



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 8.4

Meeting Date: August 11, 2022

Subject: Employee Use of Technology, Board Policy 4040

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Technology Services

Recommendation: Approve revisions to Board Policy 4040

Background/Rationale: Technological resources should be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. Further, technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to an exchange of information.

In order to ensure the appropriate use of technology revisions are necessary. No prior updates to the Board Policy have occurred since 2002. Such updates include language in the CSBA Gamut model policies.

Documents Attached:

1. Executive Summary
2. BP 4040

<p>Estimated Time of Presentation: 5 Minutes Submitted by: Bob Lyons, Chief Information Officer Approved by: Jorge A. Aguilar, Superintendent</p>
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Board of Education Executive Summary

Technology Services

Revision to Board Policy (BP) 4040: Employee Use of Technology

August 11, 2022



I. Overview/History of Department or Program

Technological resources should be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. Further, technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to an exchange of information.

The current version of Board Policy 4040 was last revised in 2002. The proposed revisions to the policy is based on the updates provided by the California School Boards Association (CSBA).

The revised board policy includes provisions defining technology and notifying employees of the District's monitoring the usage of such technology.

II. Driving Governance:

California Education Code section 51006 provides in relevant part that "[t]he Legislature finds that the increasing integration of computers and computer technology into our economy has profound implications for our society, and equally important implications for state educational policy."

California's Penal Code sections 502, 632, and 653.2 pertains to computer crimes, eavesdropping on or recording confidential communications, and electronic communication devices.

III. Budget:

The proposed policy is intended to address District employees' use of technology. There is no direct budget impact from the revisions to this policy.

IV. Goals, Objectives and Measures:

Pursuant to the District's LCAP Goals, this Board Policy meets "Operational Excellence." The goal is to ensure that District technology is used in a safe and responsible manner for the advances of student learning and supporting District and school operations.

V. Major Initiatives:

This Board Policy is critical to improve access to an exchange of information and establish regulations to use technology.

VI. Results:

Approval of revision to Board Policy 4040. Ensure compliance with state and federal law.

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VII. Lessons Learned/Next Steps:

Adoption of revised Board Policy concerning employee use of technology. Information and correspondences concerning this matter have previously been shared with the District. Further updates will be provided as necessary.

Policy 4040: Employee Use Of Technology

Status: ADOPTED

Original Adopted Date: 07/01/2001 | **Last Revised Date:** 07/01/2015 | **Last Reviewed Date:** 07/01/2015

The Governing Board recognizes that ~~technology can~~technological resources enhance employee performance by ~~improving access to and exchange of information,~~ offering effective tools to assist in providing a quality instructional program, ~~and;~~ facilitating operations, communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to and exchange of information. The Board expects all employees to learn to use the available ~~electronic~~technological resources that will assist them in the performance of their jobs, job responsibilities. As needed, ~~staff~~employees shall receive training~~professional development~~ in the appropriate use of these resources.

~~(cf. 0440—District Technology Plan)~~

~~(cf. 4032—Reasonable Accommodation)~~

~~(cf. 4131—Staff Development)~~

~~(cf. 4231—Staff Development)~~

~~(cf. 6162.7—Use of Technology in Instruction)~~

Employees shall be responsible for the appropriate use of technology and shall use ~~the district's electronic resources~~ only district technology primarily for purposes related to their employment.

Such use All district policies, standards, and regulations relating to employee use of district technology shall apply to all outside vendors, community members, and partners that access district technology and/or network systems.

~~District technology includes, but is a privilege which may be revoked at any time.~~

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

~~Employees should be aware that computer files and communications over electronic networks, not limited to, computers, the district's computer network including e-mail and voice mail, may not be secure. Employees shall take reasonable precaution when using this technology to transmit confidential information about students, employees, or district affairs.~~

~~To ensure proper use, the Superintendent or designee may monitor the district's technological resources, including e-mail servers 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 when the employee is absent.~~

wireless computer networking technology (Wi-Fi), the Internet, email, electronic files, media and data, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

The Superintendent or designee shall establish ~~administrative regulations~~ an Acceptable Use Agreement which ~~outline~~outlines employee obligations and responsibilities related to the use of ~~technology.~~ Employees who fail to abide by these regulations shall be subject to disciplinary action, revocation of the user account, and legal action as appropriate.

