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## Electronic Communications System

### Definitions

1. “Technology protection measure,” as defined by the Children’s Internet Protection Act (CIPA), means a specific technology that blocks or filters Internet access to visual depictions that are:
  - a. “Obscene,” has the meaning given such term in Section 1460 of Title 18, United States Code;
  - b. “Child pornography,” has the meaning given such term in Section 2256 of Title 18, United States Code; or
  - c. Harmful to minors.
2. “Harmful to minors,” as defined by CIPA, means any picture, image, graphic image file or other visual depiction that:
  - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
  - b. 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 a lewd exhibition of the genitals; and
  - c. Taken as a whole, lacks serious literary, artistic, political or scientific value to minors.
3. “Sexual act and sexual contact,” as defined by CIPA, have the meanings given such terms in Section 2246 of Title 18, United States Code.
4. “Minor,” as defined by CIPA, means an individual who has not attained the age of 17. For the purposes of Board policy and this administrative regulation, minor will include all students enrolled in the public charter school.
5. “Inappropriate matter,” as defined by the public charter school, means material that is inconsistent with general public education purposes and the public charter school’s vision, mission and goals, as determined by the public charter school.
6. “Public charter school proprietary information” is defined by the public charter school as any information created, produced or collected by school staff for the business or education purposes of the school including but not limited to student information, staff information, parent or patron information, curriculum, forms and like items used to conduct the school’s business.
7. “School software” is defined by the public charter school as any commercial or staff developed software acquired using school resources.

### General Public Charter School Responsibilities

The public charter school will:

1. Designate staff as necessary to ensure coordination and maintenance of the public charter school's electronic communications system which includes all public charter school computers, e-mail and Internet access;
2. Provide staff training in the appropriate use of the public charter school's electronic communications system including copies of public charter school policy and administrative regulations. Staff will provide similar training to authorized system users;
3. Allow staff use of personal electronic devices to access the school's electronic communications system when it is consistent with school board policies and administrative regulations].
3. Cooperate fully with local, state or federal officials in any investigation relating to misuse of the public charter school's electronic communications system;
4. Use only properly licensed software, audio or video media purchased by the public charter school or approved for use by the school. The school will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements;
5. Install and use server virus detection and removal software;
6. Provide technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, harmful to minors. A supervisor or other individual authorized by the administrator may disable the technology protection measures to enable access for bona fide research or other lawful purposes, as deemed appropriate;
7. Prohibit access by minors to inappropriate matter on the Internet and World Wide Web;
8. Provide staff supervision to monitor the online activities of students to prevent unauthorized access, including "hacking" and other unlawful activities online, and ensure the safety and security of minors when authorized to use e-mail, social media, chat rooms, applications and other forms of direct electronic communication;
9. Provide student education about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking and social media websites, applications and in chat rooms;
10. Determine which users and sites, accessible as part of the public charter school's electronic communications system, are most applicable to the curricular needs of the public charter school and may restrict user access accordingly;

11. Determine which users will be provided access to the public charter school’s electronic communications system;
12. Notify appropriate system users that:
  - a. The public charter school retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in the public charter school’s information system are the public charter school’s property and are to be used for authorized purposes only. Use of public charter school equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those authorized to use the public charter school’s system are in compliance with Board policy, administrative regulations and law, the school administrators may routinely review user files and communications;
  - b. Files and other information, including e-mail, sent or received, generated or stored on public charter school servers are not private and may be subject to monitoring. By using the public charter school’s system, individuals consent to have that use monitored by authorized public charter school personnel. The public charter school reserves the right to access and disclose, as appropriate, all information and data contained on public charter school computers and public charter school-owned e-mail system;
  - c. The public charter school may establish a retention schedule for the removal of e-mail;
  - d. E-mail sent or received by a Board member or employee in connection with the transaction of public business may be a public record and subject to state archivist rules for retention and destruction;
  - e. Information and data entered or stored on the public charter school’s computers and e-mail system may be subject to disclosure if a public records request is made or a lawsuit is filed against the public charter school. “Deleted” or “purged” data from public charter school computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by the public charter school;
  - f. Transmission of any communications or materials related to activities prohibited by ORS 260.432 is not allowed.

