

# Policies for Review - 1<sup>st</sup> Reading

December 2, 2019

JBAB - Transgender and Gender Non-Conforming Students

GBEF - Employee Use of District Issued Computers & Devices

*GSD Proposed Policy*  
*11-1-16 Policy Committee*  
*12-6-16 Policy Committee – 2<sup>nd</sup> reading*  
*1-9-17 School Board Meeting – 1<sup>st</sup> reading*  
*1-12-2017 Sent to GEA for feedback*  
*2-6-17 School Board Meeting – 2<sup>nd</sup> reading*  
*2-14-17 Policy Committee – 3<sup>rd</sup> reading*  
*9-10-2019 Policy Committee – 4<sup>th</sup> reading*  
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## **TRANSGENDER AND GENDER NON-CONFORMING STUDENTS**

### **I. PURPOSE**

The Gilford School District policy requires that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender non-conforming students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming students, and the needs of each transgender or gender non-conforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

**When a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity. Under Title IX, there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity. Because Transgender students often are unable to obtain identification documents that reflect their gender identity (e.g., due to restrictions imposed by state or local law in their place of birth or residence). Requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity.**

**This procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).**

- 1. A transgender student and/or their parent(s)/guardian(s) should contact the**

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**student’s counselor or building administrator. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.**

- 2. A meeting should be scheduled to discuss the student’s particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, participants may include the school counselor, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.**
- 3. A written plan will be developed by the school, in consultation with the student, parent(s)/guardians(s) and others as appropriate, to address the student’s particular needs. If the student has an IEP or a 504 Plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.**
- 4. If the parties cannot reach an agreement about the elements to be included in the plan, the ~~building administrator and/or~~ Superintendent shall be consulted as appropriate.**

## **II. DEFINITIONS**

The definitions provided here are not intended to label students but rather are intended to assist in understanding this policy and the legal obligations of District staff. Students might or might not use these terms to describe themselves.

"Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.

"Transgender" describes people whose gender identity is different from their gender assigned at birth.

"Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

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"Gender non-conforming" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

**“Cisgender” refers to a person whose gender identity and expression are aligned with those traditionally associated with their assigned sex at birth.**

**“Gender non-binary” describes an individual whose gender identity and/or expression does not align with the gender binary of male or female. A gender non-binary person may describe their gender identity and/or expression as androgynous, genderfluid, genderqueer, agender, non-labeling, etc.**

**“Genderfluid” describes an individual whose gender identity and/or expression may be gender non-conforming or non-binary, who has a wider and more flexible range of gender expression that may even change from day to day. While the gender expression of a student who is genderfluid is flexible or may appear to change with some frequency, their genderfluid identity can be recognized as the “gender which the student consistently asserts at school” in regards to the policy.**

**“Gender Transition” is the process by which a person goes from living and identifying as one gender to living and identifying as another gender. Gender transition is typically prompted by the feeling that an individual’s gender identity does not match the one typically associated with their assigned sex at birth. Examples include: transitioning from a boy to a girl, a girl to a boy, a girl to gender non-binary, or a boy to gender non-binary. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in a process of “social transition” from one gender to another.**

**“Sexual Orientation” describes a person’s romantic and/or sexual attraction. Sexual orientation is different and not the same as gender identity or gender expression. In this policy, sexual orientation refers to an individual’s “actual or perceived” sexual orientation.**

### **III. GUIDANCE**

#### **A. Privacy**

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The Gilford School Board recognizes a student's right to keep private one's transgender status or gender non-conforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information. School personnel should not disclose information that may reveal a student's transgender status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student **or parent** has authorized such disclosure. Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a transgender or gender non-conforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

### **B. Official Records**

The District is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

### **C. Names/Pronouns**

~~Names/Pronouns:– A student who has been identified as transgender under this policy~~ **should be** ~~has the right to be~~ addressed by a name or pronoun that corresponds to the student's gender identity that is consistently asserted at school.

~~A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court ordered name or gender change is not required, and the student need not change his or her official records. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to~~

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the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

**D. Gender-Segregated Activities**

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity **and have the choice; whatever fits the need of the student.**

**E. Restroom/Locker Room Accessibility**

~~Locker Room Accessibility:~~ The use of **restroom**/locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students will be permitted to use the locker room assigned to the gender which the student consistently asserts at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason will be provided with a reasonable alternative changing area.

