

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

PARENTS, FAMILIES, AND FRIENDS)
OF LESBIANS AND GAYS, INC., et al,)
)
Plaintiffs,)
)
v.)
)
CAMDENTON R-III SCHOOL)
DISTRICT, et al.,)
)
Defendants.)

Case No. 2:11-cv-04212

AFFIDAVIT OF TIMOTHY E. HADFIELD

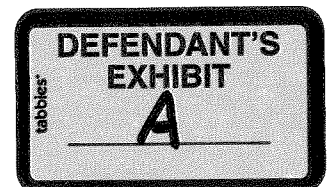
Before me, the undersigned authority, on this date personally appeared Timothy E. Hadfield, who being by me duly sworn on oath did depose and state as follows:

1. My name is Timothy E. Hadfield. I am over the age of eighteen and competent to make this Affidavit. I am not suffering from any mental disabilities and/or suffering from any conditions that would prevent me from providing true and accurate facts as set forth in this Affidavit.

2. The content of this Affidavit is based on first-hand information and my own personal knowledge and belief.

3. I have been employed by the Camdenton R-III School District since the 2007-2008 school year.

4. I have been the Superintendent of the Camdenton R-III School District since the 2010-2011 school year.



5. In order to comply with Children's Internet Protection Act, the District blocks certain categories of web material through the use of customized Internet filtering software.

6. One of the categories which the District blocks is web material that falls under the category of "sexuality".

7. The "sexuality" filter is intended to capture inappropriate material not captured by the District's filters which block "pornography" and "adult material."

8. The District does not block the categories of "LGBT", "Gay or Lesbian or Bisexual Interest," "Alternative Lifestyles", or "Social Issues".

9. Websites which support LGBT rights and provide information such as <http://gayrights.change.org>, <http://www.aclu.org/lgbt-rights>, <http://lgbtweekly.com>, <http://lgbt.wisc.edu>, www.itgetsbetter.org, among many others are not blocked by the District and are currently accessible to District students.

10. Since I have been employed with the District, the District has had a procedure in place which allows students to make an anonymous electronic request that a website which has been blocked by the Internet filter be unblocked for access by District students and employees.

11. The District's process for requesting access to blocked websites has been used, and used by me personally, and websites have been unblocked for access by District students and employees as a result of these requests.

12. On November 12, 2008, it was requested that the following website be unblocked: www.rainbowdomesticviolence.itgo.com. This website was unblocked and is currently unblocked and remains available to District students.

13. On August 30, 2011, the District's Board of Education revised its Board Policies to clarify District practices and to provide alternative avenues for District students and

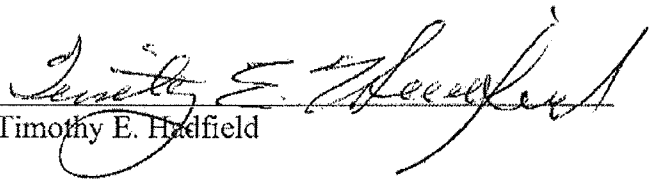
employees to make requests for access to particular websites and a right to appeal decisions regarding blocked material. See action of the Board of Education attached hereto as **Exhibit 1** and Board Policies EHB-AP and IIAC-R attached hereto as **Exhibit 2**.

14. Campus Pride's website at www.campuspride.org, is not blocked by the District.

15. When the ACLU wrote a letter to the District noting that student access to the websites for: GSA Network, GLSEN, Day of Silence, and the Trevor Project were blocked, the District unblocked these websites without delay. These websites remain unblocked and are currently accessible to District students and employees.

I swear that the preceding paragraphs are true and accurate to the best of my knowledge, information and belief.

Further Affiant sayeth not.


Timothy E. Hadfield

Subscribed and sworn to before me this 24th day of September, 2011.


Notary Public

My commission expires: 9/26/2013



DONNA WILLCUT
My Commission Expires
September 26, 2013
Camden County
Commission #09773027

**CAMDENTON R-III SCHOOL DISTRICT
MINUTES OF BOARD OF EDUCATION MEETING**

**Special Meeting – Administration Building, Board Room
August 30, 2011 – 4:30 p.m.**

Present:

Nancy A. Masterson	President	Tim Hadfield	Superintendent
Chris C. McElyea	Vice-President	Roma Lee France	Assistant Superintendent
Randy M. Dickerson	Treasurer	Dr. Jim Rich	Assistant Superintendent
John L. Beckett	Member	Linda Leu	Secretary
Jim Besancenez	Member		
Selynn Barbour	Member		

Absent:

Jackie Schulte

I. CALL TO ORDER & RECITE PLEDGE OF ALLEGIANCE

The Camdenton R-III Board of Education met in Special Session in the Board Room of the Administration Building on Tuesday, August 30, 2011. The meeting was called to order by President Masterson at 4:30 p.m. The pledge of allegiance was recited.

