

VENTURA COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 4040**

ADOPTED: 04/12/04

CLASSIFICATION: Personnel

REVISED: 07/07/08

REPLACED: 07/14/15

REPLACED: 12/14/16

REVISED: 04/11/22

SUBJECT: Employee Use of Technology

ACCEPTABLE USE AGREEMENT/POLICY AND RELEASE OF VCOE LIABILITY FROM EMPLOYEES

The Ventura County Office of Education, hereinafter referred to as VCOE, provides quality services and support for life-long learning opportunities. VCOE collaborates to build relationships with local educational institutions and other government and private sector entities to provide leadership, service, and support for all learners. This will be accomplished through the following four goals:

1. Provide, promote, and support environments that result in world-class learning;
2. Secure and develop resources (human, fiscal, and information) that support and promote our mission;
3. Develop and maintain an organization based on teamwork, trust, communication, commitment, and competence; and
4. Optimize customer satisfaction.

VCOE has a strong commitment to providing a quality education for its students, including access to and experience with technology. VCOE's goals for technology in education include promoting educational excellence in schools by facilitating resource sharing, innovation, and communication; providing appropriate access to all students; supporting critical and creative thinking; fully integrating technology into the daily curriculum; promoting collaboration and entrepreneurship; and preparing students and educators to meet the challenge of a highly technological and information-rich society.

VCOE recognizes that technology 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 operations. VCOE provides a wide range of technological resources, including staff Internet access for the purpose of advancing the educational mission of VCOE. All employees are expected to learn and use the available technological resources that will assist them in the performance of their job responsibilities.

The level of access provided coincides with the requirements of each employee's job functions. These resources are provided at the public's expense and maintained by VCOE and therefore are to be used by members of the VCOE community with respect for the public trust through which they have been provided. VCOE intends to maintain a nonpublic forum, and the forums created by use of its technological equipment are reserved for VCOE's intended purposes.

VCOE periodically updates technology standards according to Superintendent's Policies and Administrative Regulations. Staff members who agree to abide by these defined standards will have access to appropriate, available resources, with guidance and support provided by the Technology Services Department.

Superintendent's Policy 4040 established ethical standards for the use of technology and technological resources in our schools and offices.

This document provides direction to VCOE employees regarding electronic communications such as, but not limited to, electronic mail, social networking, and publishing web pages on the Internet through VCOE or other web servers. Considerations reflected in this document are:

1. Protecting the welfare of children;
2. Protecting every individual's right to privacy;
3. Protecting intellectual and property rights;
4. Respecting the rights of children's parents/guardians;
5. Assuring web resources are used to promote VCOE's educational goals; and
6. Assuring web resources are of the highest quality and are organized, well-designed, and easy to navigate.

A VCOE employee may not examine, change, or use another person's files, output, records, or user name for which they do not have explicit authorization. A VCOE employee may not perform any other inappropriate uses identified by the network administrator. In order to comply with state and federal privacy laws, non-VCOE employees (such as parents, volunteers, or students) may not access any VCOE employee devices or secured resources since confidential or protected student information or sensitive email communications may be stored or accessed from there.

VCOE employees, during the performance of duties, must obey all applicable laws and must follow rules of professional conduct. VCOE is committed to meeting the provisions established in the Family Educational Rights and Privacy Act (FERPA), which protects the rights of students regarding education records. VCOE is committed to meeting the provisions established in the Health Insurance Portability and Accountability Act (HIPAA), which protects the rights of students and employees regarding protected health information. When technology resources are used to transmit confidential information about students, employees, and/or VCOE business, all appropriate safeguards must be used.

A VCOE employee, acting in an individual capacity and outside the scope of employment, may, during nonworking time, express views and opinions that do not necessarily state or reflect those of VCOE. Any such expression shall neither state nor imply that it is made on behalf of VCOE. A VCOE employee shall not communicate information otherwise prohibited by VCOE policy or procedures using technological resources.

A VCOE employee has no specific ownership or possessory right in the technological resources used or in the information stored or created therein. A VCOE employee does not have an expectation of privacy in workplace electronic communications. Computer files and communications over electronic networks, including e-mail, voice mail, and Internet access, are not private. To ensure proper use, the Superintendent/designee may monitor VCOE's technological resources, including but not limited to e-mail, voice mail systems, and Internet usage, at any time without advance notice or consent and may copy, store, or delete any electronic communication or files and disclose them to others as it deems necessary or required by law including but not limited to retrieval of information in response to the Public Records Act; retrieval of records in compliance with the Pupil Record Act, Education Code section 49062, et seq., FERPA and AB 1584; and/or to fulfill statutory duties and Board policies to maintain public records.

Although VCOE will make a concerted effort to protect staff from adverse consequences resulting from use of VCOE technology resources, all users must exercise individual vigilance and responsibility to avoid inappropriate and/or illegal activities. Users are ultimately responsible for their actions in accessing and using VCOE computers and/or mobile devices and the VCOE network. VCOE accepts no liability relative to information stored and/or retrieved on VCOE-owned technology resources. VCOE accepts no liability for employee-owned technology resources used on VCOE property.

