

**CENTER MORICHES UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION POLICY**

**SCHOOL DISTRICT STANDARDS AND GUIDELINES
FOR WEB PAGE PUBLISHING**

General Criteria

The availability of Internet access in the Center Moriches School District provides an opportunity for staff and students to access information and contribute to the school district's presence on the World Wide Web. The district/school/classroom websites must relate to curriculum or instructional matters, school authorized activities, or general information of interest to the public pertaining to the district or its schools. Staff and students are prohibited from publishing personal home pages or links to personal home pages as part of the district/school/classroom web page(s). Similarly, no individual or outside organization will be permitted to publish personal web pages as part of the district/school/classroom web page(s).

Internet access for the creation of web pages is provided by the district and all information must be reviewed by the website manager prior to publishing it on the web. Personnel designing information for the web pages must familiarize themselves with and adhere to district standards and procedures. Failure to follow district standards or responsibilities may result in disciplinary sanctions in accordance with law and/or the applicable collective bargaining agreement.

The district shall provide general training on relevant legal considerations and compliance with applicable laws and regulations including copyright, intellectual property, and privacy of student records as well as relevant district procedures to those staff members and students who are allowed to develop or place material on the district/school/classroom web page(s).

Content Standards

- a) Approval for posting a web page must be obtained from the website manager or his/her designee(s). If at any time, the website manager/designee(s) believes the proposed material does not meet the standards approved by the district, it will not be published on the web. Decisions regarding access to active web pages for editing content or organization will be the responsibility of the website manager/designee(s).

- b) A web page must be sponsored by a member of the district faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the web page have the necessary technical training and that they fully understand and adhere to district policies and regulations. The web page must include the name of the sponsor.
- c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity.
- d) The review of a student web page (if considered a school-sponsored student publication) shall be subject to prior district review as would any other school-sponsored student publication.
- e) An authorized teacher who is publishing the final web page(s) for himself/herself or for a student will edit and test the page(s) for accuracy of links and check for conformance with district standards and practices.
- f) A disclaimer statement about the content of web pages must be part of individual sites:

Example: "The district has made every reasonable attempt to ensure that our web pages are educationally sound and do not contain links to questionable material or material that can be deemed in violation of the school district's Standards and Guidelines for Web Page Publishing Policy."
- g) Commercial advertising or marketing on the district/school/classroom web page(s) (or the use of school-affiliated web pages for the pursuit of personal or financial gain) shall be prohibited unless otherwise authorized in accordance with law and/or regulation. decisions regarding website advertising must be consistent with existing district policies and practices on this matter. School-affiliated web pages may mention outside organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).
- h) Web pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, e-mail addresses, or other identifying information such as names of family members may be published only with the employee's written permission.
- i) All web pages must conform to the standards for appropriate use found in the district's Acceptable Use Policy(ies) and accompanying Regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.

- j) All web pages must be approved through the designated process before being posted to the district/school/classroom websites.
- k) All staff and/or students authorized to publish material on the district/school/classroom web page(s) shall acknowledge receipt of the district's web page standards and agree to comply with same prior to posting any material on the web.

Release of Student Education Records/Directory Information

Release of Student Education Records

In accordance with the Family Educational Rights and Privacy Act (FERPA), unless otherwise exempted in accordance with law and regulation, the district may release personally identifiable information contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

Student Directory Information

Per FERPA, districts must publish an annual public notice informing parents or eligible students of their right to refuse the release of student directory information and indicating a time period for their response. Following such public notice and a reasonable response period, the district may release such information to an outside group without individual consent.

Parental/Eligible Student Consent Required and Privacy Concerns

Written parental/eligible student consent shall be obtained by the district before education records or personally identifiable information contained therein is released to any party unless:

- a) Such release is authorized by the Family Educational Rights and Privacy Act, or its implementing regulations;

- b) The information released is "directory information" as designated by the district in accordance with FERPA. The district shall provide parents and eligible students with annual notification of their rights under FERPA and designation of directory information (i.e., disclosure of personally identifiable information contained in student records);
- c) For anything not specifically designated as "directory information" by the district, the district must receive a "signed and dated written consent" from the parent/eligible student prior to releasing such information (unless otherwise authorized per FERPA);
- d) However, even if student photographs are designated as directory information per FERPA, due to privacy and safety concerns, **the district requires specific affirmative written parent/eligible student consent prior to posting student photographs on district/school/classroom web pages.** Whenever possible, group photographs of students and/or the use of photographs where the student is not easily identifiable is preferable to the use of individual student photographs for safety reasons;
- e) Web pages shall not include a student's full name, telephone number, address, e-mail address or post such information of other family members or friends. Posting of student names will be limited to first name only. Permission forms from parents are strongly suggested;
- f) Online posting of school bus schedules and/or other specific activity schedules detailing dates/times/locations (e.g., field trips) is prohibited on school-affiliated websites as such information can pose risks of child abduction or other security concerns. Password protected websites may be authorized by the Superintendent/designee.

