

NOTICE

SPECIAL MEETING OF THE GOVERNING BOARD

TRACY UNIFIED SCHOOL DISTRICT

DATE: FRIDAY, JUNE 29, 2012

**PLACE: DISTRICT EDUCATION CENTER
BOARD ROOM
1875 WEST LOWELL AVENUE
TRACY, CALIFORNIA**

**TIME: 4:00 PM Closed Session
4:10 PM Open Session**

A G E N D A

1. Call to Order

2. Roll Call – Establish Quorum

Board: J. Costa, G. Crandall, W. Gouveia, T. Guzman, G. Silva, B. Swenson, J. Vaughn.
Staff: J. Franco, C. Goodall, S. Harrison and B. Etcheverry.

3. Closed Session: Opportunity to Address the Board Regarding Closed Session Items which follow. Closed session is limited to consideration of items specifically authorized under the Government Code and/or the Education Codes.

3.1 Educational Services:

3.1.1 Foreign Exchange Placement Appeal 2011-2012/FEPA #1

Action: Motion___; Second___. **Vote:** Yes ___; No___; Absent___; Abstain ___.

3.2 Human Resources:

3.2.1 Consider Public Employee/Employment/Discipline/Dismissal/Release

Action: Motion___; Second___. **Vote:** Yes ___; No___; Absent___; Abstain ___.

4. Adjourn to Open Session

5. Call to Order and Pledge of Allegiance

6. Closed Session Issues:

6a Report Out of Action Taken on Foreign Exchange Placement Appeal 2011-2012/FEPA #1

Action: Vote: Yes ___; No___; Absent___; Abstain ___

7. Hearing of Delegations: Anyone wishing to address the Governing Board on a non-agenda item may be heard at this time. Presentations shall be held to a reasonable length, normally not to exceed five (5) minutes. If formal action is required, the item will be placed on a future agenda and action will be taken at a future date. If information or a report is requested, the request for it must also be submitted in writing to the superintendent. (Please complete a speaker's card at the secretary's desk).

This is a period in which members of the public may address the Board on any subject within the Board's jurisdiction that is not on the agenda. The Brown Act does not allow the Board to take action or discuss items which are not on the agenda. This is because other members of the public have not been notified through the agenda that the subject of the statement would be discussed at this Board meeting. **Pg. No.**

The Board may ask for the item to be placed on a future agenda, direct the speaker to a person who can help, or provide the speaker with the correct procedure to follow to address his/her problem. All speakers have a constitutional right to free speech. As a protective measure, we would like to remind you that if you say something which might give another person the right to pursue legal recourse against you. There is a record of this meeting. This does not mean you cannot criticize employees of the District. However, we would suggest that you do it without using names. We would also suggest that you use the personnel complaint procedures. The board can only hear and address complaints which have been processed in line with the policy. You may obtain copies of the policy from Human Resources, and staff will assist you.

8. PUBLIC HEARING:

8.1 Administrative & Business Services:

- 8.1.1** Conduct a Public Hearing on the Tracy Unified School District Annual Budget. **1**

9. Consent Items: Actions proposed for consent are consistent with the approved practices of the district and are deemed routine in nature. Trustees receive board agenda background information in advance of scheduled meetings and are prepared to vote with knowledge on the consent items.

Action: Motion___; Second___ **Vote:** Yes___; No___; Absent___; Abstain___

9.1 Administrative & Business Services:

- 9.1.1** Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda **2-3**

9.2 Educational Services:

- 9.2.1** Approve Agreement for Special Contract Services with Measured Progress – Data Wise to Provide Professional Development on August 9, 2012, for Williams Middle School **4-7**

10. Action Items: Action items are considered and voted on individually. Trustees receive background information and staff recommendations for each item recommended for action in advance of scheduled meetings and are prepared to vote with knowledge on the action items.

10.1 Administrative & Business Services:

- 10.1.1** Approve the 2012-13 Annual School District Budget (Separate Cover Item) **8-9**

Action: Motion___; Second___ **Vote:** Yes ___; No___; Absent___; Abstain ___.

10.2 Educational Services:

- 10.2.1** Adopt Revised Board Policy and Acknowledge Administrative Regulation 6163.4, Student Use of Technology (Second Reading) **10-29**

Action: Motion___; Second___ **Vote:** Yes ___; No___; Absent___; Abstain ___.

- 10.2.2** Adopt Revised Board Policy and Acknowledge Administrative Regulation 4040, Employee Use of Technology (Second Reading) **30-51**

Action: Motion___; Second___ **Vote:** Yes ___; No___; Absent___; Abstain ___.

