

POLICY 3.29

4-B I recommend the Board adopt the proposed revisions to Policy 3.29, entitled "Employee Use of Technology."

[Contact: Jim Sheehan, 434-8830.]

Adoption

CONSENT ITEM

UPDATE 9/9/03: A Notice of Change to be published on Sept. 11, 2003, announces that this Policy will take effect on October 9, 2003, with a minor clarification requested by the Board at the second reading on Sept. 8. This is a clarification of the standards governing section (4)(d), regarding certain prohibited use of e-mail: "Employees shall not send communications where the meaning of the message, or its transmission or distribution, would be illegal under state or federal statutes, federal regulations, or state rules; unethical under Fla. Statutes Chapter 112 or Chapter 6B-1 of the State Board of Education rules; or irresponsible as determined by the reasonable discretion and judgment of the employees' supervisor."

- The Board approved this revision as a first reading for development on July 28, 2003. The adoption notice was published on August 11, 2003.
- Consistent with a proposed District-wide cell phone plan, this proposed Policy revision would clarify appropriate use of District-issued cell phones, as follows:
 - The cell phone must be obtained under the centralized District contract, except for cell phones funded from school internal funds;
 - Usage is limited to necessary calls; a standard land-line telephone should be used whenever possible;
 - Director-level or principal approval is required for a District-funded phone;
 - The phone must be placed on most economical plan that will meet the employee's District business needs;
 - The phone should not be used for personal calls, and *personal calls that result in increased costs to the District must be reimbursed* (yet, brief, occasional calls home from school-sponsored events or activities would not be considered personal calls); and
 - Phone bills and call details are public records subject to disclosure under Florida law.

POLICY 3.29

EMPLOYEE USE OF TECHNOLOGY

- 1
- 2 1. Implementation.-- The Superintendent or designee is authorized to issue bulletins
- 3 establish and administer procedures regarding all areas ~~dealing with~~ of information
- 4 technology in the District.
- 5 2. General Standards of Appropriateness.-- Palm Beach County School District
- 6 employees shall not conduct a private enterprise on school time. District
- 7 technology resources, including, but not limited to, the use of computers, copiers,
- 8 and other ~~equipment~~ communication devices such as phones, personal digital
- 9 assistants (PDAs), copiers, and facsimile machines, may not be used for a private
- 10 business or financial gain (as defined by the Florida Information Resource Network
- 11 ("FIRN")) of the employee,[†] or for the benefit of private, "for profit," or "not for profit"
- 12 organizations unless expressly authorized by the Superintendent or the
- 13 Superintendent's designee.
- 14 a. Any employee using the Internet in any form through the District's network
- 15 must have an Employee Internet Services Request and Consent form (PBSD
- 16 1664) on file at the District Information Technology office or the work location.
- 17 This form is specifically incorporated into this policy by reference.
- 18 b. All employees shall abide by the "Code of Ethics of the Education Profession
- 19 in Florida." When using the District's technology resources. Employees shall
- 20 become familiar with and abide by Fla. Admin. Code Sections 6B-1.001 and
- 21 6B-1.006, including the provisions prohibiting harassment and discrimination,
- 22 defamation, use of institutional privileges for personal gain, and improper
- 23 disclosure of confidential information; and Fla. Stat. § 112.313, including the
- 24 duty to avoid improper use or disclosure of "information not available to
- 25 members of the general public and gained by reason of [their] official position
- 26 for [their] personal gain or benefit or for the personal gain or benefit of any
- 27 other person or business entity."
- 28 c. The District authorizes employees to use District technology resources,
- 29 applications, and databases for assigned responsibilities. Employees shall use
- 30 † These resources shall be used by employees to enhance job productivity in
- 31 performance of as it relates to District business.
- 32 d. Employees may utilize District technology services outside of the employees'
- 33 normal work hours provided no additional costs are incurred to the District,
- 34 within the parameters set forth below:-
- 35 i. The Florida Information Resource Network (FIRN) provides Internet
- 36 services to our District at no cost. The District provides the network

37 connectivity to the Internet and mainframe through leased lines (currently
38 T1s and T3s).

