



Legally Speaking

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Using Electronic Resources

By Judy Ambler, Supervisor of Instructional Technology and Tom Wittmer, Assistant School Board Attorney

Computers, copiers and FAX machines. Have you ever been unsure about what is the responsible way to use this kind of equipment in the workplace? The Board developed a policy on acceptable network and Internet use for students in 1997 (See **Policy 7.30**, *Network/Internet Acceptable Use Agreement*). Now the School Board has adopted **Policy 7.33**, *Use of Electronic Resources*, to give guidance for employees on how to use electronic resources.

The term "electronic resources" covers computers, networks, software, Internet access, copiers and FAX machines. Electronic resources cost money for equipment, hardware, software and support. The School Board provides these resources to support the educational mission of the district, to enhance learning opportunities for students and staff members, and to conduct district business. Some employees have asked questions about non-school-related use. For example, can you use your district computer to send personal e-mail, check your eBay account or write letters for your relative's business?



What is an acceptable use? The policy states that electronic resources generally are intended for school-related purposes and performance of job duties, and also that the use should be consistent with the district's strategic directions and goals. Ask yourself, is this related to the job I do? The primary purpose of the district investment in technology is to help you do your job more efficiently and effectively.

Is it a violation of policy to send an occasional personal e-mail message? **Policy 7.33** states that incidental personal use is permissible if it does not interfere with your job duties, with system operations or other system users. Just as you might make an occasional phone call to your home or doctor, it is acceptable to



Mission Statement

The mission of the School Board Attorney's Office is to provide the highest quality legal services to the Pinellas County School Board and district by ensuring timely and accurate legal advice and effective representation on all legal matters.

Please Refer to the article in Volume I, Issue 2, Religion in the Classroom, for answers to questions regarding holiday displays and programs.

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What's So Special About Special Ed.?

Part IV-What Students Are Eligible for Special Ed Services, And How Do We Determine Eligibility?

By Marcia MacKenzie, Supervisor, Exceptional Student Education Compliance,
and John W. Bowen, School Board Attorney

While all students are special, not all students are eligible for special education services under the Individuals with Disabilities Education Act (IDEA). To be eligible for special education services, a student must fall within one or more of the enumerated categories of disabilities listed in IDEA *and because of the disability be in need of some type of special education and related services*. The disabilities listed in the Act include the following:

- mental retardation
- hearing impairment
- speech or language impairment
- visual impairment
- serious emotional disturbance
- orthopedic impairment
- autism
- traumatic brain injury
- other health impairment
- specific learning disability
- deaf-blindness

There are 20,225 students in Pinellas County who have been identified as having one or more of these disabilities. That is 18.055% of the total kindergarten through 12th grade population of 112,018 students. Students with specific learning disabilities (SLD) are the largest group of students with disabilities with a little more than 46% of the 20,225 students. The next largest group is speech impaired with just less than 15%, followed by serious emotional disturbance with 11%, language impaired at 6% and educable mentally handicapped (referred to as "retarded" in IDEA) at 6% of the total population of students with disabilities.

The school district cannot just assign a child to a special edu-

cation program because the district or the parents believe that the child might have one of the listed disabilities. Placement in a special education program begins with a screening process when someone suspects that a child could benefit from additional education services. This screening may be initiated by the parents, school personnel or community agencies that may be providing services to the family. A formal vision, hearing and speech/language screening will be conducted.

A child study team at the school will meet with the parents to review all available information concerning the child and may recommend different things for the teacher to try before moving forward with a formal evaluation. If those interventions do not work then the child study team will meet with the parents and request permission to conduct a formal evaluation. Parental



permission is required before any evaluation or reevaluation.

Tests and other evaluation materials used to assess the child are required to be racially and culturally nondiscriminatory and must be administered in the child's native language or other mode of communication if possible. No single test or procedure can be used to determine

if a child has a disability. The district must use a variety of assessment tools and strategies, including information provided by the parent and information related to the child's participation and progress in the general curriculum. Any standardized test used in the evaluation must have been validated for the specific purpose for which it is used and the test must be administered by trained and knowledgeable personnel. A "validated test" means there is documentation establishing that the test measures what it claims to measure.

Once the evaluation is completed, a group of qualified professionals will meet with the parents to conduct an eligibility staffing and make a determination of whether the child is a child with a disability who, because of the disability, needs special education and related services. If the result of the evaluation is a determination that the child is eligible for special education and related services, then the child is entitled to the protections of IDEA. Thereafter, IDEA requires reevaluations at least every three years, when conditions warrant or when the parent or teacher requests one.

In our next issue we will talk about the requirements under IDEA for a written individualized education program (IEP) for each child with a disability. ■

The school district cannot just assign a child to a special education program because the district or the parents believe that the child might have one of the listed disabilities.





Caveat Emptor

Going on a spring break or graduation trip?

By Stefanie Vargosko, Law Student Intern

This issue's Latin lesson translates to "let the buyer beware." As the school year reaches the half-way point, many students are looking forward to a spring break or graduation trip. Unfortunately, that enthusiasm makes students prime targets for travel scams that have resulted in unexpected downgrades in hotels, lack of rooms, numerous additional charges and, at worst, the loss of deposits because the company has gone out of business.

Please remember that Pinellas County Schools does not sponsor or endorse any spring break or graduation trips.