11. Board Meeting Calendar:

- | | | |
|-------------|---------------------------|---|
| 11.1 | August 14, 2012 | (First regular meeting of 2012-2013) |
| 11.2 | August 28, 2012 | |
| 11.3 | September 11, 2012 | |
| 11.4 | September 25, 2012 | |
| 11.5 | October 9, 2012 | |
| 11.6 | October 23, 2012 | |
| 11.7 | November 13, 2012 | |
| 11.8 | December 11, 2012 | |

12. Upcoming Events:

- | | | |
|-------------|-----------------------------|---|
| 12.1 | August 13, 2012 | First Day of 2012-2013 School Year |
| 12.2 | August 27, 2012 | District Welcome Back |
| 12.3 | September 3, 2012 | No School, Labor Day |
| 12.4 | October 22, 2012 | No School, Parent Conferences |
| 12.5 | November 12, 2012 | No School, Veteran's Day |
| 12.6 | November 19-23, 2012 | No School, Thanksgiving Break |
| 12.7 | Dec. 17-Jan. 1, 2013 | No School, Winter Break |

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability. To make this request, please telephone the Superintendent's Office at 209/830-3201. If any person with a disability needs a disability-related modification or accommodation, including auxiliary aids or services, he/she should also contact the Superintendent's Office at least 24 hours prior to the meeting.

**NOTICE
SPECIAL MEETING OF THE
GOVERNING BOARD
FOR
TRACY UNIFIED SCHOOL DISTRICT**

Date: Friday, June 29, 2012

Place: District Education Center Boardroom

Time: 4:10 p.m.

AGENDA

PUBLIC HEARING: Conduct a Public Hearing on the Tracy Unified School District Annual Budget.

- 10. Action Items:** Action items are considered and voted on individually. Trustees receive backup information and staff recommendations for each item recommended for action in advance of scheduled meetings and are prepared to vote with knowledge on the action items.

10.1 Administrative & Business Services:

10.1.1 Approve the 2012-13 Annual School District Budget

Posted: June 25, 2012.



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: June 22, 2012
SUBJECT: Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

BACKGROUND: To be valid or to constitute an enforceable obligation against the district, education code 17604 requires that all contracts must be approved and/or ratified by the board of trustees. This requirement is met in several different ways, depending on the value of the requisition, the types of services or materials being procured, and the advance notice staff has in procuring the services or materials. Routine requisitions less than \$5,000 are ratified on the consent calendar when the board approves the warrants list. Except when specific exceptions are detailed in board policies and procedures, requisitions greater than \$15,000 are submitted as action items for board pre-approval. Also, Special Services and advice in financial, accounting, engineering, legal or administrative matters pursuant to Government Code 63060 meet the requirements.

Routine requisitions between \$5,000 and \$15,000, and requisitions greater than \$15,000 which meet specific criteria, may be ratified on the consent calendar by board approval of a summary list, more detailed than the warrants listing. This may also include ratification of "Notice of Completion" of construction projects.

RATIONALE: The attached summary of these requisitions with related support documentation details financial obligations greater than \$5,000 but which meet the criteria to be ratified in this format. The summary is organized alphabetically so that the project's back-up material is identified with the same letter in the lower left hand corner.

FUNDING: Per attached summary of requisitions.

RECOMMENDATION: Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

Prepared by: Dr. Casey Goodall, Associate Superintendent for Business Services.

**BUSINESS SERVICES
FACILITIES DEVELOPMENT DEPARTMENT
SUMMARY OF SERVICES**

A. Vendor:	Employment Advisors
Site:	Tracy Unified School District
Item:	Service Agreement for the 12/13 FY - Ratify
Services:	Legal Services: Litigation; including, complaints and liability.
Cost:	\$275.00/hr. (principal attorney)
Project Funding:	Risk Management/Legal Services



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: *JS* Dr. Sheila Harrison, Assistant Superintendent for Educational Services & Human Resources
DATE: June 12, 2012
SUBJECT: **Approve Agreement for Special Contract Services with Measured Progress-DataWise to Provide Professional Development on August 9, 2012 for Williams Middle School**

BACKGROUND: The District has been using the DataWise data warehouse system since spring of 2006. DataWise provides a variety of useful tools that teachers can use to view student assessment data and to create assessments that can be used to monitor student learning. On the August 9, 2012 pre-service day a variety of workshops will be presented for teachers at Williams Middle School. Kevin Mannion, a professional developer from DataWise, will conduct workshops that address topics identified by the teachers at Williams (scanning and entering assessments, accessing reports, creating tests).

RATIONALE: Measured Progress-DataWise provides skilled trainers that have expertise in providing professional development related to the effective use of formative assessments as well as in the use of the DataWise data warehouse program to create, administer, and analyze assessments. This supports Strategic Goal #2: Ensure that all students meet or exceed grade level standards and that the achievement gap between the identified student subgroups is closed and Goal #6: Develop and support a high performing workforce.

FUNDING: The total cost for this training is \$2495.00. \$1320.00 will be paid by Williams Middle School's allocation of Title II funds and \$1175.00 will be paid by the District's pre-paid service account with DataWise.

RECOMMENDATION: Approve Agreement for Special Contract Services with Measured Progress – DataWise to provide Professional Development on August 9, 2012 for Williams Middle School.

