A. Purpose

1. To establish guidelines to help maximize the responsible use of technology, and minimize the likelihood of illegal, unethical, or inappropriate use of technology that could harm Frederick County Public Schools (FCPS), its students, or its employees.

2. To establish procedures for possession and responsible use of FCPS-issued technology by students who are on or off school grounds or engaged in FCPS-sponsored activities.

B. Background

1. FCPS is committed to assisting students and staff in creating learning environments that provide access to digital learning opportunities that are age appropriate, instructionally sound and safe.

2. This Regulation aligns with the Student Code of Conduct, current practice, and use of an ever-expanding range of devices used by students on school grounds and/or at FCPS-sponsored activities to receive data via voice or text, take and share photos, record and watch videos, play games, and/or listen to music.

C. Definitions

1. "Digital Technology in FCPS" or "Technology" is defined to mean, but is not limited to:
   a. Hardware such as, but not limited to servers, computers, laptops, tablets, and other hardware, infrastructure, and peripherals;
   b. Software such as, but not limited to, operating systems, application software, mobile applications, and websites;
   c. Physical media such as, but not limited to, flash drives, external drives, and printed materials;
   d. Data such as, but not limited to, locally stored and online documents, emails, instant messages, voicemails, passwords, database records, and files;
   e. Accounts such as, but not limited to, internally or externally accessed accounts, applications, tools, websites, databases, email, websites, social media, cloud services, and mobile applications;
   f. Communication such as, but not limited to, internet, LAN, WAN, Wi-Fi, telecommunications, and cellular; and
   g. New technologies as they become available.

2. "FCPS-Issued Technology" is defined to mean technology tools provided to students by FCPS for use to fully access the prescribed instructional program aligned to the educational mission of FCPS.

3. "FCPS-Sponsored Activity" is defined to mean any FCPS or school-sponsored activity or

event, on or off school property, in which a student participates or attends, including, but not limited to, a field trip, athletic event, or graduation activity.

4. "School Property" or "School Grounds" is defined to mean any school, including a charter school, or other FCPS facility, including grounds owned or operated by FCPS, FCPS buses and other FCPS vehicles, chartered vehicles, and the facility and/or grounds of any FCPS-sponsored activity involving students.

5. "Social Media Platform" is defined as an internet-based application, website, or digital service that enables users to create, share, or view content or to interact with other users through profiles, accounts, feeds, messaging, comments, reactions, or similar social features, and that is primarily designed to facilitate social interaction, user-generated content, or content distribution to a broad or semi-public audience.

6. "Student Day" is defined to mean the time students are scheduled to arrive to start the day and the designated dismissal time to end the day, including the instructional times for students attending extended day and extended year instructional programs.

D. Procedures

1. **Technology Access**
   a. When educational and/or instructional activities within FCPS require the use of technology to align with the educational mission of FCPS, the school system ensures that students have access to the necessary digital tools.
      i. Elementary students are provided with a digital device for use in school.
      ii. Middle and high school students are provided with a digital device for use at school and home.
   b. Technology access and use will occur in a responsible manner as described in the Student Code of Conduct.
   c. FCPS-issued technology must be used for educational purposes and returned in good condition when requested to do so.
   d. The destruction or theft of technology as the result of negligence or misuse will be the financial responsibility of the responsible individual(s).
   e. Violations of this Regulation may result in discipline in accordance with the Student Code of Conduct which may include confiscation and/or denial of access to FCPS-issued technology.

2. **Compliance with Legal Requirements**
   a. FCPS adheres to the requirements of the Children's Internet Protection Act (CIPA) as well as all other applicable federal, state, and local laws, regulations, and policies. When utilizing FCPS-issued technology, internet access is filtered or blocked as required by CIPA.
   b. Data created or stored on technology covered under this Regulation are the property of FCPS. The school system may monitor, audit, and review all accounts, files, and communications to ensure that students are using technology responsibly and in accordance with Board policies and FCPS regulations, and federal, state, and local

laws, regulations, and policies.

3. **Privacy.** Students should not expect that files or electronic communication will be private, including internet access points.

4. **Student Instruction in Responsible Use of Technology.** All students who have access to using FCPS-issued technology will be informed about responsible technology use expectations detailed in this Regulation and the Student Code of Conduct. Such instruction will include:
   a. Expectations when using technology, as outlined in section D(5) below;
   b. Privacy guidelines;
   c. Copyright laws;
   d. Locating and using appropriate digital resource; and.
   e. Determining the validity of digital resources.

