

SAMPLE FCC-Based Model Internet Use Policy & Procedures

http://transition.fcc.gov/wcb/tapd/universal_service/schoolsandlibs.html

As a starter response, attached are both speaking points and draft documents to begin to address the FCC Report and Order

A. Protecting Children in the 21st century Act:

1. Adds statutory language to existing FCC rules for implementing CIPA.
2. Has an impact on ERate compliance.
3. Requires that school districts' **board policies** provide for the *education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response.*
4. This requirement is in addition to existing CIPA requirements.

B. In addition to policy language, it is important to note that the FCC also specifically mentions Facebook and MySpace. The FCC finds that:

1. Individual pages on Facebook or MySpace might be potentially harmful to minors, but
2. These sites are not "**harmful to minors**", per se, and
3. Do not fall into a category of websites which must be blocked.
4. Further noting recent work by the Department of Education, the FCC and the DOE suggest that "social networking websites have the potential to support student learning..." (FCC 11-125 Report and Order, p.8)

C. Implications:

1. By July 1, 2012, School Boards will have to create or update current Internet Use policies to include wording that **they are teaching Internet safety,**
2. Districts will have to decide how, who and with what they will do this.
3. With the comments on Facebook and other social networking sites, and with the inclusion of social networking within required Board policy language, education and training around both appropriate and pedagogical uses of social networking resources will be critical.
4. Districts and schools will need background and training on issues, materials, approaches, resources.
5. Cyberbullying awareness and response will need to be included within ongoing harassment, intimidation and bullying training and program implementation.
6. As the education of minors about appropriate online behavior, digital citizenship, cyberbullying, etc., cover a wide range of issues and topics, it will be very important for prevention-intervention, school safety, counseling, educational technology and others to work closely to create as effective and all-encompassing digital safety education program as possible.

7. Additional digital safety/citizenship and cyberbullying background guidance, resources and materials will be posted in the School Safety Center website.
<http://www.k12.wa.us/SafetyCenter/InternetSafety/default.aspx>
In addition, ERate compliance guidance and information will be linked from the Educational Technology website <http://www.k12.wa.us/EdTech/E-rate/default.aspx> .

D. To help districts address the policy wording requirement, attached is a DRAFT Internet Use Policy: (Adapted from Seattle Internet Use Policy)

(Newly required wording is highlighted.)

The Internet is a source of instructional material to which students and staff members have access both in and outside of schools. The Internet provides access to curricular and other educational material, and experience in searching for, finding, evaluate, and using information delivered electronically.

The Internet can be accessed through an increasing variety of electronic devices including those beyond what is provided by the school district. Resources and the material available on the Internet vary in quality and appropriateness for school instructional purposes. Materials entering a school via Internet-bases sources and resources may have not been selected ahead of time in a manner similar to the way other instructional material is selected, such as textbooks, software, or library books.

Internet safety issues also arise around the access to and use of the Internet, Internet-ready, and other electronic devices in a manner that promotes safe, civil, and legal online activity for children, digital citizenship and literacy, and recognizing and responding to cyberbullying. Issues of protecting children from scams, cybercrimes, including crimes by online predators also arise.

To allow students and staff access to instructional material from the Internet, to help prevent access to material which is deemed appropriate for classroom use, and to promote safe and appropriate online behavior, the following four-part approach is instituted whenever a student or staff member is accessing Internet material from a district facility

1. Network Use Agreement

Any student or staff member using the Internet from a computer in a Seattle School District facility must have a valid, Network Use Agreement on file.

2. Filter

All district-owned computers in all district facilities capable which are capable of accessing the Internet must use filtering software to prevent access to obscene, racist, hateful, or violent material.

3. Supervision

When students use the Internet from school facilities, District employees will make a reasonable effort to supervise student access and use of the Internet. If material is accessed that violates standards in the materials selection procedures or the Network Use Agreement/Acceptable Use Agreement, the District staff member may instruct the person to cease using that material, and/or implement sanctions contained in the Network Use Agreement.