### **Electronic Communications System Access**

1. Access to the public charter school’s electronic communications system is authorized to:

Board members, public charter school employees and students in grades K-8, with parent approval and when under the direct supervision of staff, [and public charter school volunteers, public charter school contractors or other members of the public as authorized by the system coordinator or public charter school administrators consistent with the public charter school’s policy governing use of public charter school equipment and materials].
2. Students may be permitted to use the public charter school’s electronic communications system, when consistent with board policy and administrative regulations, for school and instructional related activities. Personal use of school-owned computers or devices including Internet and e-mail

access is permitted when consistent with board policy and administrative regulations and when during the school day.

Staff and Board members may be permitted to use the public charter school's electronic communications system to conduct business related to the management or instructional needs of the school or to conduct research related to education and when in compliance with Board policy and administrative regulations. Personal use of the public charter school's system or school-owned computers or devices including Internet and e-mail access by school staff is prohibited may be permitted when consistent with Oregon ethics laws, Board policy and administrative regulations , when used on school property, and when on own time.

Public charter school staff and Board members may use the public charter school's electronic communications system, school-owned computers or devices including Internet and e-mail access for personal use under the same terms and conditions that access is provided to the general public under the public charter school's policy governing use of school equipment and materials.

### **General Use Prohibitions and Guidelines/Etiquette**

Operation of the public charter school's electronic communications system relies upon the proper conduct and appropriate use of system users. Students, staff and others granted system access are responsible for adhering to the following prohibitions and guidelines which require legal, ethical and efficient use of the public charter school's system.

#### [General Use Prohibitions

The following conduct is strictly prohibited:

- a. Attempts to use the public charter school's electronic communications system for:
  - (1) Unauthorized solicitation of funds;
  - (2) Distribution of chain letters;
  - (3) Unauthorized sale or purchase of merchandise and services;
  - (4) Collection of signatures;
  - (5) Membership drives;
  - (6) Transmission of any materials regarding political campaigns.
- b. Attempts to upload, download, use, reproduce or distribute information, data, software or file share music, videos or other materials on the public charter school's system in violation of copyright law or applicable provisions of use or license agreements;
- c. Attempts to degrade, disrupt or vandalize the public charter school's equipment, software, materials or data or those of any other user of the public charter school's system or any of the agencies or other networks connected to the public charter school's system;
- d. Attempts to evade, change or exceed resource quotas or data usage quotas;
- e. Attempts to send, intentionally access or download any text file or picture or engage in any communication that includes, but not limited to, material which may be interpreted as:

- (1) Harmful to minors;
  - (2) Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by the public charter school;
  - (3) A product or service not permitted to minors by law;
  - (4) Harassment, intimidation, bullying, menacing, threatening, or a bias incident;
  - (5) Constitutes insulting or fighting words, the very expression of which injures or harasses others, or which includes a symbol of hate;
  - (6) A likelihood that, either because of its content or the manner of distribution, it will cause a material or substantial disruption of the proper and orderly operation of the school or school activity;
  - (7) Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, Board policy and/or administrative regulation.
- f. Attempts to gain unauthorized access to any service via the public charter school's system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;
  - g. Attempts to post or publish personal student contact information unless authorized by the teacher and consistent with applicable Board policies pertaining to student directory information and personally identifiable information. Personal student contact information may include photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;
  - h. Attempts to arrange student meetings with anyone on the public charter school's electronic communications system, unless authorized by the teacher or when consistent with school or educational related activities;
  - i. Attempts to represent self on behalf of the school through use of the public charter school's name in external communication forums, e.g., social media, chat rooms, without prior public charter school authorization;
  - j. Attempts to use another individual's account name or password, failure to provide the public charter school with individual passwords or to access restricted information, resources or networks to which the user has not been granted access.

