

# MODESTO CITY SCHOOLS

## Board Policy

BP 4040

### PERSONNEL

#### Employee Use of Technology

The Governing Board recognizes that 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 and exchange of information. The Board strongly encourages 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 professional development in the appropriate use of these resources.

*(cf. 0440 – District Technology Plan)*  
*(cf. 1100 – Communication with the Public) N/A*  
*(cf. 1113 – District and School Web Sites) N/A*  
*(cf. 1113 – District, School, Staff, and Student Websites)*  
*(cf. 1114 – District-Sponsored Social Media)*  
*(cf. 4032 – Reasonable Accommodation)*  
*(cf. 4131 – Staff Development) N/A*  
*(cf. 4231 – Staff Development) N/A*  
*(cf. 4331 – Staff Development) N/A*  
*(cf. 4131/4231/4331 – Staff Development)*

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

*(cf. 0410 – Non Discrimination in District Programs and Activities) N/A*  
*(cf. 4119.11/4219.11/4319.11 – Sexual Harassment) N/A*  
*(cf. 4119.13/4219.13/4319.13 – Sexual Harassment)*  
*(cf. 4119.14/4219.14/4319.14 – Sexual Harassment Complaint Procedures in Employment)*  
*(cf. 4119.21/4219.21/4319.21 – Professional Standards) N/A*  
*(cf. 4119.21/4219.21/4319.21 – Professional Standards/Code of Ethics)*  
*(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information) N/A*  
*(cf. 4119.12/4219.12/4319.12 – Release of Employee Information)*

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*(cf. 4119.25/4219.25/4319.25 – Political Activities of Employees) N/A*  
*(cf. 5125 – Student Records) N/A*  
*(cf. 5125 – Student Records; Confidentiality)*  
*(cf. 5125.1 – Release of Directory Information) N/A*  
*(cf. 5145.3 – Nondiscrimination in Education Programs and Activities)*  
*(cf. 6162.6 – Use of Copyrighted Materials)*  
*(cf. 6163.4 – Student Use of Technology)*

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, 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 devices including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. The Superintendent or designee shall notify employees 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, 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. Technological resources shall not be used to transmit confidential information about students, employees, or district operations without authority.

#### Online/Internet Services

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure (Internet Filter) that protects against access to visual depictions that are obscene, ~~or~~ child pornography, or harmful to minors 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)

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There shall be no expectation of privacy when using district network or Internet services.

Acceptable Use of District Technology

The Superintendent or designee shall establish Board policy and administrative regulations which constitute the Acceptable Use Policy for the district outlining employee obligations and responsibilities related to the use of district technology. The Superintendent or designee also may establish guidelines and limits on the use of technological resources. 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.

Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, 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.

Upon employment and whenever significant changes are made to the district's Acceptable Use Policy, employees shall be required to acknowledge that they have read and agreed to the Acceptable Use Policy. The Superintendent or designee shall make available online all related policies, regulations, and guidelines to all employees who use the district's technological resources. Employees shall be required to acknowledge that they have read and understood the district's Acceptable Use Policy when logging into the district network.

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

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#### Use of Personal Devices to Conduct District Business

In addition, employees shall 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.

#### ***Legal Reference:***

##### **EDUCATION CODE**

*51870-51874 Education technology*

*52270-52272 Education technology and professional development grants*

*52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program*

##### **GOVERNMENT CODE**

*3543.1 Rights of employee organizations*

##### **PENAL CODE**

*502 Computer crimes, remedies*

*632 Eavesdropping on or recording confidential communications*

##### **VEHICLE CODE**

*23123 Wireless telephones in vehicles*

*23123.5 Mobile communication devices; text messaging while driving*

*23125 Wireless telephones in school buses*

##### **UNITED STATES CODE, TITLE 20**

*6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:*

*6777 Internet safety*

##### **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 Management*

#### ***Resources:***

##### **WEB SITES**

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

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

*California Department of Education: <http://www.cde.ca.gov>*

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

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

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