II. APPROVAL OF AGENDA

Special Meeting – August 30, 2011

Motion: Move to approve the agenda of the special meeting of August 30, 2011, as presented.
Besancenez/McElyea - all ayes.

III. EXECUTIVE SESSION

In compliance with State Statute 610.021 (closed meetings and closed records), move that the Board go into Executive Session for the following purpose:

- 1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys (610.021)(1).

Motion: Move to adjourn to Executive Session.

Besancenez/Beckett - Roll call vote: Besancenez – aye, Dickerson – aye, Masterson – aye, McElyea – aye, Barbour – aye, and Beckett - aye.

IV. PUBLIC COMMENT

Thirteen District patrons spoke during the Public Comment section regarding the District's internet usage policies, regulations, and procedures.

V. PROPOSED REVISIONS OF BOARD POLICIES

Draft IIAC-R - Instructional Media Centers/School Libraries/Internet Access
Draft EHB-AP - Technology Usage
Draft KLB-AP - Public Questions, Comments or Concerns Regarding District Instructional/Media/Library Materials/Internet Access

The Board reviewed additions of wording to an existing regulation and two procedures which articulate the District's practices that have been in place for a number of years.



Motion: Move that the Board of Education re-visit IIAC-R (Instructional Media Centers/School Libraries/Internet Access), EHB-AP (Technology Usage), and KLB-AP (Public Questions, Comments or Concerns Regarding District Instructional/Media/Library Materials/Internet Access) and hold a public forum, then take under advisement what the general population would like to see in these policies and procedures.

Beckett/Besancenez – all ayes.

Motion: Move to approve IIAC-R (Instructional Media Centers/School Libraries/Internet Access), EHB-AP (Technology Usage), and KLB-AP (Public Questions, Comments or Concerns Regarding District Instructional/Media/Library Materials/Internet Access) as presented.

Dickerson/McElyea – all ayes.

VI. ADJOURN MEETING

Motion: Move that the meeting adjourn.

Beckett/Dickerson - all ayes.

Meeting adjourned at 6:51 p.m.

Nancy A. Masterson - President of the Board

Linda Leu – Secretary of the Board

TECHNOLOGY USAGE
(Technology Safety)

Student Users

No student will be given access to the district's technology resources until the district receives *User Agreements* signed by the student and the student's parent/guardian. Students who are 18 or who are otherwise able to enter into an enforceable contract may sign the *User Agreement* without additional signatures.

Employee Users

No employee will be given access to the district's technology resources before the district has a signed *User Agreement* on file. Authorized employees may use the district's technology resources for reasonable, incidental personal purposes as long as the use does not violate any provision of district policies or procedures, hinder the use of the district's technology resources for the benefit of its students or waste district resources. Any use that jeopardizes the safety, security or usefulness of the district's technology resources or interferes with the effective and professional performance of the employee's job is considered unreasonable. Unless authorized by the district, employees may not access, view, display, store, print or disseminate information using district technology resources that students or other users could not access, view, display, store, print or disseminate.

External Users

Consultants, legal counsel, independent contractors and other persons having professional business with the district may be granted user privileges at the discretion of the superintendent or designee, subject to completion of a *User Agreement* and for the sole, limited purpose of conducting business with the school. External users must abide by all laws, district policies and procedures.

General Rules and Responsibilities

The following rules and responsibilities will apply to all users of the district's technology resources:

1. Applying for a user ID under false pretenses or using another person's ID or password is prohibited.
2. Sharing user IDs or passwords with others is prohibited, and users will be responsible for using the ID or password. A user will not be responsible for theft of passwords and IDs, but may be responsible if the theft was the result of user negligence.
3. Deleting, examining, copying or modifying files or data belonging to other users without their prior consent is prohibited.
4. Mass consumption of technology resources that inhibits use by others is prohibited.
5. Use of district technology for soliciting, advertising, fundraising, commercial purposes or financial gain is prohibited, unless authorized by the district.
6. Accessing fee services without permission from an administrator is prohibited. A user who accesses such services without permission is solely responsible for all charges incurred.
7. Users are required to obey all laws, including criminal, copyright, privacy, defamation and obscenity laws. The school district will render all reasonable assistance to local, state or federal officials for the investigation and prosecution of persons using district technology in violation of any law.
8. The district prohibits the use of district technology resources to access, view or disseminate information that is pornographic, obscene, child pornography, harmful to minors, obscene to minors, libelous, pervasively indecent or vulgar, or advertising any product or service not permitted to minors.