Prepared by: Carol Anderson-Woo, Director of Curriculum, Accountability and Continuous Improvement

TRACY UNIFIED SCHOOL DISTRICT

1875 W. Lowell Avenue, Tracy, California 95376

AGREEMENT FOR SPECIAL CONTRACT SERVICES

This agreement, by and between Tracy Unified School District, hereinafter referred to as "District," and Measured Progress - DataWise, hereinafter referred to as "Contractor," is for consultant or special services to be performed by a non-employee of the District. District and Contractor, herein named, do mutually agree to the following terms and conditions:

1. Contractor shall perform the following duties: Provide 1 day inservice on DataWise on August 9, 2012..

2. Contractor will provide the above services(s), as outlined in Paragraph 1, for a period of up to a total of 1 Days(s) (circle one), under the terms of this agreement at the following location Williams Middle School, Tracy Unified School District

3. In consideration of the services performed by Contractor, District shall pay Contractor according to the following fee schedule:

a. District shall pay \$1,320 per **HOUR/DAY/FLAT RATE** (circle one), not to exceed a total of \$ 1,320. Contractor shall only be paid for work completed to the satisfaction of District through the termination date of this agreement.

b. District ☐ SHALL; ☒ SHALL NOT reimburse Contractor for out-of-pocket expenses incurred during Contractor's performance of the services, including: mileage, meals and lodging in the district rates not to exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed \$_____for the term of this agreement.

c. District shall make payment on a ☐ MONTHLY PROGRESS BASIS, ☒ SINGLE PAYMENT UPON COMPLETION OF THE DUTIES and within thirty (30) working days from Contractor's presentation of a detailed invoice or on a claim form provided by District. Original paid receipts are required for lodging, air fare (passenger coupon or ticket stub), automobile rental, and parking. Claims for unusual expenses, such as teaching materials, photocopying, etc., must be accompanied by original paid invoices.

4. The terms of the agreement shall commence on August 9, 2012, and shall terminate on September 30, 2012

5. This agreement may be terminated at any time during the term by either party upon 30 day's written notice.

6. Contractor shall contact the District's designee, Dr. Carol Anderson-Woo at (209) 830-3275 with any questions regarding performance of the services outlined above. District's designee shall determine if and when Contractor has completed the services described.

7. The parties intend that an independent contractor relationship be created by this contract and District assumes no responsibility for workers' compensation liability. District likewise assumes no responsibility for liability for loss, damage, or injury to person(s) or property resulting from, or caused by, the contractor's activities during or relating to the performance of service under this Agreement.

Contractor agrees to hold harmless and to indemnify District for:

Any injury to person or property sustained by Contractor or by any person, firm, or corporation employed directly or indirectly by the Contractor or by any of the individuals participating in or associated with him or her, however caused; and any injury to person or property sustained by any person, firm or corporation, caused by act, neglect, default or omission, of Contractor, or any person, firm or corporation directly or indirectly employed by Contractor upon or in connection with this Agreement, or any of the participants arising out of or in the course of their term of this Agreement, and Contractor at his or her own cost, expense, and risk, shall defend any and all actions, suits or other legal proceedings that may be instituted against District for any such claim or demand, and pay or satisfy any judgment that may be rendered against District in any such action, suit or legal proceedings or the result thereof. Nothing herein provided shall be construed to require Contractor to hold harmless or indemnify District for liability or damages resulting from the negligence or willful act, or omission of District or its officers, agents, or employees.

8. This Agreement is for the personal services of the Contractor and Contractor may not assign the performance of the services to any person or persons who are not parties to this Agreement except for employees of Contractor.
9. Contractor certifies that his or her current employer, if any, is fully cognizant of this Agreement and that payments hereunder are not in conflict with any federal, state, or local statutes, rules or regulations or with any policies of Contractor's current employer.
10. District shall become the owner or, and entitled to, exclusive possession of all records, documents, graphs, photographic or other reproductions of any kind produced in the scope of services performed and no other uses thereof will be permitted except by permission of the District. Proprietary materials will be exempted from this clause.

AGREED:

Consultant Signature (1)

Social Security Number (2)

June 12, 2012
Date

Kevin Mannion, DataWise
Title
3743 Electro Way

Address
Redding, CA, 96003

Tracy Unified School District

Date

Associate Superintendent of Business
Title

01-4035-0-1110-2140-5800-490-2744
Account Number to be Charged

Department/Site Approval

Budget Approval

Date Approved by the Board

Send all copies to the Business Office:

- (1) Whenever organizational names are used, the authorized signature must include title, such as president.
- (2) Whenever organizational names are used, the employer IRS Identification Number must be used instead of a Social Security Number.

File: CntrctSrves.dot
Disk: S:\shared

**Quote**

Quote Number: 365
Date: 06/05/2012
Contact Person: Kevin Mannion
Valid Until: 06/08/2012

Bill To	Ship To
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Tracy Unified School District 1875 W Lowell Ave Tracy, CA 95376	Tracy Unified School District 1875 W Lowell Ave Tracy, CA 95376
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Acct.# 1006301/ Datawise Prepaid Training

Quantity	Part Number:	Product	List Price	Unit Price	Ext. Price	Discount
1	DW-PPTRNG-300	Prepaid - Training 6700.003/ Expiration Date:06/05/13	\$0.00	\$2,495.00	\$2,495.00	\$1,175.00

To be provided by Kevin Mannion
08/09/12. Discounted by \$1,175.00
which is the balance of Tracy's
prepaid services.

