

These administrative regulations outline the process and standards for review, approval, selection, and proper use of online services for use in the Allegany County Public Schools (ACPS) system.

I. General Provisions

- A. All use of online services shall be consistent with the mission and objectives of ACPS and shall comply with established ACPS policies, procedures and federal, state and local laws and regulations.
- B. ACPS reserves the right to monitor, inspect, copy, review, and store any student use of online services without advance notice or consent.
- C. ACPS shall not be responsible for any claims, losses, damages or costs (including attorney's fees) of any kind suffered, directly or indirectly, by any user or his or her parent(s) or guardian(s) arising out of the user's use of online services or ACPS's computer networks or the Internet under this policy.
- D. All users and parent/guardian must agree to cooperate with ACPS in the event of an investigation into alleged improper use of an online educational service, ACPS network or the Internet, whether that use is on an ACPS device or a personally owned device.
- E. Any online service that requires the submission of student personally identifiable information and/or acceptance of a user agreement must be approved by the Information Technology Department prior to use.

II. Student Data

- A. Employees shall follow applicable state and federal laws related to student privacy in the collection of student data.
- B. No employee or contracted third party may claim ownership rights, property rights, or the copyright to student work product or relinquish any of these rights to a party acting for or on behalf of the school system.
- C. Third-party vendors who collect student data shall provide assurances guaranteeing compliance with Md. Education code ann. § 4-131.

III. ACPS Information Technology Department Duties (IT)

- A. IT shall review and approve any online services that require the submission of personally identifiable information and/or acceptance of a user agreement.
- B. IT shall create, distribute, and maintain procedures for requesting, approving and communicating the use of online tools based on technical, instructional and legal standards. At a minimum, requests for use must explain how the online service will be used with students, and must contain a web-link to the desired tools for review by IT. IT may consult with legal counsel as needed.
- C. Procedures shall be consistent with guidance issued by the United States Department of Education's Privacy Technical Assistance Center in its "Protecting Student Privacy While Using Online Educational Services: Model Terms of Service" guidance, which can be accessed at the following link: <http://ptac.ed.gov/document/protecting-student-privacy-while-using-online-educational-services-model-terms-service>. IT may also consult with other resources when developing internal procedures.

- D. IT's internal procedures shall have in place management, operational, and technical security controls to protect the school system from a breach of student data. These procedures shall include, but not be limited to a provision in the agreement with the vendor which includes:
 - 1. A prohibition against the vendor's secondary use of student data including sales, marketing or advertising;
 - 2. A prohibition against the vendor's modification of the contract without advanced notice and consent;
 - 3. A requirement that the vendor limit data collection and use for the purpose of fulfilling its duties as outlined in the user agreement;
 - 4. A prohibition against mining data for any purposes other than those stated in the agreement;
 - 5. A requirement that the vendor have in place management, operational, and technical security controls in accordance with industry best practice to protect from a data breach;
 - 6. A requirement that the vendor has limited, nonexclusive license to ACPS, student intellectual property, content, and data for the sole purpose of performing its obligations as outlined in the agreement; and
 - 7. A requirement that the vendor agree to comply with all applicable state and federal law.
 - 8. A requirement that the vendor agrees to save and hold harmless ACPS for any harm occasioned by a breach of security concerning PII.
- E. IT shall communicate procedures for requesting the use of online services, conditions for approval, and proper use to appropriate staff.
- F. IT shall assist staff in identifying and accessing new technology resources in a manner that provides a safe and secure learning environment.

IV. ACPS Teachers/Staff/Administrators

- A. Classroom teachers must issue a parent/guardian approval letter to students for a parent/guardian signature when required by the user agreements or applicable law. ACPS may issue a consent form that encompasses any number of approved online educational services. In the event a parent/guardian does not consent to their student's use of an online educational service, the parent/guardian may request that an alternative classroom resource be made available to the student.
- B. Classroom teachers must model and demonstrate proper use of any online educational services and monitor student use during classroom instruction.
- C. Classroom teachers shall inform students that electronic files and communications, including posts on any online educational service provided by the school system are not private and may be accessed by ACPS to ensure proper use.
- D. Staff who utilize online services which require student PII should annually indicate their understanding of this policy and these regulations before utilizing such online services.

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