unblock sites as necessary.

Students, parents and staff should be aware that connection to any Internet or network provider not under District control may be unfiltered. This is particularly true of open wireless connections, which can be found almost anywhere. The District is not responsible for unfiltered content that may be viewed or downloaded on M-DCPS equipment that has been provided to individuals for use outside District property. The District is also not responsible for issues caused by the connection of personal devices to the district's network or improper use of the District's network or equipment.

~~III~~ II. Privilege

Accessing the Internet through District equipment is a privilege, not a right, and inappropriate use, including violation of this rule may result in cancellation of the privilege.

A. School, ~~region~~ regional center, and District administrators are delegated the authority to determine appropriate and acceptable use as provided under this rule.

B. Any user account may be closed, suspended or revoked at any time a school, ~~region~~ regional center, or District administrator determines an account user or holder has used the ~~Internet~~ network in an inappropriate or unacceptable manner in violation of this or any other applicable District rule.

C. Inappropriate or unacceptable use is defined as use that violates the District's purpose in providing students and employees access to the Internet and use that violates the M-DCPS *Code of Student Conduct* (both elementary and secondary), *Code of Conduct for Adult Students,* the *Code of Ethics of the Education Profession in the State of Florida, the M-DCPS Network Security Standards*, and School Board Rule 6Gx13- 4A-1.21 or any local, state, or federal law or regulation.

D. Access to the Internet from the district network ~~in school~~ as a tool for learning will be automatic. ~~Parents will be advised in writing of their rights to indicate that they do not want their child to access the Internet in school.~~ Parents must notify the school in writing if they do not want their child to access the Internet.

~~IV~~ III. Monitoring

~~The District~~ Administration reserves the right to review any material on user accounts for purposes of maintaining adequate fileserver space and monitoring appropriateness of material accessed through the network. In reviewing and monitoring user accounts for the purpose of determining adequate fileserver space, the District shall respect the privacy rights of user accounts.

IV. Network Etiquette

All users are expected to abide by the generally accepted rules of network etiquette. These ~~rules~~ standards of conduct include, but are not limited to the following:

A. ~~Be polite. Do not get abusive in your message to others.~~ Users should be polite. The use of abusive language is prohibited.

B. Use appropriate language. The use of profanity, vulgarities or any other inappropriate language is prohibited. ~~Do not swear, use profanity, use vulgarities or any other inappropriate language.~~

C. ~~Do not engage in activities which are prohibited under local, state or federal law.~~ Engaging in activities which are prohibited under local, state or federal law is prohibited.

D. ~~Do not engage in~~ aActivities which violate the M-DCPS *Code of Student Conduct* (both elementary and secondary), *Code of Conduct for Adult Students,* the *Code of Ethics of the Education Profession in the State of Florida, the M-DCPS Network Security Standards* and School Board Rule 6Gx13- 4A-1.21 are prohibited.

E. Do not reveal your personal address and/or telephone number or that of other ~~students and employees~~ users unless compelled to by law.

F. ~~Note that~~ eElectronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities ~~may~~ will be reported to the authorities. ~~and may result in the loss of user privileges~~.

G. Do not use the network in such a way that ~~would be disruptive to others~~ other users would be unable to get the full benefit of information available. This includes, but is not limited to: running applications that deny the network's services to others, tying up computers without a legitimate educational or

school district or school business purpose while others are waiting, damaging software or hardware so that others are unable to use it, or any conduct that would be prohibited by Section 815.06 Fla. Stat.

~~H. All communications and information accessible via the network should be assumed to be private property.~~

~~I~~ H. Do not use the network to send or receive messages that discriminate based on gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, disability or that are inflammatory.

VI. Services

Use of any information obtained via the Internet is at the user's own risk. The District will not be responsible for any damages a user may ~~suffer~~ incur. This includes, but is not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by negligence, errors, or omissions.

The District ~~denies responsibility~~ is not responsible for the accuracy or quality of information obtained through ~~its services~~ the network. All users need to consider the source of any information they obtain through the network, and ~~consider how valid that information may be~~ evaluate the accuracy of the information.

VII. Security

Security on any computer network is a high priority, especially when the system involves many users.

A. If a user can identify a security problem on the network, the user must notify a system administrator. The user must not demonstrate the problem to others.