~~(cf. 4118 – Suspension/Disciplinary Action)~~

~~(cf. 4218 – Dismissal/Suspension/Disciplinary Action)~~

~~The Superintendent or designee may establish guidelines and limits on the use of technological resources. He/she shall ensure that all district technology. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees using these resources receive copies of related policies, regulations and guidelines. Employees shall be asked shall be required 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 agreed to the Acceptable Use Agreement.~~

~~Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, illegal, obscene, disruptive, sexually explicit, discriminatory, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.~~

~~Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)~~

~~The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the use of an electronic resource affects operation of such measures is enforced. The Superintendent or designee may disable the working conditions of one or more technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 7131; 47 USC 254)~~

~~The Superintendent or designee shall annually notify employees, the Superintendent or designee in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the district, including, but not limited to, computer files, email, text messages, instant messaging, electronic files, media and data, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent and for any reason allowed by law.~~

~~In addition, employees shall notify the employees' exclusive representative be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request.~~

~~Employees shall report any security problem or misuse of district technology to the Superintendent or designee.~~

~~Inappropriate use of district technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.~~

~~(cf. 4143/4243 – Negotiations/Consultation)~~

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 6250-6270	California Public Records Act
Pen. Code 502	Computer Crimes, remedies

Pen. Code 632	Eavesdropping on or recording confidential communications
Veh. Code 23123	Wireless telephones in vehicles
Veh. Code 23123.5	Mobile communication devices; text messaging while driving
Veh. Code 23125	Wireless telephones in school buses
Federal	Description
20 USC 7101-7122	Student Support and Academic Enrichment Grants
20 USC 7131	Internet Safety
47 CFR 54.520	Internet safety policy and technology protection measures, E-rate discounts
Management Resources	Description
Court Decision	City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
Website	Federal Communications Commission
Website	American Library Association
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
1100	Communication With The Public
1113	District And School Web Sites
1113	District And School Web Sites
1113-E PDF(1)	District And School Web Sites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1340	Access To District Records
1340	Access To District Records
2121	Superintendent's Contract
3512	Equipment
3512-E PDF(1)	Equipment
3516.2	Bomb Threats
3580	District Records
3580	District Records
4032	Reasonable Accommodation

4113.5	<u>Working Remotely</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4119.1	<u>Civil And Legal Rights</u>
4119.11	<u>Sexual Harassment</u>
4119.11	<u>Sexual Harassment</u>
4119.21	<u>Professional Standards</u>
4119.21-E PDF(1)	<u>Professional Standards</u>
4119.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4119.25	<u>Political Activities Of Employees</u>
4119.25	<u>Political Activities Of Employees</u>
4131	<u>Staff Development</u>
4132	<u>Publication Or Creation Of Materials</u>
4136	<u>Nonschool Employment</u>
4213.5	<u>Working Remotely</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4219.1	<u>Civil And Legal Rights</u>
4219.11	<u>Sexual Harassment</u>
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4219.21	<u>Professional Standards</u>
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4219.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4219.25	<u>Political Activities Of Employees</u>
4219.25	<u>Political Activities Of Employees</u>
4231	<u>Staff Development</u>
4232	<u>Publication or Creation of Materials</u>
4236	<u>Nonschool Employment</u>
4313.5	<u>Working Remotely</u>
4319.1	<u>Civil And Legal Rights</u>
4319.11	<u>Sexual Harassment</u>
4319.11	<u>Sexual Harassment</u>
4319.21	<u>Professional Standards</u>
4319.21-E PDF(1)	<u>Professional Standards</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4319.25	<u>Political Activities Of Employees</u>

4319.25	<u>Political Activities Of Employees</u>
4331	<u>Staff Development</u>
4332	<u>Publication or Creation of Materials</u>
4336	<u>Nonschool Employment</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5125.1	<u>Release Of Directory Information</u>
5125.1	<u>Release Of Directory Information</u>
5125.1-E PDF(1)	<u>Release Of Directory Information</u>
6116	<u>Classroom Interruptions</u>
6162.6	<u>Use Of Copyrighted Materials</u>
6162.6	<u>Use Of Copyrighted Materials</u>
6163.4	<u>Student Use Of Technology</u>
6163.4-E PDF(1)	<u>Student Use Of Technology</u>