39 ii. Internet use is encouraged "after hours" for employees for the following
40 reasons:

41 A. personal and professional growth;

42 B. the services are "free"; and

43 C. there is no significant negative impact on our network during these
44 hours.

45 iii. Use of the Internet is similar to use of a school gym or library after school.
46 Professionals are encouraged to use these facilities for personal and
47 professional growth, which must not be confused with "financial gain." ~~iv.~~
48 ~~FIRN's *Acceptance*~~ Acceptable Use Policy and Guidelines, which forms is
49 ~~used as~~ the cornerstone of the School District of Palm Beach County
50 Internet Guidelines, uses the terminology "financial gain." ~~The policy~~
51 ~~gives e~~Examples of "financial gain" include as offering ~~for sale~~ products
52 or services for sale or soliciting for advertisers or sponsors for the benefit
53 of any enterprise other than the District.

54 3. Cellular Telephones.-- Consistent with the goal of expending public funds in the
55 most economical manner, the following guidelines shall apply to use of District-
56 issued wireless communication devices, which include cellular telephones/radios,
57 PDA's, and any other portable communications devices that can transmit voice/data
58 signals through wireless technology, all of which are referred to in this policy as
59 "cell phones":

60 a. District employees will limit cell phone usage; whenever possible, calls will be
61 made on a conventional land line telephone if one is reasonably available.

62 b. A centralized, standardized, and cost-effective wireless services contract shall
63 be established through a competitive procurement process. All cell phones
64 paid for with District funds, other than those used by personnel at school sites
65 and paid from local funds, must be obtained and operated under a standard
66 contract adopted by the District.

67 i. Schools sites, using internal account funds for cellular service, are
68 authorized and encouraged to participate under the District-approved
69 wireless contract described in this policy. School principals who choose
70 another plan must justify the cost-effectiveness of that choice in writing to
71 the area superintendent.

- 72 ii. Every cell phone issued in the District must be approved in writing by the
73 employee's Director-level supervisor (or Principal at school centers) and
74 justified as reasonably necessary for carrying out the employee's
75 responsibilities for the District. The Director-level supervisor must obtain
76 the employee's signature acknowledging receipt of this Policy and
77 maintain the acknowledgment on file at the department or school site.
- 78 iii. Each District cell phone must be placed on the most cost-effective plan to
79 satisfy the work-related needs of the particular employee. The employee's
80 Director-level supervisor, or designee, must approve the appropriate plan
81 that fulfills the employee's reasonable needs for District use. Extra
82 features and upgrades such as roaming, anytime minutes, and "free" long
83 distance shall be included only when justified as necessary and cost-
84 effective features for the employee's particular work functions.
- 85 iv. The Director-level supervisor, or designee, of an employee with a District
86 cell phone shall periodically monitor and approve the bills and call details
87 generated by the employee's usage.
- 88 A. The employee shall identify any personal calls shown on such bills.
- 89 1. A "personal call" means communication for purposes other than
90 furtherance of the employee's public duties for the District.
- 91 2. A brief, occasional call to the employee's home from the school
92 or from a District-sponsored event or activity (e.g., to explain
93 that the employee will be delayed in returning home due to
94 being present at a District-sponsored event), will not be
95 construed as a personal call.
- 96 3. Personal calls on District cell phones will generally be limited to
97 emergencies and exigent circumstances. Employees who wish
98 to use their District cell phones for personal calls routinely must
99 establish a separate personal account, at personal expense,
100 with the cellular service provider.
- 101 4. Employees shall reimburse the District for any personal calls
102 that result in any increased expense to the District (e.g., when
103 personal calls have resulted in the employee exceeding the total
104 minutes allowed under a flat-rate/flexible-rate plan). Such
105 reimbursement shall be on a monthly or quarterly basis and
106 shall cover the actual extra cost incurred by the District.
- 107 B. Based on a monthly review of the use and non-use thresholds for
108 each employee, the Director-level supervisor, or designee, shall

109 consider altering the employee's plan if the bona fide District calls
110 regularly fall significantly below the allotted minutes for more than
111 two consecutive months. Director-level supervisors or their
112 designees will use a memo to Information Technology to request
113 modification or elimination of an employee's plan.