Customer Name

Customer Signature

Title

Date

Subtotal:	\$2,495.00
Discount:	\$1,175.00
Discounted Subtotal:	\$1,320.00
Tax:	\$0.00
Shipping:	\$0.00
Total:	\$1,320.00

Grand Total

Currency: USD

Tax Rate: 0.00%

Shipping Provider:

Subtotal:	\$2,495.00
Discount:	\$1,175.00
Discounted Subtotal:	\$1,320.00
Tax:	\$0.00
Shipping:	\$0.00
Total:	\$1,320.00



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business
DATE: June 19, 2012
SUBJECT: Approve the 2012-13 Annual School District Budget

BACKGROUND: Education Code Section 42127 requires that:

42127. (a) *On or before July 1 of each year, the governing board of each school district shall accomplish the following:*

- (1) *Hold a public hearing on the budget to be adopted for the subsequent fiscal year. The agenda for that hearing shall be posted at least 72 hours prior to the public hearing and shall include the location where the budget will be available for public inspection.*
- (2) *Adopt a budget. Not later than five days after that adoption or by July 1, whichever occurs first, the governing board shall file that budget with the county superintendent of schools. That budget, and supporting data, shall be maintained and made available for public review....*

(c) *The county superintendent of schools shall do all of the following:*
Examine the adopted budget to determine whether it complies with the standards and criteria adopted by the State Board of Education pursuant to Section 33127 for application to final local educational agency budgets. The superintendent shall identify, if necessary, any technical corrections that must be made to bring the budget into compliance with those standards and criteria. (2) Determine whether the adopted budget will allow the district to meet its financial obligations during the fiscal year and is consistent with a financial plan that will enable the district to satisfy its multiyear financial commitments.

- (3) (e) *On or before September 8, the governing board of the school district shall revise the adopted budget to reflect changes in projected income or expenditures subsequent to July 1, and to include any response to the recommendations of the county superintendent of schools, shall adopt the revised budget, and shall file the revised budget with the county superintendent of schools. Prior to revising the budget, the governing board shall hold a public*

hearing regarding the proposed revisions, to be conducted in accordance with Section 42103. The revised budget, and supporting data, shall be maintained and made available for public review.

District Policy 3100, Budget, states that the Governing Board accepts responsibility for adopting a sound budget for each fiscal year which is aligned with the district's vision, goals, and priorities.

RATIONALE: In January of 2012, Governor Brown proposed the California State Budget for 2012-13. Because the State of California is the greatest source of funds for Tracy Unified School District operations, the Governor's January budget proposal is a key source of information for planning. As in past years, the Governor reported projections of multiple years of deficits in the state budget. In response, he proposed a plan that includes budget reductions to many social welfare programs and flat funding to K-12 education, but his plan is dependent on passage in November of an initiative to increase taxes. If the Governor's plan for higher taxes fails to win the needed support, the Governor proposed significant budget reductions to K-12 education, currently estimated to be \$441 per student, or approximately \$6.9 million for Tracy Unified School District.

Given the uncertainty of the election, and the dramatically different scenarios for which school districts must plan, and following the guidelines offered by the San Joaquin County Office of Education, the current budget has been developed assuming the election will pass, but simultaneously designating in the ending balance, to the extent possible, an amount equal to \$441 per student in reductions.


FUNDING: The ending balance from the 2011-12 school year is projected to be adequate to meet this planning obligation for the 2012-13 and 2013-14 years, but is inadequate to meet the obligation for the 2014-15 school year. Nonetheless, the proposed budget complies with Education Code Section 33127 which sets forth standards and criteria to be reviewed and used by local educational agencies in the development of annual budgets and the management of subsequent expenditures from that budget. The proposed budget will allow the district to meet its financial obligations during the fiscal year, and to satisfy its multiyear financial commitments.

RECOMMENDATION: Approve the 2012-13 Annual School District Budget

Prepared by: Dr. Casey Goodall, Associate Superintendent of Business Services.



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM:  Dr. Sheila Harrison, Assistant Superintendent of
Educational Services & Human Resources
DATE: May 29, 2012
SUBJECT: Adopt Revised Board Policy and Acknowledge Administrative Regulation
6163.4, Student Use of Technology (Second Reading)

BACKGROUND: K-12 schools providing Internet access and receiving E-rate funding must meet certain federal requirements in accordance with CIPA (Children's Internet Protection Act) which was signed into law on December 21, 2000. Under CIPA, a school district must certify that it is enforcing a policy of Internet safety that includes the use of Internet filtering or blocking technology. The Protecting Children in the 21st Century Act was enacted into law in October 2008 and requires that measures be in place to monitor the online activities of minors and provide education about appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. The FCC released CIPA rule revisions in August 2011, incorporating the E-Rate program provisions of the Protecting Children of the 21st Century Act.