5. **Student Responsibilities.** To ensure the responsible use of technology in FCPS, all students are expected to:
   a. Use technology in an ethical, responsible, and legal manner for school-related purposes only.
   b. Be responsible for their behavior when using technology and for all actions taken under their accounts.
   c. Show respect to themselves and others when using technology.
   d. Adhere to the provisions of the Student Code of Conduct and all other applicable Board policies and FCPS regulations.
   e. Immediately report inappropriate uses of technology to a teacher or an administrator.
   f. Keep data private:
      i. Keep personal information (such as phone numbers, mailing address, passwords) and that of others private.
      ii. Never divulge passwords, or otherwise allow access, to their accounts to anyone. Students are required to disclose system, account, or file-level passwords upon request of a teacher or school administrator.
   g. Never make their FCPS digital work publicly accessible without approval from staff.
   h. Be responsible for taking reasonable measure to prevent theft, loss, or damage to FCPS-issued technology.
   i. Never access the accounts of others.
   j. Never circumvent or disable filtering or other technology protection measures put in place by FCPS.
   k. Never use technology while on school grounds or at FCPS-sponsored activities in a manner that violates this Regulation or the Student Code of Conduct. Examples of violations may include, but are not limited to:
      i. Accessing or using a social media platform during the academic school day.
      ii. Racism, as outlined in Board Policy 117, *Anti-Racism*.
      iii. Engaging in bullying harassment, or intimidation, as outlined in Board Policy 437, *Bullying/Harassment/ Intimidation*.
      iv. Engaging in sexual harassment, as outlined in Board Policy 116, *Title IX Sexual Harassment*.

v. Denigration or defamation of character.
vi. Jeopardizing the safety of others.
vii. Offensive, rude, threatening, or discriminatory behavior.
viii. Accessing or distributing pornographic material.
ix. Spreading gossip and/or rumors.
x. Knowingly spreading viruses, worms, or any other malicious files.
xi. Violating copyright laws.
xii. Installing or using unauthorized software.
xiii. Accessing another individual's accounts, materials, information, or files without authorization.
xiv. Unauthorized entry (*e.g.*, hacking).
xv. Advertising commercial products or services.
xvi. Sending mass unsolicited communications.
xvii. Engaging in activities for personal gain or profit.
xviii. Vandalizing, damaging, or disabling FCPS-issued technology.
xix. Audio or video recording of lectures or school activities without permission from FCPS.
xx. Posting pictures, audio, or video of lectures or school activities to the internet/social media without permission of FCPS.
xxi. Allowing others to use technology covered under a program without authorization.

6. **Internet Access and Use**
   a. **Elementary School Students.** Elementary students may only access internet sites that have been pre-screened and assigned by FCPS staff.
   b. **Secondary School Students.** Secondary students may access the internet as needed for educational purposes.
   c. In instructional settings, adult supervision is required to adequately monitor student activities on the internet.
   d. Staff members assigning internet use will ensure that such activities are: applicable to the curricular needs; and developmentally appropriate for the participating students.
   e. FCPS uses filtering and other technological measures to limit student access to harmful internet sites. Access through private cellular networks does not provide the same measures of filtering, therefore, while on school grounds, students must use the FCPS network (*i.e.*, not private cellular networks).
   f. Students are prohibited from accessing or using a social media platform during the academic school day.

7. **Home and Hospital Teaching (HHT) Services.** Students who are accessing HHT services under FCPS Regulation 417-01, *Interim Instructional Services: Home and Hospital Teaching Program*, may access the classroom using remote classroom technology only under the following conditions:
   a. Appropriate training on the use of remote technology has occurred.
   b. Permission to record is obtained by both the teacher and parent of all students in the classroom.
   c. The device does not disrupt instruction.

8. **Disciplinary Investigations**
    a. Students are required to give temporary possession of their FCPS-issued technology to a school administrator when they are involved in a student disciplinary investigation.
    b. The school administrator will provide a receipt to the student when taking temporary possession of the student's FCPS-issued technology and shall notify the student's parent(s) that the device(s) has been taken into school custody.
    c. The school administrator will ensure that the student's FCPS-issued technology is held in a secure location until it is returned to the student.
    d. Upon the return of the device(s) to the student, the student and/or their parent(s) will acknowledge in writing that the device(s) has been returned.
    e. When student disciplinary investigations lead to searches and seizures on school property that involve FCPS-issued technology, these searches and seizures will take place in accordance with Section 7-308 of the Maryland Annotated Code and FCPS Regulation 400-59, *Search and Seizure, Arrests, and Questioning of Students*.

9. **Consequences of Violations**
    a. FCPS staff will utilize the Student Code of Conduct to address student misconduct related to technology use. Discipline may include loss of access to resources covered under this Regulation.
    b. In addition, FCPS reserves the right to report any suspected illegal activities to the appropriate authorities.