~~Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should will be provided access to a single stall restroom, but no student shall be required to use such a restroom.~~

**F. Locker Room Accessibility**

~~The use of locker rooms by transgender students shall be assessed on a case by case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should will have access to the locker room that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should will be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with~~

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~~a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.~~

### **G. Physical Education Classes & Intramural Sports**

~~Other Gender-Segregated Facilities or Activities:~~ As a general rule, in any other facilities or activities when students may be separated by gender, transgender students may participate in accordance with the gender identity consistently asserted at school. ~~Interscholastic athletics should be addressed through the NHIAA participation policy;~~

~~Article II, Section 21:~~

~~Transgender and gender non-conforming students shall will be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.~~

### **H. Interscholastic Competitive Sports Teams**

~~Transgender and gender non-conforming students will be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.~~

**Interscholastic athletic activities should be addressed through the NHIAA participation policy, ~~Article III, Section 5~~ Article II, Section 21.**

### **I. Dress Codes**

All students are required to meet the requirements in the dress code or school rules. Transgender students may dress in accordance to the gender which the student consistently asserts at school.

~~Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not~~

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~~adopt dress codes that restrict students' clothing or appearance on the basis of gender.~~

#### **J. Discrimination/Harassment**

It is the responsibility of each school and the District to ensure that transgender and gender non-conforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources, **see Gilford School Board Policy JBAA**. Complaints alleging discrimination, ~~or~~ harassment **or bullying** based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination, ~~or~~ harassment **or bullying** complaints. **Refer to policy AC, JBAA, and/or JICK.**

#### **IV. STAFF TRAINING**

1. The Superintendent and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as deemed appropriate.
2. Teachers and other staff who have responsibilities for a transgender student with a plan, as outlined in this policy, will receive support in implementing the plan.

**(Adopted:)**

*Sample policy. We do not have this policy*  
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## **EMPLOYEE USE OF DISTRICT ISSUED COMPUTERS & DEVICES**

The School Board recognizes the value and importance of a wide range of technologies for a well rounded education. The Gilford School District provides its faculty, employees, and administrative staff access to technology devices, software systems, network and Internet services to support research and education. The School Board expects the staff to blend thoughtful use of these educational avenues throughout the school experience and provide guidance and instruction to all students in the appropriate use of these resources. The District will provide ongoing professional development and access to information technologies to assist the staff in meeting the District's goals and instructional and skill level expectations. All components of technology use shall be used in ways that are legal, respectful of the rights of others, and protective of juveniles and that promote the educational objectives of Gilford School District.

Violation of this policy or these rules by faculty, employees, or administrative staff of Gilford School District may result in suspension and/or termination of access privileges, disciplinary action, and/or appropriate legal action.

~~This policy and the following rules also apply to district devices issued directly to staff (such as laptops, chromebooks, or other technology devices), whether in use at a school or off school premises. Employees are provided the use of district computers/devices to fulfill their job responsibilities.~~

### **Purpose**

The purpose of these rules is to encourage and promote appropriate knowledge, procedures, and use of the Gilford School District Technology, software systems, network, and Internet services. Specific responsible uses of the District technology include:

1. Purposes directly related to Gilford School District's mission, goals, and the employee's assigned tasks;
2. Professional development, training or education, or discussions related to the employees' job;
3. Research related to issues pertinent to Gilford School District or assigned task; and
4. Research related to new laws, procedures, policies, rules, or information that pertains to Gilford School District interests.

The Gilford School District's Employee Use of District Issued Computers, Devices and the Internet Policy

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(GBEF) applies to all employee's use of all district technology devices and systems accessed on or off school property. Each employee is responsible for his/her actions and activities involving Gilford School District computers/devices, software systems (ie. Google G Suite, Frontline and Student Information System), network and Internet services, and for his/her computer files, passwords, and accounts. These rules provide general guidance concerning the use of the Gilford School Districts computers/devices, software systems, network, and Internet services, and examples of prohibited uses. The rules do not attempt to describe every possible prohibited activity by employees.

Employees who have questions about whether a particular activity or use is prohibited are encouraged to contact a building administrator or the District's Director of Technology.