RATIONALE: BP and AR 6163.4 have been updated to reflect modifications necessary to maintain compliance of the Children's Internet Protection Act and the Protecting Children of the 21st Century Act. This supports District Strategic Goal #4: Utilize technology as a tool for improvement in instruction, and to increase efficiency in operations across the District.

FUNDING: TUSD must be able to demonstrate compliance by June 30, 2012 or risk the loss of E-Rate discounts until compliance is attained.

RECOMMENDATION: Adopt Revised Board Policy and Acknowledge Administrative Regulation 6163.4, Student Use of Technology (Second Reading)

Prepared by: Cindy Minter, Director of Information Services and Educational Technology

STUDENT USE OF TECHNOLOGY

The Governing Board intends that technological resources provided by the district be used in a safe, responsible and proper manner in support of the instructional programs and for the advancement of student learning. The Governing Board recognizes that technology provides ways to access the most current and extensive sources of information and enables students to practice skills and to develop reasoning and problem-solving abilities. In addition, electronic resources foster workplace skills that may be transferable to new technologies. Every effort shall be made to provide equal access to technology throughout the district's schools and classes.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement (AUA).

Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the district and district personnel for any damages or costs involved.

The Superintendent or designee shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the district's technological resources and to help ensure that the district adapts to changing technologies and circumstances.

Use of District Computers for Online Services/Internet Access

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in the supervision.

STUDENT USE OF TECHNOLOGY

The Superintendent or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Student use of district computers to access social networking sites is prohibited. To the extent possible, the Superintendent or designee shall block access to such sites on district computers with Internet access.

Harassment or bullying of student and staff, including, but not limited to, cyberbullying, intimidation, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption, in accordance with this section entitled “Bullying/Cyberbullying” below:

Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person’s electronic account and assuming that person’s identity in order to damage that person’s reputation.

District staff is expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If a District staff believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of the privilege of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulations. The Superintendent or designee shall notify local law enforcement as appropriate.

STUDENT USE OF TECHNOLOGY

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Bullying/Cyberbullying

The Governing Board desires to prevent bullying and cyberbullying by establishing a positive, collaborative school climate and clear rules for student conduct.

The district may provide students with instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying.

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information.

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Complaints of bullying shall be investigated and resolved in accordance with the district's board policies.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.

Any student who engages in cyberbullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use

STUDENT USE OF TECHNOLOGY

that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Legal Reference:EDUCATION CODE

200-262.4	Prohibition of discrimination
32261	Bullying
35181	Governing board policy on responsibility of students
35291-35291.5	Rules
44807	Duty concerning conduct of students
48900-48925	Suspension or expulsion, especially:
48908	Duties of students
51006-51007	Equitable access to technological education programs
51512	Prohibition against electronic listening or recording
	Device in classroom without permission
51870-51874	Education technology
60044	Prohibited instructional materials

CIVIL CODE

1714.1	Liability of parents and guardians for willful misconduct of minor
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PENAL CODE

288.2	Harmful matter with intent to seduce
313	Harmful matter
502	Computer crimes, remedies
632	Eavesdropping on or recording confidential communications
647	Use of camera or other instrument to invade person's privacy; misdemeanor
647.7	Use of camera or other instrument to invade person's privacy; punishment
653.2	Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

300-307	Duties of pupils
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UNITED STATES CODE, TITLE 15

6501-6506	Children's Online Privacy Protection Act
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STUDENT USE OF TECHNOLOGY

UNITED STATES CODE, TITLE 20

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

UNITED STATES CODE, TITLE 42

2000h-2000h6	Title IX, 1972 Education Act Amendments
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UNITED STATES CODE, TITLE 47

254	Universal service discounts (E-rate)
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CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12	Children's Online Privacy Protection Act
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CODE OF FEDERAL REGULATIONS, TITLE 47

54.520	Internet safety policy and technology protection Measures, E-rate discounts
254	Universal service discounts (E-rate)

Court Decisions:

J.C. v. Beverly Hills Unified School District, (2010 711 F. Supp.2d 1094
 LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981
 Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088
 Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
 Tinker v. Des Moines Independent Community School District (1969)
 393 U.S. 503

Management Decisions:

CSBA PUBLICATIONS
 Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
 Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
 Digital Discipline: Off-Campus Student conduct, the First Amendment and Web
 Sites, School Law in Review, 2001

STUDENT USE OF TECHNOLOGY**NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS**

Bullying in School: Fighting the Bullying Battle, 2006

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office:

<http://www.cde.ca.gov/ls/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

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

~~The Governing Board recognizes that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. In addition, electronic resources foster workplace skills that may be transferable to new technologies. Every effort shall be made to provide equal access to technology throughout the district's schools and classes.~~

~~To discourage access to adult content on on-line electronic services and preclude other misuses of the system, the Superintendent or designee shall establish age/grade-level qualifications and shall ensure that students receive training in user obligations and responsibilities.~~

~~Before using on-line services, the student and parent/guardian shall sign the district's user contract indicating that the student understands and agrees to abide by specified user obligations and responsibilities.~~