- 4. Instruction**

All students will be educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

E. To follow the Internet Use policy, attached is Draft Internet Use Procedures wording:

(This “procedures” section has been developed from a variety of sources including existing Internet Use procedures from various LEA’s and input from experts in the field of digital safety and citizenship, and educational technology. It is meant as a starter kit for adaptation and implementation.)

The Internet is a source of instructional material to which students and staff members have access both in and outside of schools. The Internet provides access to curricular and other educational material, and experience in searching for, finding, evaluate, and using information delivered electronically.

The Internet can be accessed through an increasing variety of electronic devices including those beyond what is provided by the school district. Resources and the material available on the Internet vary in quality and appropriateness for school instructional purposes. Materials entering a school via Internet-based sources and resources may have not been selected ahead of time in a manner similar to the way other instructional material is selected, such as textbooks, software, or library books.

Internet safety issues also arise around the access to and use of the Internet, Internet-ready, and other electronic devices in a manner that promotes safe, civil, and legal online activity for children, digital citizenship and literacy, and recognizing and responding to cyberbullying. Issues of protecting children from scams, cybercrimes, including crimes by online predators also arise.

The _____ District’s network has a limited educational purpose. The district’s Internet and intranet systems have not been established as a public access service or a public forum. The _____ District has the right to place restrictions on use to ensure that use of the system is in accord with its limited educational purpose. In order to implement its Internet Use Policy, The _____ District will implement the following procedures:

1. The _____ District Internet Use Policy represents a good faith efforts to promote the safe, ethical, responsible, and legal use of the Internet, support the effective use of the Internet for educational purposes, protect students against potential dangers in their use of the Internet, and ensure accountability.
 - a. Staff, students and others with access to the district network will be required to sign a Network Use Agreement.
 - b. Student and staff users of the district Internet system **will receive instruction** regarding The _____ District’ Internet system and their rights and responsibilities under this policy.
 - c. Student use and activities will be structured in a manner that is appropriate to the age and skills of students, recognizing the importance of providing more secure environments for younger students and supporting safe, responsible, independent use by older students.
 - d. Procedures will be established and implemented **and instruction provided** relative to the access and use of the district Internet system by non district personnel, including but not limited to, contractors, agency service providers, parents or other non-district users.

2. Student use of the district network will be governed by this Policy, related district and school procedures and regulations, and the student disciplinary Code of Conduct. Staff use will be governed by this policy, related district and school procedures and regulations, district employment policy, and the collective bargaining agreements. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the district Internet system. Users have limited privacy expectations in the contents of their personal files and records of their online activity while on the district system.

a. The district will implement guidelines for the use of student-owned personal digital devices in the context of instructional activities that are in accord with the provisions set forth in this policy, with the exception that it is recognized that these devices operate outside of the district system and thus are not subject to district use of technology protection measures to block or monitor access. **All regulations will be consistent with legal standards and laws related to search, seizure, and review. Any implementation of the use of student-owned personal digital device for instructional use will require separate signed approval by parent/guardian.**

b. The district allows some district computers to be taken home and access to the The ____ District Internet system from home. The district will implement regulations related to the use of these computers when off-campus that seek to ensure the safety and security of students and the appropriate educational use of district resources.

3. The ____ District makes no warranties of any kind, either express or implied, that the functions or the services provided by or through The ____ District network will be error-free or without defect. The ____ District will not be responsible for any damage users may suffer, including but not limited to, loss of data, interruptions of service, or exposure to inappropriate material or people. The ____ District is not responsible for the accuracy or quality of the information obtained through the system. The ____ District will not be responsible for financial obligations arising through the unauthorized use of the system. Users or parents of users will indemnify and hold The ____ District harmless from any losses sustained as the result of misuse of the system by user. Use of the system by students will be limited to those students whose parents have signed a disclaimer of claims for damages against The ____ District.