### **1. Access to District Computers/Devices and Responsible Use**

The level of employee access to computers/devices, software systems, network and Internet services is based upon specific job requirements and needs. Unauthorized access to secure areas of computers/devices, software systems, network, and Internet services is strictly prohibited.

Employees are expected to protect any confidential or sensitive information they can access from all district systems by logging off or locking systems while unattended. This includes personal devices used to access email, G Suite, district student information system and apps and extensions.

~~All School Board policies, school rules and expectations for professional conduct and communications apply when employees are using the Gilford School District's computers/devices, software systems, network and Internet services, whether in use at school or off school premises.~~

### **2. Prohibited Uses**

Examples of unacceptable uses which are expressly prohibited include, but are not limited to, the following:

- a. Any use that is illegal or which violates **this policy** GBEF, RSA 189:66 (Data Governance Manual / Procedures) and/or other Board policies/procedures or school rules, including harassing, discriminatory, threatening or bullying/cyberbullying communications and behavior; violations of copyright laws or software licenses; etc. The Gilford School District assumes no responsibility for illegal activities of employees while using school district computers/devices, software systems, network, and/or Internet services.
- b. Any attempt to access unauthorized websites or any attempt to disable or circumvent the Gilford School District's filtering/blocking technology. Employees who believe filtering should be disabled or made less restrictive for their own temporary, bona fide research or other lawful purposes should discuss the matter with the district technology IT staff or ISO.

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- c. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive, harmful to minors, or intended to appeal to unhealthy interests.
- d. Any communications with students or minors for non-school-related purposes.
- e. Downloading “apps” or using or encouraging students to use other online educational services without prior authorization from the Director of Technology or building administrator.
- f. Any use for private financial, commercial, advertising or solicitation purposes.
- g. Any sending of email or other messages to groups of school employees (except in the performance of their duties as school employees) without permission of the building administrator, Superintendent or IT Dept. Prohibited uses of the school’s message systems also include but are not necessarily limited to:
  - i. Solicitation of membership in any non-school-sponsored organization;
  - ii. Advocacy or expression by or on behalf of individuals or non-school-sponsored organizations or associations;
  - iii. Political or religious purposes;
  - iv. Raising funds for non-school-sponsored purposes, whether profit-making or
  - v. not-for-profit;
    - i. Selling articles or services of any kind, advertising or promoting any kind of business; or
    - ii. Any communications that represent an employee’s views as those of the Gilford School District or school in the district or that could be misinterpreted as such.
- h. Sending mass emails or messages to school users or outside parties for any purpose without the permission of the Director of Technology or building administrator.
- i. Sharing passwords or other login information (except with authorized school employees), using other users’ passwords and/or login information, accessing or using other users’ accounts; or attempting to circumvent network security systems.

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- j. Any malicious use, damage or disruption of the Gilford School District's computers/devices, software systems, network and Internet services; any breach of security features; any failure to report a security breach; or misuse of computer passwords or accounts (the employee's or those of other users).
- k. Any attempt to delete, erase or otherwise conceal any information stored on a district computer/device or district software system that violates these rules or other Board policies or school rules, or refusing to return computers/devices or related equipment to the employee upon request.

### **3. Access or Disclosure of Confidential Information**

Employees are expected to use appropriate judgement and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential, and is not disclosed, used or disseminated without proper authorization. Email messages and files should only be accessed by the intended recipient. The guidelines outlined in the Gilford School District Data Governance Manual must be followed at all times.

### **4. Employee/Substitute/Volunteer Responsibility to Supervise Student Computer/Device Use**

- a. Employees, substitute teachers and volunteers who use district computers/devices, software systems, networks, and Internet services with students for instructional purposes have a duty of care to supervise such use and to enforce the school district policies and rules concerning student computer/device and Internet use. When, in the course of their duties, employees, substitutes or volunteers become aware of a student violation or have a concern about student safety on the Internet, they are expected to stop the activity and inform the building administrator.
- b. Any allowed student use of interactive electronic communications must be reasonably monitored.