For employees assigned to classrooms, personal use of cell phones, smart phones, tablets and similar mobile communication devices for calls, texts, emails, social media, internet use, etc. is prohibited during instructional time, in the presence of students, or during scheduled work hours, with the exception of emergencies.

Some examples of prohibited employee use of communication devices during the workday include:

- Checking, reading, composing, and/or sending personal texts, instant messages and/or emails in the classroom or in the presence of students;
- Using a cell phone to check personal voicemails in the classroom or in the presence of students
- Using a cell phone for personal calls in the classroom or in the presence of students;
- Accessing personal social networking sites (e.g., Facebook, Instagram, Twitter) in the classroom or in the presence of students.

VCOE recognizes the occasional need for personal cell phone use in emergency situations. Although cell phones may be used to place and/or take calls in these situations, staff members must inform their teacher/supervisor of the need to step outside of the instructional setting to either place and/or take such a call. Additionally, even where calls made or received are reasonably

characterized as “emergencies,” such calls should not be excessive and should not interfere with VCOE’s normal business practices and the performance of the individual’s tasks.

E-MAIL

Electronic mail (email) is available to all VCOE staff. To ensure compliance and proper usage, the following regulations have been established:

A. Basic Guidelines

- a. All VCOE email messages and paper documents are the property of the VCOE and are subject to office policy, procedures, and control.
- b. VCOE Employees shall not share their assigned email accounts with anyone for any reason. In addition, VCOE employees shall not give their passwords to anyone for any reason.
- c. Correspondence via email should comply with all professional requirements for correspondence.
- d. Messages should include a pertinent subject title.
- e. Messages should be brief and concise.
- f. Email messages should not contain profanity, racial or sexual slurs, or other unprofessional language. Email messages should not contain defamatory language or language that is offensive or threatening toward employees, the department, or members of the community.
- g. Unless authorized by a department’s procedures, the Deputy Superintendent, Fiscal and Administrative Services or designee, email shall not be used to change an employee’s status or pay. Specific examples of documents that are not appropriate for email include:
 - i. Addition or deletion of dependents or beneficiaries on insurance plans and on death or retirement documents.
 - ii. Stipend, hours, or other pay changes
 - iii. Change in automatic deposit, payroll deduction or withholding
 - iv. Revision to payroll time and attendance reports
 - v. Travel or contract approval
- h. Except when authorized by the Deputy Superintendent, Fiscal and Administrative Services, or designee, information that falls under any applicable privacy regulation shall not be communicated through or attached to an email. Personally Identifiable Information (PII) data would include, but is not limited to:
 - i. Social Security Numbers
 - ii. Credit Card Numbers
 - iii. Personal address and personal telephone number
 - iv. Student education records
 - v. Details of a health or medical condition
 - vi. Race, ethnicity, religion, or sexual orientation
 - vii. Mother’s maiden name
- i. Additional security checks are implemented for outgoing emails containing PII:

- i. If an outgoing email is sent to an external recipient, the system will perform a scan of the email and attachments to check for PII. If PII is discovered by the system, the email will be 'encrypted' for the recipient.
- j. Additional security checks for incoming email:
 - i. Incoming email is scanned for default parameters such as email address or domain blocking, geolocation, email content filters, and suspected malware/phishing rules. If email falls into any of these categories, the email will be quarantined for further review and/or deleted.
- k. Mailbox space should be kept to a minimum. Delete unnecessary messages.
- l. Employees are responsible for any messages sent using their email accounts.
- m. Employees are advised that employee emails and other electronic communications pertaining to the business of VCOE using personal devices or accounts, may be deemed public records for disclosure under the California Public Records Act. Moreover, documents may be subject to disclosure by a subpoena or other legal process.
- n. Emails and other electronic files shall be retained in accordance with the VCOE Records Retention and Disposition Policy (BP/AR 3580).

Violation of this Administrative Regulation may result in discipline in accordance with VCOE employee handbooks, collective bargaining agreements (if applicable), Superintendents Policies, and state and Federal law.

VCOE employees are expected to review, understand, and abide by the terms described in this Administrative Regulation. The employee's annual signature on either Administrative Regulation 4040, Exhibit A, Staff Acceptable Use Policy and Agreement, or the Employee Annual Notifications and Acknowledgement form is legally binding and indicates that the party who signed has read the terms and conditions carefully and understands their significance.

VCOE supervisors are required to enforce these policies consistently and uniformly. No supervisor has the authority to override the policies unless he or she obtains the written permission of the County Superintendent of Schools.

Signed Administrative Regulation 4040, Exhibit A, Staff Acceptable Use Policy and Agreement, and/or the Employee Annual Notifications and Acknowledgement forms are kept on file at VCOE. Any employee who violates any provision of Superintendent's Policy 4040 and/or Administrative Regulation 4040 shall be considered as having acted in an individual capacity and outside the scope of employment and, as such, may be subject to disciplinary action, up to and including termination or criminal prosecution by government authorities.