4. The ____ District will protect against access to materials that are considered inappropriate for users to access through the district network in the following manner:

a. District regulations will designate certain categories of materials as Prohibited, Restricted, or Limited Access Material.

i. Prohibited material may not be accessed by the students or staff at any time, for any purpose. This includes the material to be restricted under the Children’s Internet Protection Act.

ii. Restricted material may not be accessed by elementary or middle school students, but may be accessed by high school students in the context of specific learning activities that have been approved by the building administrator or by staff for professional development purposes.

iii. Limited access material is material that is generally considered to be non-educational or entertainment. Limited Access Material may be accessed in the context of specific learning activities that are directed by a teacher.

b. The _____ District will implement the use of a Technology Protection Measure, or filter, to protect against access to visual depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children's Internet Protection Act. The filter may also be configured to protect against access to other material considered inappropriate for students to access.

c. The filter may not be disabled at any time that students are using the network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act.

d. Authorized staff may override the filter to access to sites containing appropriate educational material. The building principal will implement procedures to ensure that teachers and students can readily override the filter if it is blocking access to sites considered necessary for instruction or learning activities. The determination of whether material is appropriate for instructional use shall be based on the content of the material and the intended use of the material, not on the protection actions of the filter.

e. All school staff with direct responsibilities for the safety and well-being of students will have the authority to immediately override the filter to review material related to safety concerns. Those with such responsibilities include, but are not limited to, administrators, counselors, school psychologists, Family Support Workers, Instructional Assistants, and school resource officers.

5. The _____ District will implement procedures to supervise and monitor student use of the Internet through staff supervision and technical monitoring. Student use of the network will be supervised by staff in a manner that is appropriate to the age of the students and circumstances of use.

6. The _____ District and schools will establish regulations and procedures to protect the safety and security of students when using direct electronic communications, including the instructional use of email, instant messaging, blogs, wikis, **social networking** and other similar interactive communication technologies.

7. The Student Network Use Agreement developed pursuant to this policy will include requirements that address the following safe and responsible use issues:

- a. Access to inappropriate material.
- b. Privacy and communication safety standards for self and others
- c. Unlawful activities, including computer security violations, actions taken to disrupt the performance of a computer system, and the use of the Internet to engage in other criminal acts.
- d. Inappropriate language.
- e. Plagiarism and copyright infringement.
- f. Actions or use that may disrupt or jeopardize the security or effective performance of The _____ District' network or the Internet.
- g. Any actions, including harassment and bullying, that are in violation of the Student Handbook/Code of Conduct.
- h. Other related issues from the Student Handbook/Code of Conduct.

8. The _____ District will protect against the unauthorized disclosure, use, or dissemination of personal or confidential information of students.

- a. The _____ District will review contracts with third party providers of data management services to ensure compliance with federal and state student privacy laws.
- b. The _____ District will implement regulations for staff pertaining to the transmission of student confidential information via direct electronic communications to ensure that such transmissions are in compliance with the federal and state student privacy laws.
- c. The _____ District will implement regulations for staff and students to ensure the protection of student personal information when accounts are established or information is provided by or about students on third party web sites.
- d. The _____ District will implement regulations addressing the disclosure of student information and images and posting of student-created material on The _____ District web site to ensure that such postings are in compliance with the federal and state student privacy laws. These regulations will provide greater privacy protection for younger students and allow greater disclosure for older students.

e. The district prohibits student-teacher interaction (friending, etc.) on social networking sites unless such interaction is specifically educational in nature and related to instruction around appropriate online behaviors.

9. The _____ District will educate minors about appropriate online behavior, including cyberbullying awareness and response and interacting with other individuals on social networking sites and in chat rooms.

a. The _____ District Curriculum & Instruction department will establish a standing committee to oversee such instruction. The instruction will address issues related to personal safety when using interactive technologies, as well as digital media literacy. The committee will include, but not be limited to, K-12 Curriculum & Instruction, educational technologists, library media, health teachers, Prevention-Intervention, Safety & Security, CTE staff, and at least one parent representative.

b. Age appropriate materials will be made available for use across grade levels.

c. Training on online safety issues and materials implementation will be made available for administration, staff and parents.

10. Student's constitutional rights to freedom of speech and freedom to access information will be protected when they use the Internet in school. The _____ District network is a limited public forum. The _____ District may restrict access to materials or may place restrictions on student speech for valid educational reasons. The _____ District will not restrict student access to information or speech or posting of speech based on viewpoint discrimination.