114 c. Employees issued a District phone should not make or receive calls on the
115 phone while driving unless equipped for hands-free usage. Employees must
116 also exercise due care to prevent loss or theft of the phone. If the phone is
117 lost or stolen, the employee must report the incident to the supervisor and
118 Information Technology immediately. If it appears that a District phone is lost
119 through carelessness, the supervisor may exercise reasonable discretion in
120 deciding whether to provide a replacement.

121 d. The invoice and all call details of District cell phone accounts, including all
122 numbers dialed, are public records subject to disclosure under Florida Statutes
123 Chapter 119 and monitoring by supervisors for compliance with this Policy.

124 4. Compliance.-- When using District technology resources, applications, databases,
125 and supplies, employees shall adhere to the standards established by all
126 applicable laws, regulations, and the District's Acceptable Use Guidelines,
127 contained in Directive 3.47 that are available at
128 <http://learnnet.palmbeach.k12.fl.us/district.html> and are incorporated into and made
129 part of this Policy by reference, when using District technology resources,
130 applications, databases and supplies. Further, employees must observe that:

131 a. Any information generated through a computer, stored on hard disks,
132 electronically mailed, or handled as e-mail is the same as any written
133 document and is subject to all rules governing public information, records and
134 Chapter 119, Florida Statutes, as explained in Policy 2.041.

135 b. The willful and knowing unauthorized use, alteration, or destruction of
136 information technology resources and databases is a computer-related crime
137 punishable under Chapter 815, Florida Statutes.

138 c. All employees who have access to or may have access to personally
139 identifiable student records shall adhere to all standards included in the Family
140 Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; the IDEA
141 and its regulations at 20 U.S.C. § 1417(c) and 34 C.F.R. § 300.572;
142 Protection of Pupil Privacy Acts, Fla. Stat. § 1002.22 230.23 and 230.2316,
143 Fla. Stat.; and other applicable laws and regulations, as they relate to the
144 release of student information. Employees shall not use access to student
145 records information for personal gain.

- 146 d. Intranet and Internet Resources, telephones, and e-mail shall be used by
 147 employees to enhance job productivity in performance of ~~as they relate to~~
 148 District business and shall not be used to send abusive, threatening, or
 149 harassing messages. Employees shall not send ~~refrain from~~ communications
 150 where the meaning of the message, or its transmission or distribution, would
 151 be illegal under state or federal statutes, federal regulations, or state rules;
 152 unethical under Fla. Statutes Chapter 112 or Chapter 6B-1 of the State Board
 153 of Education rules; or irresponsible as determined by the reasonable
 154 discretion and judgment of the employees' supervisor.
- 155 e. All software on computers must be licensed. Employees are responsible for
 156 using software in compliance with restrictions ~~which pertain~~ that apply to those
 157 licensing agreements.
- 158 f. Employees shall not make or facilitate the distribution of unauthorized copies
 159 of software. Modifications cannot be made to any ~~the software that are not~~
 160 ~~authorized by~~ without the authorization of the copyright holder. The copyright
 161 legend or notice shall not be removed from the software or any of its
 162 documentation.
- 163 5. Enforcement.-- Any employee failing to comply with this policy or its implementing,
 164 procedures and guidelines may be subject to disciplinary action and ~~as well as~~ civil
 165 liability or criminal liability charges.

166 ⁴~~As defined by the Florida Information Resource Network ("FIRN").~~

167 STATUTORY AUTHORITY: §§ ~~230.23(17); 230.23005, 1001.41(2), 1001.43(9),~~
 168 (11), Fla. Stat.

169 LAWS IMPLEMENTED: §§ 112.313; 119.011; ~~231.546(2)(b)(c), 1001.43(9);~~
 170 1002.22, Fla. Stat.

171 HISTORY: New: 11/5/97; 6/14/00; / /03

Legal Signoff:

The Legal Department has reviewed the revisions to proposed Policy 3.29 and finds them legally sufficient for development by the Board.

Attorney

Date