



Board Office Use: Legislative File Info.	
File ID Number	14-6797
Introduction Date	5-14-14
Enactment Number	14-0774
Enactment Date	5/14/14

Memo

To Board of Education

From Vernon Hal, Deputy Superintendent, Business & Operations
John Krull, IT Officer, Technology Services

Board Meeting Date May 14, 2014

Subject Board Policy Update BP/AR 4040 Employee Use of Technology: First Reading

Action Requested Receive First Reading of Board Policy Update
BP/AR 4040 Staff Use of Technology

Background Board Policy (BP) 4040 and Administrative Regulation (AR) 4040 were last updated in 2004. Changes to the policy and regulation are necessitated by advances in how email is used and how files are shared throughout the District. These updates will help ensure compliance with the Family Educational Rights Act (FERPA) and the California Public Records Act.

Discussion Staff seeks Board support for changes in district policy and regulations to ensure staff use of technology is compliant with FERPA, which generally prohibits the improper disclosure of student records. The term "education records" is defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. Using district systems to store and transfer such electronic records allows the District to monitor practices and ensure compliance with FERPA.

The California Public Records Act requires disclosure of governmental records to the public upon request. The Act covers any writing containing information relating to the conduct of a public's business prepared, owned, used or retained by any state or local agency regardless of physical form (Cal. Gov't. Code §



6252(e)). Conducting school business on district-supported electronic data systems makes it possible to respond to such requests.

Key changes in the administrative regulations require all staff to use district supported email and electronic file services for all district business and sets expectations for sharing electronic files and student records.

Additionally, staff plans to update regulations and provide procedures and best practices concerning staff use of technology devices.

Recommendation	The Board of Education receive first reading of updates to BP 4040 and AR 4040.
Fiscal Impact	None
Attachments	BP 4040 - Employee Use of Technology-update1 AR 4040 - Employee Use of Technology-update1 Technology is Schools – Best Practices to Prevent Theft_v1

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 4040

Personnel

-Employee Use of Technology

The Governing Board recognizes that technological resources can enhance employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating district and school operations. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive training in the appropriate use of these resources.

(cf. 0440 - District Technology Plan)

(cf. 1113 - District and School Web Sites)

(cf. 4032 - Reasonable Accommodation)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6162.7 - Use of Technology in Instruction)

(cf. 6163.4 - Student Use of Technology)

[\(cf. 5125 - Student Records\)](#)

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources only for purposes related to their employment. Such use is a privilege which may be revoked at any time.

Employees shall only use District supplied email, communication, and data services for District business. Personal and/or non-District email addresses or services shall not be used for electronic communication as a District employee. District electronic records or files shall be only stored on District supplied or supported devices, computers, and/or services.

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. These technologies shall not be used to transmit confidential information about students, employees or district operations without authority.

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography, and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access

for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

To ensure proper use of the system, the Superintendent or designee may monitor the district's technological resources, including e-mail and voice mail systems, at any time without advance notice or consent. ~~If passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.~~

The Superintendent or designee shall establish administrative regulations which outline employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use shall result in a cancellation of the employee's user privileges, disciplinary action and/or legal action in accordance with law, Board policy and administrative regulations.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall provide copies of related policies, regulations and guidelines to all employees who use the district's technological resources. Employees shall be asked to acknowledge in writing that they have read and understood these policies, regulations and guidelines.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

In the event that the use of an electronic resource affects the working conditions of one or more employees, the Superintendent or designee shall notify the employees' exclusive representative.

(cf. 4143/4243 - Negotiations/Consultation)

Legal Reference:

EDUCATION CODE

51870-51874 Education technology

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, No Child Left behind Act, Title II, Part D

6777 Internet Safety

Management Resources:

CDE PUBLICATIONS

K-12 Network Technology Planning Guide: Building the Future, 1994

CDE PROGRAM ADVISORIES

1223.94 Acceptable Use of Electronic Information Resources

WEB SITES

CDE: <http://www.cde.ca.gov>

CSBA: <http://www.csba.org>

Federal Communications Commission: <http://www.fcc.gov>

U.S. Department of Education: <http://www.ed.gov>

American Library Association: <http://www.ala.org>

| 7/14/04: 5/14/14

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 4040

Personnel

Employee Use of Technology

The Governing Board recognizes that technological resources can enhance employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating district and school operations. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive training in the appropriate use of these resources.