~~Staff shall closely supervise students while using on-line services and may ask teacher aides and student aides to assist in this supervision.~~

~~The Superintendent or designee shall establish administrative regulations governing use of the district's on-line services. He/she shall ensure that users have no expectation of privacy and understand that district staff may monitor or examine all system activities to ensure proper use of the system. Students who fail to abide by these regulations shall be subject to disciplinary action, revocation of the user account, and legal action as appropriate.~~

Legal Reference:

STUDENT USE OF TECHNOLOGYEDUCATION CODE

51006	Computer education and resources
51007	Programs to strengthen technological skills
60011	Instructional materials definition
60013	Supplementary instructional materials
60017.1	Technology-based materials
60044	Prohibited instructional materials

STUDENT USE OF TECHNOLOGY

PENAL CODE

~~632~~ ————— ~~Eavesdropping on or recording confidential communications~~

UNITED STATES CODE, TITLE 20

~~6801-7005~~ ————— ~~Technology for Education Act of 1994~~

Management Resources:

CDE PUBLICATIONS

~~K-12~~ ————— ~~Network Technology Planning Guide: Building the Future, 1994~~

CDE PROGRAM ADVISORIES

~~1223.94~~ ————— ~~Acceptable Use of Electronic Information Resources~~

BOARD ADOPTED: 09/23/1997

REVISED: 05/30/2012

STUDENT USE OF TECHNOLOGY

The Superintendent or designee shall oversee the maintenance of the districts technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the district's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of district Staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

District staff shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

Online/Internet Services: User Obligations and Responsibilities

Students are authorized to use district equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below, and the district's Acceptable Use Agreement.

1. The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.
2. Students shall use the district's system safely, responsibly, and primarily for educational purposes.
3. Students shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

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)

STUDENT USE OF TECHNOLOGY

4. Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using email, chat rooms, or other forms of direct electronic communication. Students also shall be cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.

Personal information includes the student's name, address, telephone number, Social Security number, or other personally identifiable information.

5. Students shall not use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.
6. Students shall not use the system to engage in commercial or other for-profit activities.
7. Students shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.
8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.
9. Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."
10. Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or use another individual's identity.
11. Students shall report any security problem or misuse of the services to a teacher or principal.

The district reserves the right to monitor use of the district's systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic communications, including email, are not private and may be accessed by the district for the purpose of ensuring proper use.

STUDENT USE OF TECHNOLOGY

Whenever a student is found to have violated Board policy, administrative regulation, or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

Technology Acceptable Use Agreement

The following pages include the Acceptable Use Agreement.

TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA)
NETWORK AND COMPUTER RELATED RESOURCES
(Based on BP/AR 4040 and BP/AR 6163.4)

In exchange for the use of the Tracy Unified School District (TUSD) computer systems and data communication networks, either locally attached or through remote connection on or near school property, in school vehicles and buses, and at school-sponsored activities, the following agreement will apply. **Please read this document carefully.** It is a legally binding agreement when signed. The guardian/parent must sign when the user is under 18 years of age.

The use of the TUSD network/computer system is a privilege for which users accept responsibility. Each user must act in an appropriate manner consistent with TUSD Board of Education policies, California Education Code, and other local, state and federal laws and regulations governing the applicable matter. It is intended to provide Internet and technological resources to:

- Support learning
- Promote educational excellence and innovation
- Improve administrative efficiency
- Increase opportunities for communication and communicate with others in furtherance of the user's education
- Conduct research and provide additional resources for general information
- Result in more timely and accurate information
- Increase opportunities for professional/personal growth
- Enhance parent involvement

The TUSD network/computer system is shared and available to all registered users. The system may not be used in a way as to disrupt or interfere with its use by others. Inappropriate use of the system includes, but is not limited to:

- Virtual and physical damage, vandalism or theft of equipment as well as theft, piracy or altering of software.
- Theft of services, including connection of unauthorized network/computer equipment to the system.
- Installation of non-approved software/programs, or the download and installation of software/programs on District computers or network communication systems.
- Use of the system to communicate unlawful information or to transmit computer viruses.
- Accessing or communicating information which is pornographic, obscene, sexist, racist or abusive.
- Access or communication of "Harmful matter" as defined by California Penal Code 313.
- Violation of copyright law and Plagiarism of ideas or information.
- Use of the system for anonymous access or communication of information.
- Use of the system for commercial purposes or for political campaigning.
- Other conduct deemed objectionable by the Tracy Unified School District.
- Any violations of the classroom rules, school conduct code, educational code, or penal code.

TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA)
NETWORK AND COMPUTER RELATED RESOURCES
(Based on BP/AR 4040 and BP/AR 6163.4)

Students, parents/guardians, and District Staff shall recognize that the nature of the use of District technological resources extends outside of the school itself and into off-campus remote locations such as homes. The District's jurisdiction to enforce student behavior and discipline policies, and rules shall apply whether the misuse or violation is at school or away from school as long as the District's technological resources are being used in the inappropriate behavior.