Use of Copyrighted Materials and "Fair Use" Exceptions/Intellectual Property and Works Made for Hire

Copyrighted Materials

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, "Fair Use" guidelines, licenses or contractual agreements, or the permission of the copyright proprietor. Web page publications must include a statement of copyright when appropriate and indicate that permission has been secured when including copyrighted materials or notice that such publication is in accordance with the "Fair Use" provisions of the Copyright Law.

Fair Use of Copyrighted Materials

Pursuant to Section 107 of the Copyright Law ("Fair Use" provisions), the use of copyrighted material for criticism, comment, news reporting, teaching, scholarship, or research may be permitted under certain circumstances.

However, any appropriation of someone else's work on the Internet is a potential copyright infringement. "Fair Use" provisions may not apply when a project created by a teacher or student is accessed by others over the Internet. If there is a possibility that school-affiliated web page(s), which incorporate copyrighted works under the "Fair Use" provisions, could later result in broader dissemination, it will be necessary to seek the permission of the copyright holder. The complex interplay between copyright law and the "Fair Use" provisions in educational multimedia projects should be considered in development of web page publishing standards and reviewed by school counsel prior to district implementation for compliance with applicable law and regulations.

- a) Unless otherwise noted, always assume that work on the web is copyrighted. It is NOT necessary that the copyright symbol -- © -- be displayed for the work to be protected by copyright laws.
- b) Proper attribution must always be given.
- c) Obtaining permission(s) from the copyright holder(s) (whether text, graphics or music) should occur during the developmental process or project, rather than waiting to seek permission upon completion of the project.
- d) Unauthorized electronic transmission of copyrighted materials is illegal.

Intellectual Property/ Works Made for Hire

All works completed by employees as part of their employment shall be considered "works made for hire" as described in the United States Code Annotated, Title 17, Copyrights to the extent permitted by law. This determination includes, but is not limited to, the following activities:

- a) Work prepared by an employee within the scope of his/her employment, whether tangible or intangible;
- b) Work specifically ordered or commissioned for use as a contribution to a collective work, as enumerated in law.

Any work created within the scope of such a relationship will be considered a work made for hire when a regular employment relationship exists.

Work covered under this policy is the property of the school district, not the creator of such work. The district shall own any and all rights to such works, or derivatives thereof, unless there is a written agreement to the contrary.

Student Work

Students are the copyright holders of their own original work. The district must receive written permission from both the parent and the student prior to publishing students' original work on the district/school/classroom websites.

Student Free Speech Issues (School-sponsored Publications)

In general, school districts can exercise editorial control over the style and content of student expression in school-sponsored publications, theatrical productions, and other expressive activities that students, parents and members of the public might reasonably perceive to bear the imprimatur of the school.

However, the school's actions in such a case must be reasonably related to legitimate pedagogical concerns and may not amount to viewpoint discrimination.

Consequences for Non-Compliance

Web pages that do not comply with the above criteria are subject to revocation of approval and removal from the district/school/classroom websites.

Staff

Faculty or staff posting non-approved or inappropriate material on a school-affiliated website are subject to the imposition of discipline, including possible suspension or revocation of access to the district's computer network, in accordance with law and applicable collective bargaining agreements. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

Students

Students posting non-approved or inappropriate material on a school-affiliated website are subject to the imposition of discipline, including possible suspension or revocation of access to the district's computer network, in accordance with applicable due process procedures and the district Code of Conduct. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

Oversight

The Superintendent of Schools or his/her designee shall have the authority to approve or deny the posting of any proposed web pages on school-affiliated websites based upon compliance with the terms and conditions set forth in this policy as well as applicable district practices and procedures.

Digital Millennium Copyright Act (DMCA), 17 United States Code (USC) Sections 101 et seq., 512 and 1201 et seq.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)

34 Code of Federal Regulations (CFR) Parts 99 and 201

Adopted: 07/06/11