

Spring Branch Independent School District
Agenda Item Information

Date of Board Meeting: March 8, 2010

Subject: Consideration and Possible Action on Submitted Potential Amendments of
CQ (Local) ELECTRONIC COMMUNICATION AND DATA MANAGEMENT

Administrator Responsible:

Name: Diane Jackson, Ed.D.

Position: Executive Director, Policy Administration & Governmental Relations

Purpose of Agenda Item: Action

ADDITIONAL INFORMATION AND/OR BACK-UP:

Recommend discussion, approval of potential amendments and Second Reading of CQ (Local) ELECTRONIC COMMUNICATION AND DATA MANAGEMENT

Annotated copy as originally presented in Update 85 at the September 18th Board Workshop is attached.

Amendment #1 that was adopted at the September 18th Board Workshop is attached.

Amendment #2 from the September 18th Board Workshop has been revised and is attached.

Amendment #3 from the September 18th Board Workshop is attached as originally presented.

	<p>The Superintendent or designee shall implement, monitor, and evaluate electronic media resources for instructional and administrative purposes.</p>
<p>AVAILABILITY OF ACCESS</p>	<p>Access to the District's electronic communications and data storage systems, including but not limited to the Internet, electronic mail, file servers, and applications servers shall be made available to students and employees primarily for instructional and administrative purposes and in accordance with administrative regulations.</p>
<p><u>LIMITED PERSONAL USE</u></p>	
<p><u>LIMITED PERSONAL USE</u></p>	<p>Limited personal use of the system shall be permitted if the use:</p>
	<ol style="list-style-type: none">1. Imposes no tangible cost on the District;2. Does not unduly burden or cause harm to the District's computer or network resources; and3. Has no adverse effect on an employee's job performance or on a student's academic performance.; and4. Is not for personal gain.
<p>USE BY THE MEMBERS OF THE PUBLIC</p>	<p>Access to the District's electronic communications system and data storage systems, including but not limited to the Internet, shall be electronic mail, file servers, and applications servers may be made available to members of the public, in accordance with administrative regulations. Such use shall may be permitted so long as if the use:</p>
	<ol style="list-style-type: none">1. Imposes no tangible measurable cost on the District; and2. Does not unduly burden or cause harm to the District's computer or network resources.
	<p>Members of the public who are granted access shall be required to comply with all District rules, regulations, and policies governing appropriate use of the system.</p>
<p>ACCEPTABLE USE</p>	<p>The Superintendent or designee shall develop and implement administrative regulations, guidelines, and user agreements; consistent with the purposes and mission of the District and with law and policy. governing copyright. [See EFE]</p>
	<p>Access to the District's electronic communications system and data storage systems is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the system and shall agree in writing to allow monitoring of their use and to comply compliance with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other discipl-</p>

linary action consistent with District policies. [See DH, FN series, FO series, and the Student Code of Conduct]

Violations of law may result in criminal prosecution as well as disciplinary action by the District.

INTERNET SAFETY

The Superintendent or designee shall develop and implement an Internet safety plan to:

1. Control students' access to inappropriate materials, as well as to materials that are harmful to minors;
2. Ensure student safety and security when using electronic communications;
3. Prevent unauthorized access ~~into District as well as outside entity systems~~, including hacking and other unlawful activities; ~~and~~
4. Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; ~~and-~~
5. **Educate students about cyberbullying awareness and response and about appropriate online behavior, including interacting with other individuals on social networking Web sites and in chat rooms.**

FILTERING

Each District computer with Internet access shall have a filtering device or software that blocks access to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors, as defined by the federal Children's Internet Protection Act and as determined by the Superintendent or designee.

The Superintendent or designee shall enforce the use of such filtering devices. Upon approval from the Superintendent or designee, an administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose.

MONITORED USE

Electronic mail transmissions and other use of the electronic communications system by students and employees ~~shall~~ **are** not **be considered** private. ~~Designated and may be monitored at any time by designated~~ District staff **shall be authorized to monitor such communication at any time** to ensure appropriate use.

INTELLECTUAL
PROPERTY RIGHTS

Students shall retain all rights to work they create using the District's electronic communications system.

As agents of the District, employees shall have limited rights to work they create using the District's electronic communications system. The District shall retain the right to use any product

DISCLAIMER OF
LIABILITY

created ~~in~~during the scope of a person's employment even when the author is no longer an employee of the District.

The District shall not be liable for users' inappropriate use of electronic communication resources ~~or~~ violations of copyright restrictions or other laws, users' mistakes or negligence, ~~and~~ costs incurred by users. The District shall not be responsible for ensuring the accuracy, age appropriateness, or usability of any information found on the Internet.~~.~~

Summary of Amendments

February 25, 2010

Three amendments to CQ (Local) ELECTRONIC COMMUNICATION AND DATA MANAGEMENT were proposed at the September 18, 2009 Board Workshop. Update 85 annotated copy is attached.

Amendment #1 was adopted: Page 1 of 3, the subsection entitled “Availability of Access”, the proposed amendment to reject TASB’s proposal to delete # 4 “**Is not for personal gain**” and the corresponding work “**and**” at the end of # 3.

No vote was taken on either **Amendment # 2** or **# 3**. Attorney review was requested by President Converse on **Amendment #2**.

Here is the **Amendment #2** as originally presented:

Page 2 of 3. The subsection entitled “Intellectual Property Rights”, to strike the first sentence of the second paragraph and insert the following new sentence in its place:
As agents of the District, works that employees create using the District’s electronic communications system are the property of the District unless explicitly stated otherwise in writing by the Board.

Changes recommended by legal counsel:

~~*As agents of the District,*~~ **All** *works that employees create using the District’s electronic communications system are the property of the District unless explicitly stated otherwise in writing by the Board.*

Amendment # 3 is presented in its original form – At the top of page 2, in the brackets, insert “*the Employee Handbook*” before “...and the Student Code of Conduct]”

CQ (Local) is scheduled for the March 8th Board Workshop

Please let me know if you have any questions or need further clarification.

Submitted by: Margie Duffey
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Policy Administration and Governmental Relations