Students and their families considering travel should protect themselves when signing up for a trip. Consult with a local, reputable

travel agent. Legitimate agents belong to professional associations such as the International Airlines Travel Agent Network (IATAN), the American Society of Travel Agents (ASTA) or the National Tour Association (NTA). In fact, ASTA and NTA advise not booking a trip with a company that sells directly through student representatives (often via on-campus solicitation). Before making a deposit, request all information in writing and do not make any payments without knowing the details of your itinerary. Pay by credit card, as it will offer the most protection against fraud.

The Better Business Bureau is a good source for researching complaints lodged against a particular operation. The phone number for the central Florida office is (408) 621-3300 or a report can be ob-

tained online at www.bbb.org.

For additional information on trip scams, visit:

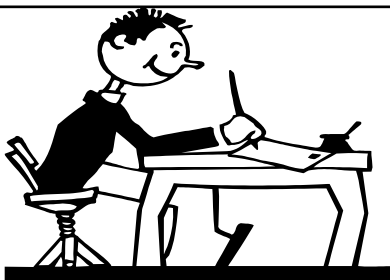
- www.ftc.gov/bcp/online/pubs/alerts/brakalrt.htm
- www.springbreaktravel.com/sbt/info/scam.asp
- www.icta.com/pressrm/C12502.htm
- www.s-t.com/daily/02-99/02-21-99/e10he187.htm.

While the emphasis is on spring break, both student and adult travelers can benefit from the information contained in these websites (although this is not an endorsement of the companies mentioned in the sites). ■



Dear John ...

Q. At a recent training session with assistant principals, you indicated that teachers need to get written approval from parents to display a student's classwork in classrooms or elsewhere. Would you please explain?



might violate that student's right of privacy.

ing to the release of their child's records. In all likelihood, parents are not going to object to the displaying of their child's commendable work. Next year we will recommend that the Board add language to the parents' written acknowledgment that they have reviewed the Code of Student Conduct that authorizes the public display of exemplary work by the student.

Even without such a form, the parents' only remedy is to sue for an injunction to stop the unauthorized public display of their child's work or file a complaint with the United States Department of Education. Before taking either course of action, a parent is likely to complain directly to the school or teacher at which time the school or teacher can take corrective action to stop displaying the child's work. ■

A. Under the Family Educational Rights and Privacy Act (FERPA) and the corresponding Florida statute, public school students have a right of privacy with respect to their student records. The definition of student records includes "academic work completed" so displaying a student's graded classwork or homework on the classroom wall technically

In this district, the definition of "directory information" — the release of which is permitted without parental consent — includes "academic work intended for publication or display." This means that student work created with the intention for its display may be displayed or released, unless a parent has objected in writing ([Policy 4.31, Annual Notification of Rights Concerning Educational Records](#)). If the student work was not intended for display, parents still may agree in writ-

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Did you know that you can access all past issues of *Legally Speaking* on the **Intranet**, **Internet** and on **PLACES**?



On PLACES:

Click on the Offices Folder

Click on Attorney's Office

Click on the *Legally Speaking* Folder at the top of the page.

On the INTRANET:

Click on Attorney's Office

On the INTERNET:

www.pinellas.k12.fl.us/attorney/

At all of these sites you will find individual issues of *Legally Speaking*. **There is also a combined file with all of the issues from Volumes I and II conveniently hyperlinked through a subject index.**

For Example:

Click on the Combined Index Hyperlink

Scroll down to Special Education

Choose an article - click on the reference - this will automatically take you to that specific article. ■

Using Electronic Resources

(Continued from page 1)

send a personal e-mail or check an Internet site when you are on a break or before or after the work day.

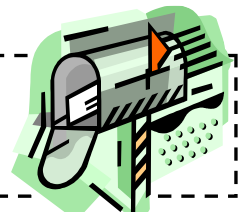
What is an unacceptable use? For example, listening to Internet radio stations, streaming video or downloading movies that are not work-related could interfere with the performance of the district network and affect other system users. That would constitute unacceptable use. The policy states an expectation that behavior and communications will be professional, and it lists a number of unacceptable uses, such as communications that are illegal, harassing, sexually explicit, inappropriate for students, in support of a private commercial venture or threatening violence.

It should be obvious that downloading pornographic material on district computers *at school or at home* is unacceptable. Employees cannot use district computers or other resources to write letters or e-mails to support a personal business, perform bookkeeping functions or store client databases. Electronic resources may not be used as a forum to communicate an individual's personal, political or religious views, or to represent such views as those of the district.

It is important to remember that employees do not have an expectancy of privacy in using electronic resources. Any information created, stored or sent on electronic resources may be subject to Florida's public records law. Recently, local newspapers have requested copies of all e-mails stored on a public employee's computer. Whether all information on a publicly owned computer is a public record soon will be decided by the Florida Supreme Court.

Electronic resources are important tools for today's learning and work environments, and everyone can do a better job by using those tools properly. If you have a question about a particular use of electronic resources, ask your site administrator for guidance. All employees who use electronic resources should be familiar with **Policy 7.33, Use of Electronic Resources**. ■

Please send comments or suggestions for future articles to Melanie Davis at davisme@pinellas.k12.fl.us.



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AND

OFFICE OF PROFESSIONAL STANDARDS

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