11. The _____ District will implement copyright management regulations that will protect the rights of copyright holders, including students and staff, related to material that is accessed through The _____ District Internet system or placed on district and school web sites.

12. The _____ District will implement regulations for the posting of material on district and school web sites that will promote the effective educational use of the Internet, protect the privacy rights and other rights of students

and staff, limit potential liability of The _____ District for the inappropriate placement of material, and present an image that will reflect well on the district, schools, staff, and students.

- a. These regulations will allow for the posting of student names, images, and work product, in a manner that is considered safe given the grade level of the students.
- b. These regulations will cover material that is posted in internal class-based instructional environments, as well as material posted on publicly accessible district or school web sites.
- c. These regulations will be in compliance with the Federal Educational Rights and Privacy Act as well as (name of state student privacy law).

13. Student and staff access to The _____ District Internet system will be in full compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Section 508 of the Rehabilitation Act of 1973, as well as (name of state civil rights laws).

14. Each school will provide an annual written notice to the parents/guardians of students about The district Internet system, the policies governing its use, and the limitation of liability of the district.

- a. Upon enrollment in a school, parents/guardians must sign a Internet/Network Use Agreement. (IUA/NUA). The IUA/NUA will be effective for as long as the student attends the particular school.
- b. The IUA/NUA will address the requirements for safe and responsible use. It will also solicit parent permission for the posting of information, images, and work products of students in under copyright law and federal and state privacy laws.

15. The administrative responsibilities of The _____ District administrative staff related to The _____ District network are as follows:

- a. The superintendent, or his/her designee, will serve as the coordinator to oversee the district Internet system. The superintendent is authorized to develop regulations and agreements for the use of The _____ District Internet system that are in accord with this policy statement, and other district policies.
- b. The building administrator, or his/her designee, will serve as the building-level coordinator for The _____ District Internet system. He/She, in conjunction with both Information and Educational Technology staff and the office of the Chief Academic Officer (CAO), will implement building-level regulations necessary to implement this policy and district regulations, establish procedures to ensure adequate supervision of students using the system, maintain executed user agreements, and be responsible for interpreting this policy and related regulations at the building level.
- c. The _____ District Board Curriculum & Instruction Committee will be responsible for ongoing evaluation of the issues related to this policy, related regulations, and the strategies implemented by schools under this policy. The Board Curriculum & Instruction Committee will solicit input and feedback from staff, students, parents, and the community in this evaluation process annually.

F. Additional Background: A Brief Summary: Funds for Learning:

<http://www.fundsforlearning.com/news/2011/08/fcc-releases-cipa-order>

In 2008, Congress passed the Protecting Children in the 21st Century Act that updated the Children's Internet Protection Act known as CIPA. The FCC released an Order today to add language to their rules to reflect the statutory language. Beginning with Funding Year 2012, that starts July 1, 2012, applicants will need to certify they have updated Internet Safety Policies that addresses these issues.

ERate- related highlights of the Order:

- * The Order adds a certification provision that a **school's Internet safety policy** must provide for the education of minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response;

- * The Order clarifies that although a school's Internet safety policy may include **the development and use of educational materials**, the policy itself does not have to include such materials;

- * E-rate applicants who receive Internet access or internal connections must certify on its FCC Form 486 or FCC Form 479, beginning **with funding year 2012**, that it has updated its Internet safety policy;

- * The Form 486 and 479 do not need to be amended because the existing language already incorporates a certification of compliance with all of the statutory requirements. The instructions to these forms will be revised to list each requirement individually, including the requirements listed in this Order;

- * The Order adds a rule provision requiring a local public notice and a hearing or meeting to address any newly adopted Internet safety policies pursuant to CIPA. This requirement only applies to an entity that has no previous Internet safety policy or did not provide public notice and a hearing or meeting when it adopted its Internet safety policy.

The FCC recognizes that there are some open questions regarding CIPA as it pertains to portable devices and has indicated they will seek public comment in a separate proceeding.