9. Accessing, viewing or disseminating information on any product or service not permitted to minors is prohibited unless under the direction and supervision of district staff for curriculum-related purposes.
10. The district prohibits the use of district technology resources to access, view or disseminate information that constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religion or ethnic origin); presents a clear and present likelihood that, because of their content or their manner of distribution, they will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities; or will cause the commission of unlawful acts or the violation of lawful district policies and procedures.
11. The district prohibits any use that violates any person's rights under applicable laws, and specifically prohibits any use that has the purpose or effect of discriminating or harassing any person on the basis of race, color, religion, sex, national origin, ancestry, disability, age, pregnancy or use of leave protected by the Family and Medical Leave Act.
12. The district prohibits any unauthorized intentional or negligent action that damages or disrupts technology, alters its normal performance or causes it to malfunction. The district will hold users responsible for such damage and will seek both criminal and civil remedies, as necessary.
13. Users may only install and use properly licensed software, audio or video media purchased by the district or approved for use by the district and users must have written permission from the superintendent or designee for such installation and use. All users will adhere to the limitations of the district's technology licenses. Copying for home use is prohibited unless permitted by the district's license and approved by the district.
14. At no time will district technology or software be removed from the district premises, unless authorized by the district.
15. All users will use the district's property as it was intended. Technology resources will not be moved or relocated without permission from the superintendent or designee. All users will be held accountable for any damage they cause to district technology resources.

Technology Security and Unauthorized Access

1. All users shall immediately report any security problems or misuse of the district's technology resources to a teacher or administrator.
2. Use of district technology resources in attempting to gain or gaining unauthorized access to any technology system or the files of another is prohibited.
3. Use of district technology to connect to other systems, in evasion of the physical limitations of the remote system, is prohibited.
4. The unauthorized copying of system files is prohibited.
5. Intentional or negligent attempts, whether successful or unsuccessful, to interfere with the ability of others to utilize any district technology are prohibited.
6. Any attempts to secure a higher level of privilege on the technology resources without authorization are prohibited.
7. The introduction of computer viruses, hacking tools or other disruptive or destructive programs into a district computer, network or any external networks is prohibited.

Online Safety and Confidentiality

Curricular or noncurricular publications distributed using district technology will comply with the law and Board policies on confidentiality.

All district employees will abide by state and federal law, Board policies and district rules when using district technology resources to communicate information about personally identifiable students. Employees will take precautions to prevent

negligent disclosure of student information or student records.

All students will be instructed on the dangers of sharing personal information about themselves or others over the Internet and are prohibited from sharing such information unless authorized by the district. Student users shall not agree to meet with someone they have met online without parental approval and must promptly disclose to a teacher or another district employee any message the user receives that is inappropriate or makes the user feel uncomfortable.

Electronic Mail

A user is responsible for all e-mail originating from the user's e-mail account.

1. Forgery or attempted forgery of e-mail messages is illegal and is prohibited.
2. Unauthorized attempts to read, delete, copy or modify e-mail of other users are prohibited.
3. Users are prohibited from sending unsolicited mass e-mail. The district considers more than one (1) address per message, per day a violation, unless the communication is a necessary, employment-related function or an authorized publication.
4. All users must adhere to the same standards for communicating electronically that are expected in the classroom and that are consistent with district policies and procedures.
5. Users must obtain permission from the superintendent or designee before sending any districtwide e-mail messages.

Communication Devices

Students shall not use, display or turn on pagers, phones, personal digital assistants, personal laptops or any other electronic communication devices during the regular school day, including instructional class time, class change time, on school buses, at breakfast or lunch, or during educational opportunities off-campus. Exceptions or waivers to this restriction may be made at the discretion of teachers or administrators in the event of an emergency.