B. Users must not use another individual=s account without written permission from that individual. Attempts to log into the system as any other user will result in ~~cancellation of user privileges~~ disciplinary action as described in Section X - Disciplinary Actions for Improper Use contained herein. ~~Attempts to log in to the Internet as a system administrator may result in the cancellation of user privileges.~~

C. Any user that has been determined by administrators to have violated this rule may be denied future access to the Internet through the District network.

D. A ~~student or employee~~ user with a history of utilizing other computer systems in an inappropriate or unacceptable manner may be denied access to the ~~Internet through the~~ District network.

E. Users of the network will be held responsible for all activity associated with

the user's account. Users should not share their passwords with anyone, engage in activities that would reveal anyone's password or allow anyone to use a computer to which they are logged on.

F. Accessing chat rooms or instant messaging while using the M-DCPS network is prohibited.

G. The use of Internet tools such as blogs and discussion boards are intended for educational purposes only.

H. Downloading pictures, sounds, video clips, text documents or any material without authorization and without confirmation that the material is not copyrighted is prohibited (see School Board Rule 6Gx13- 4C-1.061 through 4C-1.063, Copyrights – Educational Media, Electronic Media, and Compliance and Fair Use).

I. Downloading games, video files, audio files or running streaming media without educational value and without authorization by a teacher or a local administrator is prohibited. These applications tie up a great deal of bandwidth and storage and many of the files infringe on the owners' copyrights.

J. Downloading or installing software applications without authorization is prohibited.

K. Using the District's wireless equipment while on M-DCPS property to connect to any wireless networks but those provided by M-DCPS without authorization is prohibited. External signals will not provide content filtering and access to private networks may be illegal.

VIII. Vandalism and Harassment

Vandalism and harassment when utilizing the Internet will result in cancellation of user privileges. This includes, but is not limited to, the uploading or creation of computer viruses and the attempt to destroy, harm or modify data of another user.

~~IX~~VIII. Procedures for Use

Student users must always get permission from their teachers or facilitators before using the network or accessing any specific file or application. Student users must also follow written and oral classroom instructions.

A. All users have the same right to use the ~~equipment~~ computer resources. Therefore, users shall not play games without educational value or use the computer resources for non-academic activities when other users require the system for academic purposes. ~~In addition, users shall not waste nor take supplies, such as paper, printer ribbons, and diskettes, that are provided by the District.~~

Personal use of the M-DCPS network, including e-mail and the Internet, is permitted as long as that use does not interfere with an employee's duties and/or system operation and abides by all district policies and standards.

B. Teachers are responsible for teaching proper techniques and standards for participation, for guiding student access to appropriate sections of the Internet, and for assuring that students understand that if they misuse the network they will lose their privilege to access the Internet from the classroom environment. Students should not be provided with network access unless they are properly supervised by an individual trained to provide the guidance students require.

~~X~~IX. Inappropriate Material

On a global network it is impossible to control effectively the content of data and an industrious user may discover inappropriate material. Inappropriate material is that material that is determined inconsistent with the goals, objectives and policies of the educational mission of the District.

~~Access and use of the Internet is for use as a regular instructional activity. It is the user=s responsibility not to initiate access to materials that are inconsistent with the goals, objectives and policies of the educational mission of the District.~~

XI. Disciplinary Actions for Improper Use

The act of accessing the Internet through the District's network signifies that the user will abide by the provisions of this rule.

Disciplinary action for inappropriate use by students will be based on the tiered actions described in the codes of student conduct (Elementary, Secondary or Adult) and may include, but is not limited to, loss of privilege, suspension or expulsion. Disciplinary action for inappropriate use by staff will be as provided for in the applicable collective bargaining agreements.

~~Any user violating this rule, or applicable local, state, or federal law or regulation is subject to loss of network access privileges and any other disciplinary actions, as reflected in the M-DCPS *Code of Student Conduct* (both elementary and secondary), *Code of Conduct for Adult Students,* the *Code of Ethics of the Education Profession in the State of Florida,* applicable collective bargaining agreements, and School Board Rule 6Gx13- 4A-1.21.~~

Specific Authority: ~~230.22(2)~~ 1001.41(1)(2); 1001.42(23); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: ~~229.8041; 230.23(6) and (7); 231.09 F.S.~~ 1001.42(5) and (6) and 1012.53 F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
New: 10-23-96
Technical Change: 5-1-98