The District will log the use of all systems and monitor all system utilization. Any and all information on the TUSD networks, with the exception of student and personnel records is not deemed private. Digital storage is TUSD property. All District computers will comply with A.R.S. 34-501 (enacted, 1999) (access to materials harmful to minors) and all District employees are required to comply with the Family Education and Privacy Rights Act of 1974 (disclosure of personally identifiable information). Student names will be included as part of their network user/email accounts. The Superintendent or designee will determine what is appropriate use of technology resources and their decision is final. The TUSD reserves the rights to any materials stored in files, and will remove any material which the Superintendent or designee may believe to be unlawful, obscene, pornographic, abusive, or otherwise objectionable. The system may not be used to obtain, view, download, or otherwise gain or provide access to such materials. The Superintendent or designee will refer for disciplinary action anyone who does not comply with the provisions of this agreement. Cancellation of user privileges will be at the discretion of the staff after application of due process.

The Tracy Unified School District will not be held responsible for any damages suffered by the user, including those arising from non-deliveries, mis-deliveries, service interruptions, unauthorized use, loss of data and exposure to potentially harmful or inappropriate material sustained or incurred in connection with the use, operation, or inability to use the system. The TUSD specifically denies any responsibility for the accuracy or quality of information obtained electronically. Use of any information obtained electronically is at the risk of the user. The District assumes no liability for personal technology, including computers, smart phones, network access devices, or other electronic signaling devices, if such devices are damaged, lost or stolen. The user, or user's parent/guardian, shall indemnify and hold TUSD harmless from any losses sustained as the result of use or misuse of the District's technological resources by the user, and/or the loss or damage of personal technology.

One of the services available through the TUSD network/computer system is the Internet. The Internet, a community of network systems, is not governed by any entity. The District does not have control over the kind or quality of the information that is accessible to Internet users. It is not feasible to limit access to all materials or all emails that a parent/guardian might consider inappropriate; therefore, inappropriate use is the responsibility of the user.

TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA)
NETWORK AND COMPUTER RELATED RESOURCES
(Based on BP/AR 4040 and BP/AR 6163.4)

Not all access to the Internet can be supervised. Users agree not to send, access, submit, publish, display or print over the Internet or TUSD network, or using TUSD technology resources, any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, offensive or illegal material. Cyberbullying is specifically prohibited. It shall be the user's responsibility to report the inappropriate use, web site, or communications to teachers or other District Staff.

The use of TUSD network/computer system requires that all users abide by the following rules:

- Be polite, do not send or respond to abusive, harassing, or suggestive messages to anyone. Report such messages.
- Respect (do not access, delete, move, or alter) anyone else's files and/or data.
- Use appropriate language. Do not swear, use vulgarities, or express yourself in any other inappropriate language.
- Communication advocating, encouraging or supporting illegal activities is strictly forbidden.
- Copyright, trademark and/or registered laws must be adhered to at all times. All materials from the Internet and other digital resources, including graphics, must be properly cited.
- Respect the privacy of all users. Do not reveal the personal address or phone numbers of yourself or anyone else.
- District e-mail accounts are not private. TUSD e-mail is operated for and by the District.
- Respect the originator of email and do not forward e-mail messages or information without permission.
- Individuals will ONLY use authorized accounts they have been personally issued.
- All users must keep their account passwords confidential.
- Do not send "junk", "mass", or "spam" email.
- Do not use a modem connected to a TUSD computer or network.
- Access to the Internet or other District network communication systems from personal technology is limited to wireless access points on the school campuses. Access to the Internet or other District network communication systems from personal technology is not available via hardwire connections.

The Tracy Unified School District computer system is intended for the exclusive use of its registered users who are responsible for their password and their accounts. Any problems which arise from the use of the account are the responsibility of the account holder. Any misuse of the account or system will result in disciplinary action and/or the suspension or cancellation of privileges. Use of the account by someone other than the registered user will be grounds for cancellation and/or may result in disciplinary action.

**TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA)
NETWORK AND COMPUTER RELATED RESOURCES**
(Based on BP/AR 4040 and BP/AR 6163.4)

The following two sections are for students and their parents and REQUIRE SIGNATURES.

STUDENT AGREEMENT

I have read the Tracy Unified School District "NETWORK AND COMPUTER RELATED RESOURCES (06/2012)" Acceptable Use Agreement and understand its provisions. I accept responsibility for the appropriate use of the TUSD computer system as outlined in this agreement and that violations will result in disciplinary and if appropriate criminal action. I understand that misuse of the system will result in disciplinary action and/or the cancellation of privileges. I agree to report any misuse to a teacher or District administrator.

Student or Community User (PRINT NAME)

School Site

SIGNATURE

Date

PARENT/GUARDIAN AGREEMENT

I have read the Tracy Unified School District "NETWORK AND COMPUTER RELATED RESOURCES (06/2012)" Acceptable Use Agreement and understand the responsibility my child has for the use of the TUSD computer system and that violations will result in disciplinary and if appropriate criminal action. I accept full responsibility for my child's use. I also agree to report any misuse of the system to a teacher or District administrator.

