

Policy 4040: Employee Use Of Technology

Status: DRAFT

Original Adopted Date: 09/20/2001

The Governing Board recognizes that technology, 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 communications with parents/guardians, students, and the community; supporting district and school operations; improving access to and exchange of information; enriching curriculum; and enhancing student learning. The Board expects all employees to learn to use the available electronic resources that will assist them in their jobs. As needed, staff shall receive training 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. 4331 – Staff Development)

(cf. 6162.7 – Use of Technology in Instruction)

District technology includes, but is not limited to, computer hardware, software, or software as a service provided or paid for by the district, whether accessed on or off site or through district-owned or personally owned equipment or devices, including tablets and laptops; computer servers, wireless access points (routers), and wireless computer networking technology (wi-fi); the Internet; email; applications (apps), including artificial intelligence (AI) apps; telephones, cellular or mobile telephones, smartphones, smart devices, and wearable technology; or any wireless communication device, including radios.

Employees shall review the prohibited and permitted uses of technology as specified in Board Policy 5131.9 - Academic Honesty, be responsible for the appropriate use of technology, and use district technology primarily for purposes related to their employment consistent with board policies and administrative regulations.

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

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

An employee may use technology, including AI apps, to assist the employee in the performance of the employee's professional duties, including, but not limited to, the following specific tasks: developing syllabi, adapting curriculum, reviewing student work, suggesting instructional strategies, and researching academic content or instructional techniques. Any employee using technology, including AI, shall review and be responsible for any final product or document; not share confidential student records with a third party, such as an AI app, except as permitted by law; and use the technology in accordance with Board Policy 6162.6 - Use of Copyrighted Materials, and in a manner otherwise consistent with law, board policies, and administrative regulations. If an employee is unsure about the appropriate use of technology, the employee shall confer with the Superintendent or designee before using.

As determined by the Superintendent or designee, employees shall receive professional development in the appropriate use of these resources, including in the use of AI apps.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of district technology, including the use of AI apps. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use district technology to access, post, submit, publish, display, or otherwise engage with 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. (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 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 7131; 47 USC 254)

The Superintendent or designee shall regularly review current guidance regarding cybersecurity, data privacy, and digital media awareness and incorporate recommended practices into the district's processes and procedures related to the protection of the district's network infrastructure, the monitoring and response to cyberattacks, ensuring data privacy, and managing suspicious and/or threatening digital media content, in accordance with Board Policy 3580 - District Records.

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any district technology, as defined above, even when using their personal devices. 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 be notified that records, including communications, maintained on any personal accounts or devices used to conduct district business are subject to disclosure at the district's request, and 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 cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, board policy, and administrative regulation.

Employees may access their mobile or other communications device if there is a need to seek emergency assistance, assess the safety of a situation, or communicate with a person to confirm the person's safety. (Labor Code 1139)

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, may not be private unless appropriate precautions in the use of passwords are taken.

To ensure proper use, 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 when the employee is absent.

The Superintendent or designee shall establish administrative regulations which outline 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 employees using these resources have access to related 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}

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Gov. Code 11549.3
 Gov. Code 3543.1
 Gov. Code 7920.000-7930.170
 Labor Code 1139
 Pen. Code 502
 Pen. Code 632
 Veh. Code 23123
 Veh. Code 23123.5
 Veh. Code 23125

Federal

20 USC 7101-7122
 20 USC 7131
 47 CFR 54.520

Management Resources

California Department of Education Publication
 Court Decision
 Court Decision
 Publication
 U.S. Department of Education Publication
 USDOE Office of Educational Technology
 Publication
 Website
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Cross References

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[Rights of employee organizations](#)
[California Public Records Act](#)
[Emergency assistance](#)
[Computer crimes; remedies](#)
[Eavesdropping on or recording confidential communications](#)
[Wireless telephones in vehicles](#)
[Mobile communication devices; text messaging while driving](#)
[Wireless telephones in school buses](#)

Description

Student Support and Academic Enrichment Grants
[Internet Safety](#)
[Internet safety policy and technology protection measures; E-rate discounts](#)

Description

[Artificial Intelligence: Learning With AI Learning About AI](#)
 City of San Jose v. Superior Court (2017) 2 Cal.5th 608
 City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332
[Guidelines for AI integration throughout education in the commonwealth of Virginia](#)
[2024 National Education Technology Plan](#)
[Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023](#)
[California Governor's Office of Emergency Services](#)
[CSBA District and County Office of Education Legal Services](#)
[Federal Communications Commission](#)
[American Library Association](#)
[California Department of Education](#)
[CSBA](#)
[U.S. Department of Education](#)

Description

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[Communication With The Public](#)
[Communication With The Public](#)
[District And School Websites](#)
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[Access To District Records](#)

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