Exceptions

Exceptions to district rules will be made for district employees or agents conducting an investigation of a use that potentially violates the law, district policies or procedures. Exceptions will also be made for technology administrators who need access to district technology resources to maintain the district's resources or examine and delete data stored on district computers as allowed by the district's retention policy.

Waiver

Any user who believes he or she has a legitimate educational purpose for using the district's technology in a manner that may violate any of the district's policies or procedures may request a waiver from the building principal, superintendent or their designees. In making the decision to grant a waiver to a student, the administrator shall consider the purpose, age, maturity and level of supervision involved.

Internet Access

In compliance with the Children's Internet Protection Act ("CIPA"), 47 U.S.C. § 254, the District uses technological devices designed to filter and block the use of any District computer with Internet access to retrieve or transmit any visual depictions that are obscene, child pornography, or "harmful to minors" as defined by CIPA and material which is otherwise inappropriate for District students.

Due to the dynamic nature of the Internet, sometimes Internet websites and web material that do not fall into these categories are blocked by the filter. In the event that a District student or employee feels that a website or web content has been improperly blocked by the District's filter and this website or web content is appropriate for access by District students, the process described below should be followed:

1. Follow the process prompted by the District's filtering software and submit an electronic request for access to a website, or:

2. Submit a request, whether anonymous or otherwise, to the District's Superintendent/the Superintendent's designee.
3. Requests for access shall be granted or denied within three days.
4. Appeal of the decision may be made in writing to the Board of Education.
5. In case of an appeal, the Board of Education will review the contested material and make a determination.
6. Material subject to the complaint will not be unblocked pending this review process.

Adult users of a District computer with Internet access may request that the "technology protection measures" be temporarily disabled by the chief building administrator of the building in which the computer is located for lawful purposes not otherwise inconsistent with this Policy.

Note: The reader is encouraged to review policies and/or forms for related information in this administrative area.

Implemented: 10/08/2001

Revised: 08/11/2003; 07/14/2008

MSIP Refs: 6.4, 6.8

Camdenton R-III School District, Camdenton, Missouri

[Link to Missouri Statutes](#)

[Link to Missouri Regulations](#)

[Top of Page](#)

INSTRUCTIONAL MEDIA CENTERS/SCHOOL LIBRARIES/INTERNET ACCESS
(Selection and Reconsideration of Materials)

Instructional Media Centers/School Libraries:

The district will obtain materials for the district's media centers and libraries that are current, address the curriculum needs of district instructors and provide the learning resources needed by district students. District librarians, teachers and administrators are responsible for the selection and reconsideration of materials for the district's media centers and school libraries in accordance with the objectives listed in this regulation. Suggestions for the selection and reconsideration of materials will be reviewed at least annually. The superintendent or designee will adopt procedures as needed to accomplish the goals of this regulation.

Objectives for the Selection of Library Materials

Library materials will be selected in accordance with the following objectives:

1. Provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the pupils served.
2. Provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.
3. Provide background information that will enable students to make intelligent judgments in their daily lives.
4. Provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.
5. Provide materials representative of the contributions to our American heritage from the many religious, ethnic and cultural groups.
6. Place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.
7. Use existing special criteria for the selection of all kinds of materials, such as films, CDs, tapes and books, for all subject areas. The general criteria that may be applied to all acquisitions are as follows:
 - ▶ Material should have permanent or timely values.
 - ▶ Information should be accurate.
 - ▶ Material should be presented in a clear manner.
 - ▶ Material should be authoritative.
 - ▶ Material should have significance.

The above-mentioned criteria will also apply to the acceptance of any gift of materials or to the selection of materials purchased with a monetary gift from an individual or group.

Reconsideration

Library materials will be reconsidered and, if necessary, removed from district media centers and libraries in accordance with the

following guidelines:

1. The material is outdated or factually incorrect.
2. A more thorough or more complete resource exists.
3. The resource no longer supports the district's curriculum objectives.
4. The resource is not used by either staff or students.
5. The resource is not recommended by district librarians, teachers or administrators.

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4. Appeal of the decision may be made in writing to the Board of Education.
5. In case of an appeal, the Board of Education will review the contested material and make a determination.
6. Material subject to the complaint will not be unblocked pending this review process.

* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 08/08/1994

Revised: 08/11/2003

Legal Refs: §§ 182.815 - .817, RSMo.

Camdenton R-III School District, Camdenton, Missouri

[Link to Missouri Statutes](#)

[Link to Missouri Regulations](#)

[Top of Page](#)