10. **Liability**
    a. FCPS will not guarantee accuracy, quality, confidentiality, or availability of technology and will not be responsible for any technology that may be lost, damaged, or unavailable.
    b. Although FCPS filters internet content to comply with CIPA, FCPS cannot completely control or censor illegal, defamatory, inaccurate, or potentially offensive materials, which may be available to users of technology.
    c. FCPS and its employees are not responsible for any use of FCPS-issued technology that violate this Regulation.

E. Related Information

1. **Board Policy**
    a. Policy 115, *Responsible Use of Social Media* (https://apps.fcps.org/legal/documents/115)
    b. Policy 116, *Title IX Sexual Harassment* (https://apps.fcps.org/legal/documents/116)
    c. Policy 117, *Anti-Racism* (https://apps.fcps.org/legal/documents/117)
    d. Policy 403, *Student Discipline* (https://apps.fcps.org/legal/documents/403)
    e. Policy 404, *Student Rights and Responsibilities* (https://apps.fcps.org/legal/documents/404)
    f. Policy 437, *Bullying/Harassment/Intimidation*

(https://apps.fcps.org/legal/documents/437)

2. **Code of Maryland Regulations (COMAR)**
   a. COMAR 13A.05.01, *Provision of a Free Appropriate Public Education* (https://fcps-md.info/COMAR_13A-05-01)
   b. COMAR 13A.05.02.13, *Local Public Agency Administration* (https://fcps-md.info/COMAR_13A-05-02-13)

3. **FCPS Regulations**
   a. Regulation 100-08, *Responsible Use of Social Media* (https://apps.fcps.org/legal/documents/100-08)
   b. Regulation 400-59, *Search and Seizure, Arrests and Questioning of Students* (https://apps.fcps.org/legal/documents/400-59)
   c. Regulation 400-66, *Section 504 of the Rehabilitation Act of 1973* (https://apps.fcps.org/legal/documents/400-66)
   d. Regulation 400-75, *Restitution for Damage to School Property* (https://apps.fcps.org/legal/documents/400-75)
   e. Regulation 403-01, *Student Discipline* (https://apps.fcps.org/legal/documents/403-01)
   f. Regulation 417-01, *Interim Instructional Services: Home and Hospital Teaching Program* (https://apps.fcps.org/legal/documents/417-01)
   g. Regulation 500-29, *Copyright* (https://apps.fcps.org/legal/documents/500-29)
   h. Regulation 508-01, *Special Education and Related Services for Students Enrolled by Their Parents in Private Schools or Home Schooled/Instruction* (https://apps.fcps.org/legal/documents/508-01)

4. **FCPS Resources**
   a. FCPS / Academics / Digital Learning Experience / Digital Citizenship (https://www.fcps.org/academics/digital_learning_experience/digital_citizenship)
   b. FCPS / Families & Students / Student Code of Conduct (https://www.fcps.org/families_students/student_code_of_conduct)
   c. **Forms**
      i. Electronic Device Usage Agreement (https://apps.fcps.org/forms/parents-students-technology/305)

5. **Federal Law**
   a. Children's Online Privacy Protection Act (COPPA), 15 USC § 6501, *et seq.* (https://fcps-md.info/COPPA_15_USC_6501)
   b. Electronic Communications Privacy Act (ECPA) (https://fcps-md.info/ECPA)
   c. Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232(g) (https://fcps-md.info/FERPA_20_USC_1232g)
   d. Individuals with Disabilities Education Act (IDEA), 20 USC § 1400, *et seq.* (https://fcps-md.info/IDEA_20_USC_1400)
   e. Section 508 of the Rehabilitation Act (1998), 29 USC § 794d

(https://fcps-md.info/Section_508_29_USC_794d)

f. Title XVII, Children's Internet Protection Act (CIPA) 47 USC §§ 254(h), (l) (https://fcps-md.info/CIPA_47_USC_254h_254l)

6. **Maryland Statutes**
   a. Md. Code Ann., Crim. Law § 3-805 (https://fcps-md.info/MD_Crim_Code_3-805)
   b. Md. Code Ann., Cts. & Jud. Pro. § 10-402 (https://fcps-md.info/MD_Cts_Jud_Code_10-402)
   c. Md. Code Ann., Educ. § 4-131 (https://fcps-md.info/MD_Educ_Code_4-131)
   d. Md. Code Ann., Educ. § 7-308 (https://fcps-md.info/MD_Educ_Code_7-308)

F. Regulation History (Maintained by Legal Services)

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