(cf. 0440 - District Technology Plan)
(cf. 1113 - District and School Web Sites)
(cf. 4032 - Reasonable Accommodation)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6162.7 - Use of Technology in Instruction)
(cf. 6163.4 - Student Use of Technology)
(cf. 5125 - Student Records)

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources only for purposes related to their employment. Such use is a privilege which may be revoked at any time.

Employees shall only use District supplied email, communication, and data services for District business. Personal and/or non-District email addresses or services shall not be used for electronic communication as a District employee. District electronic records or files shall be only stored on District supplied or supported devices, computers, and/or services.

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. These technologies shall not be used to transmit confidential information about students, employees or district operations without authority.

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography, and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access

for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

To ensure proper use of the system, the Superintendent or designee may monitor the district's technological resources, including e-mail and voice mail systems, at any time without advance notice or consent.

The Superintendent or designee shall establish administrative regulations which outline employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use shall result in a cancellation of the employee's user privileges, disciplinary action and/or legal action in accordance with law, Board policy and administrative regulations.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall provide copies of related policies, regulations and guidelines to all employees who use the district's technological resources. Employees shall be asked to acknowledge in writing that they have read and understood these policies, regulations and guidelines.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

In the event that the use of an electronic resource affects the working conditions of one or more employees, the Superintendent or designee shall notify the employees' exclusive representative.

(cf. 4143/4243 - Negotiations/Consultation)

Legal Reference:

EDUCATION CODE

51870-51874 Education technology

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, No Child Left behind Act, Title II, Part D

6777 Internet Safety

Management Resources:

CDE PUBLICATIONS

K-12 Network Technology Planning Guide: Building the Future, 1994

CDE PROGRAM ADVISORIES

1223.94 Acceptable Use of Electronic Information Resources

WEB SITES

CDE: <http://www.cde.ca.gov>

CSBA: <http://www.csba.org>

Federal Communications Commission: <http://www.fcc.gov>

U.S. Department of Education: <http://www.ed.gov>

American Library Association: <http://www.ala.org>

7/14/04; 5/14/14

OAKLAND UNIFIED SCHOOL DISTRICT

Administrative Regulation

AR 4040
Personnel

Employee Use of Technology

~~On-Line~~Online/Internet Services: User Obligations and Responsibilities

Employees are authorized to use district equipment to access the Internet or ~~on-line~~online services in accordance with Governing Board policy and the user obligations and responsibilities specified below.

~~1. 1.~~ ~~4.~~ — The employee in whose name an ~~on-line~~online services account is issued is responsible for its proper use at all times. Employees shall keep account information: ~~home addresses and telephone numbers~~passwords private. They shall use the ~~system~~network and systems only under their own account number.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

~~2. 2.~~ — Employees shall use the ~~system~~network and computer systems responsibly ~~and primarily~~ for work-related purposes. ~~Employees may use a standard web browser on the network to access information for personal purposes on a limited basis during breaks or during non-work hours.~~

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

(cf. 6162.7 - Use of Technology in Instruction)

~~3. 3.~~ — Employees shall not access, post, submit, publish or display harmful or inappropriate matter that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, gender, sexual orientation, age, disability, religion or political beliefs.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

~~4. 4.~~ — Employees shall not use the ~~system~~network and computer systems to promote unethical practices or any activity prohibited by law, Board policy or administrative regulations.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

~~5. 5.~~ — Copyrighted material shall not be placed on the ~~system~~computer systems without the author's permission. Employees may download copyrighted material only in accordance with applicable copyright laws.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

(cf. 6162.6 - Use of Copyrighted Materials)

6. _____

6. Employees shall not intentionally upload, download or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or the data of any other user, including so-called "hacking."