## 2. Guidelines/Etiquette

System users will:

- a. Adhere to the same standards for communicating online that are expected in the classroom and consistent with Board policy and administrative regulations;
- b. Respect other people's time and cyberspace. Use real-time conference features such as video/talk/chat/Internet relay chat only as approved by the supervising teacher;
- c. Take pride in communications. Check spelling and grammar;
- d. Respect the privacy of others. Do not read the mail or files of others without their permission;
- e. Cite all quotes, references and sources;
- f. Adhere to guidelines for managing and composing effective e-mail messages

- g. Protect password confidentiality. Passwords are not to be shared with others.
- h. Communicate only with such users and/or sites as may be authorized by the public charter school;
- i. Be forgiving of the mistakes of others and share your knowledge. Practice good mentoring techniques;
- j. Report violations of the public charter school's policy and administrative regulation or security problems to the supervising teacher, system coordinator or administrator, as appropriate.

### **Complaints**

The public charter school's established complaint procedure in Board policy KL - Public Complaints and accompanying administrative regulation may be used to process complaints or concerns about violations of policy and administrative regulations.

### **Violations/Consequences**

#### **1. Students**

- a. Students who violate general system user prohibitions shall be subject to discipline up to and including expulsion and/or revocation of access to the public charter school electronic communications system access up to and including permanent loss of privileges.
- b. Violations of law may be reported to law enforcement officials and may result in criminal or civil sanctions.
- c. Disciplinary action may be appealed by parents, students and/or a representative in accordance with established public charter school procedures.

#### **2. Staff**

- a. Staff who violate general system user prohibitions shall be subject to discipline up to and including dismissal in accordance with Board policy, collective bargaining agreements and applicable provisions of law.
- b. Violations of law may be reported to law enforcement officials and may result in criminal or civil sanctions.
- c. Violations of applicable Teacher Standards and Practices Commission (TSPC), Standards for Competent and Ethical Performance of Oregon Educators will be reported to TSPC as provided by Oregon Administrative Rules (OAR) 584-020-0041.
- d. Violations of ORS 244.040 may be reported to Oregon Government Ethics Commission.

#### **3. Others**

- a. Other guest users who violate general electronic communications system user prohibitions shall be subject to suspension of system access up to and including permanent revocation of privileges.
- b. Violations of law may be reported to law enforcement officials or other agencies, as appropriate, and may result in criminal or civil sanctions

## **Telephone/Membership/Other Charges**

1. The public charter school assumes no responsibility or liability for any membership, phone or internet service and/or related charges incurred by any home usage of the public charter school's electronic communications system.
2. Any disputes or problems resulting from phone services or internet provider services for home users of the public charter school's electronic communications system are strictly between the system user and their internet service provider and/or phone service provider.

## **Information Content/Third Party Supplied Information**

1. System users and parents of student system users are advised that use of the public charter school's electronic communications system may provide access to materials that may be considered objectionable and inconsistent with the public charter school's vision, mission and goals. Parents should be aware of the existence of such materials and monitor their student's home usage of the public charter school's electronic communications system accordingly.
2. Opinions, advice, services and all other information expressed by system users, information providers, service providers or other third-party individuals are those of the providers and not the public charter school.
3. Users of the electronic communications system may, with system coordinator approval, order services or merchandise from other vendors that may be accessed through the public charter school's electronic communications system. These vendors are not affiliated with the public charter school. All matters concerning merchandise and services ordered including, but not limited to, purchase terms, payment terms, warranties, guarantees and delivery are solely between the vendor and the electronic communications system user. The public charter school makes no warranties or representation whatsoever with regard to any goods or services provided by the vendor. Public charter school staff and administration shall not be a party to any such transaction or be liable for any costs or damages arising out of, either directly or indirectly, the actions or inactions of vendors.
4. The public charter school does not warrant that the functions or services performed by, or that the information or software contained on, the electronic communications system will meet the system user's requirements, or that the electronic communications system will be uninterrupted or error-free, or that defects will be corrected. The public charter school's electronic communications system is provided on an "as is, as available" basis. The public charter school does not make any warranties, whether express or implied including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the electronic communications system and any information or software contained therein.