### **5. Compensation for Losses, Costs, and/or Damages**

An employee is responsible for compensating the Gilford School District for any losses, costs or damages incurred by the Gilford School District for violations of Board policies and school rules while the employee is using the district's computers/devices, software systems, networks, and/or Internet services, including the cost of investigating such violations. The Gilford School District

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assumes no responsibility for any unauthorized charges or costs incurred by an employee while using school district computers/devices.

## **6. Google G-Suite for Education**

The Gilford School District, at its discretion, creates Google G-Suite for Education accounts for eligible employees. Google G-Suite features will be enabled on a user-by-user-basis at the discretion of the Director of Technology. Use of the Google G-Suite is subject to Google's acceptable use policy (a copy of which is available to employees upon request from the Technology Department), as well as all other school district policies, procedures, and rules. Employees must, at all times, take reasonable measures to protect files and information in G-Suite, including, but not limited to, not sharing passwords or other login information, logging out of accounts when not in use, never attempting to access or accessing another user's account without permission, and being careful and purposeful when deciding whether to share access to information with other school district employees.

Specific exceptions to these rules that are consistent with Gilford School District's research and educational objectives may be proposed. Any requested exception must be submitted in writing with an explanation and justification of the exception and must be approved in advance by the Superintendent or designee.

## **7. Student Accounts – Websites, Apps & Extensions**

Due to the state law, RSA 189:66, Gilford School District has a new process for new online resources and a vetting process when evaluating new App/Online Tools for potential adoption. Only online apps/tools/extensions that are appropriate to meet the instructional goals, are well designed and meet the legal requirements to protect student privacy and data are approved for use by students. Staff must check the Approved list prior to creating accounts on websites or using apps/extensions with students.

### **Personal Use of District Technology and Systems**

- 8.** Gilford School District's computers/devices, software systems, network and Internet services are provided for purposes related to school programs and operations, and performance of employees' job responsibilities. Incidental personal use of district computers/devices is permitted as long as such use: 1) does not interfere with an employee's job responsibilities and performance, 2) does not interfere with system operations or other system users; and 3) does not violate this policy and

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9. the accompanying rules, or any other Board policy/procedure or school rules. Personal (other than incidental use), private or political business, including product endorsement or for financial gain, must be conducted elsewhere. “Incidental personal use” is defined as use by an individual employee for occasional personal communications which do not interfere or conflict with his/her job responsibilities. Use of district technology by other non-district employees (ie: family
10. members) is strictly prohibited.

Compliance with this policy and the accompanying rules concerning computers/devices, network, software systems and Internet services use is mandatory. All users will abide by proper electronic communication ethics and rules and user responsibilities as defined **in this policy. GBEF R.** An employee who violates this policy and/or any rules governing use of the Gilford School District’s computers/devices, software systems, network and/or Internet services shall be subject to disciplinary action, up to and including termination.

Illegal use of the Gilford School District’s computers/devices, network, software systems and Internet services will also result in referral to law enforcement.

### **No Expectation of Privacy**

The Gilford School District’s computers/devices, software systems, networks, and Internet services remain under the control, custody and supervision of the District at all times. The Gilford School District reserves the right to monitor all computer/device, email and Internet activity by employees, whether accessed on or off school premises. Employees have no expectation of privacy in their use of district computers/devices, software systems, networks and Internet services. All email messages or files on District software systems (local or cloud based), including files created by an employee, are the property of the Gilford School District, and the contents are subject to review at any time for any reason.

### **Notification of Policy and Rules**

Employees shall be informed of this policy and the accompanying rules through faculty handbooks, and/or other means selected by the Superintendent.

### **Implementation and Rules**

The Superintendent and his/her designee is responsible for implementing this policy and the accompanying rules. Additional administrative procedures or school rules governing the day-to-day management and operations of the Gilford School District’s computers/devices, software systems and network may be implemented, consistent with Board Policies and rules.

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*11-12-2019 Policy Committee*  
*12-2-2019 School Board 1<sup>st</sup> reading*

**Annual Acknowledgment and Consent Form For Faculty, Employees, and Administrative Staff**

I have read, understand and will abide by, the Employee Computer/Device and Internet Responsible Use rules. I understand that any violation of Gilford School District policies or the rules may result in suspension and/or termination of access privileges, disciplinary action, and/or appropriate legal action. Employees who have questions about compliance with Gilford School District requirements should contact the building administrator or the Director of Technology.

**(Adopted:    )**