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

7. 7. As required under BP 4040, employees shall only use District-supplied email, communication, and data services for District business. Personal and or non-District email addresses or services shall not be used for electronic communication as a District employee. Employees shall not read other users' electronic mail or files. They shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other users' mail.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

8. 8. Users shall report any security problem or misuse of the services to the Superintendent or designee.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

9. Employees shall not use the system to engage in commercial or other for-profit activities without permission of the Superintendent or designee.

Formatted: Indent: Left: 0", Hanging: 0.5"

10. As required under BP 4040, District electronic records or files shall only be stored on District-supplied or supported devices, computers, and or services.

11. Employees will not share District electronic records, files, or resources with unauthorized users.

12. Employee and student records may only be shared with authorized personnel, with proper consent, or where permitted by state and federal law. Student records may only be shared where permitted by the Family Educational Rights and Privacy Act (FERPA). Non-District consultants, vendors, or individuals working on behalf of the District must complete a District Data Sharing Agreement or other written confidentiality agreement before receiving any employee or student records.

(cf. 5125 - Student Records)

13. Employees may only use authorized software and internet services on District computing devices and for District business.

District Equipment and Devices: User Obligations and Responsibilities

1. When an employee is issued a device from the District or a school, it must be used in accordance with the Employee Use of Technology Policy and Administrative Regulations.
2. The employee will follow District Theft Prevention Best Practices as well as follow site policies and procedures related to technology.

(cf. 6163.4 - Student Use of Technology)

| (6/96) 7/01; 5/14/14

OAKLAND UNIFIED SCHOOL DISTRICT

Administrative Regulation

AR 4040

Personnel

Employee Use of Technology

Online/Internet Services: User Obligations and Responsibilities

Employees are authorized to use district equipment to access the Internet or online services in accordance with Governing Board policy and the user obligations and responsibilities specified below.

1. The employee in whose name an online services account is issued is responsible for its proper use at all times. Employees shall keep account information and passwords private. They shall use the network and systems only under their own account number.
2. Employees shall use the network and computer systems responsibly for work-related purposes. Employees may use a standard web browser on the network to access information for personal purposes on a limited basis during breaks or during non-work hours.

(cf. 6162.7 - Use of Technology in Instruction)

3. Employees shall not access, post, submit, publish or display harmful or inappropriate matter that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, gender, sexual orientation, age, disability, religion or political beliefs.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

4. Employees shall not use the network and computer systems to promote unethical practices or any activity prohibited by law, Board policy or administrative regulations.
5. Copyrighted material shall not be placed on the computer systems without the author's permission. Employees may download copyrighted material only in accordance with applicable copyright laws.

(cf. 6162.6 - Use of Copyrighted Materials)

6. Employees shall not intentionally upload, download or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or the data of any other user, including so-called "hacking."
7. As required under BP 4040, employees shall only use District-supplied email, communication, and data services for District business. Personal and/or non-District email addresses or services shall not be used for electronic communication as a District employee. Employees shall not read other users' electronic mail or files. They shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other users' mail.
8. Users shall report any security problem or misuse of the services to the Superintendent or designee.
9. Employees shall not use the system to engage in commercial or other for-profit activities without permission of the Superintendent or designee.
10. As required under BP 4040, District electronic records or files shall only be stored on District-supplied or supported devices, computers, and/or services.
11. Employees will not share District electronic records, files, or resources with unauthorized users.
12. Employee and student records may only be shared with authorized personnel, with proper consent, or where permitted by state and federal law. Student records may only be shared where permitted by the Family Educational Rights and Privacy Act (FERPA). Non-District consultants, vendors, or individuals working on behalf of the District must complete a District Data Sharing Agreement or other written confidentiality agreement before receiving any employee or student records.

(cf. 5125 - Student Records)

13. Employees may only use authorized software and internet services on District computing devices and for District business.

District Equipment and Devices: User Obligations and Responsibilities

1. When an employee is issued a device from the District or a school, it must be used in accordance with the Employee Use of Technology Policy and Administrative Regulations.
2. The employee will follow District Theft Prevention Best Practices as well as follow site policies and procedures related to technology.

(cf. 6163.4 - Student Use of Technology)

(6/96) 7/01; 5/14/14