Parent/Guardian (PRINT NAME)

SIGNATURE

Date

===== The section below is for TUSD employees and REQUIRES a SIGNATURE =====

TUSD TEACHER/STAFF MEMBER AGREEMENT

I have read the Tracy Unified School District "NETWORK AND COMPUTER RELATED RESOURCES (06/2012)" Acceptable Use Agreement and agree to instruct the users for whom I have responsibility in the acceptable use of the TUSD computer system and that violations will result in disciplinary and if appropriate criminal action. I cannot be held responsible for student access to technology resources for their individual work or in the context of another class. I agree to report any misuse of the system to a District administrator.

I understand and accept responsibility for supporting the provisions of this agreement with all users and for personally abiding by the rules of this agreement in my own use of the TUSD network and computer system.

Teacher/Staff Member
(PRINT NAME)

School Site or
Department

Job Title

SIGNATURE

Date

TRACY UNIFIED SCHOOL DISTRICT ACUERDO DE USO ACEPTABLE (AUA)
RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS
(Basado en BP/AR 4040 y BP/AR 6163.4)

A cambio del uso de la red de comunicación de datos y las sistemas computarizados del Distrito Escolar Unificado de Tracy (TUSD), ya sea localmente conectado o por conexión remota en o cerca de la propiedad de la escuela, en autobuses y vehículos de la escuela y en actividades patrocinadas por la escuela, el siguiente acuerdo deberá aplicarse. **Les suplicamos leer este documento cuidadosamente.** Una vez firmado se convierte en un acuerdo legal obligatorio. Asimismo, el padre/tutor deberá firmar cuando el usuario es menor de 18 años de edad.

El uso del sistema de la red/sistema computarizado de TUSD es un privilegio por el cual los usuarios aceptan la responsabilidad. Cada usuario debe actuar de manera adecuada y coherente con las políticas de la Mesa Directiva del Distrito, el código de educación de California y otras leyes locales, estatales y federales y reglamentos que rigen la materia aplicable. La intención es de proporcionar Internet y recursos tecnológicos para:

- Apoyar el aprendizaje
- Promover la innovación y la excelencia educativa
- Mejorar la eficacia administrativa
- Aumentar las oportunidades para la comunicación y comunicarse con otras personas en el fomento de la educación del usuario
- Realizar investigaciones y proporcionar recursos adicionales para obtener información general
- Resultar en más información oportuna y exacta
- Aumentar las oportunidades de desarrollo profesional y personal
- Aumentar la participación de los padres

El uso del sistema de la red/sistema de computación de TUSD deberá compartirse y estar disponible para todos los usuarios registrados. El sistema de computación no deberá usarse en tal manera que interrumpa o interfiera con el uso los demás. El uso inadecuado del sistema incluye, pero no se limita a:

- Daño físico y virtual, vandalismo o robo del equipo, así como robo, piratería o alteración de software.
- Robo de los servicios, incluyendo la conexión de una red/ equipo de computación no autorizado al sistema.
- Instalación de software/programas no autorizada, o la descarga e instalación de programas en equipo o sistemas de comunicación de red del distrito.
- Uso del sistema para comunicar información ilegal o para transmitir virus de computación.
- Acceso a información que es pornográfico, obsceno, sexista, racista o abusivo.
- Acceso o información de "Materia Perjudicial" según se define en el Código Penal 313 de California.
- Violación de la ley de los derechos de autor y Plagio de ideas o información.
- Uso del sistema para acceso anónimo o comunicación de información.
- Uso del sistema para propósitos comerciales o para campañas políticas.
- Otra conducta que del Distrito Escolar Unificado de Tracy juzgue censurable.
- Cualquier violación de las reglas del salón de clase, código de conducta escolar, código de educación o código penal.

**TRACY UNIFIED SCHOOL DISTRICT ACUERDO DE USO ACEPTABLE (AUA)
RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS**
(Basado en BP/AR 4040 y BP/AR 6163.4)

Estudiantes, padres o tutores y personal de Distrito reconocerá que la naturaleza del uso de recursos tecnológicos de distrito se extiende fuera de la propia escuela y en ubicaciones remotas fuera del campus, como casas. Jurisdicción del distrito para aplicar el comportamiento del estudiante y las normas y políticas de disciplina se aplicará sino el abuso o la violación es en la escuela o fuera de la escuela si recursos tecnológicos del distrito se utilizan en el comportamiento inadecuado.

El Distrito mantiene un registro del uso de todos los sistemas y controla todo uso del sistema. Cualquier y toda la información de la red informática de TUSD, con excepción de los expedientes de los alumnos y el personal **no** se consideran privada. Almacenamiento de información digital es propiedad TUSD. Todos las computadoras de distrito cumplirán con A.R.S. 34-501 (legislada, 1999) (acceso a materiales perjudiciales para menores) y todos los empleados del Distrito deben cumplir con la Ley de los Derechos de Educación y Privacidad de la Familia de 1974 (revelar información que identifique personalmente). Los nombres de los alumnos se incluirán como parte de la cuenta de su red/cuenta de usuario de correo electrónico. El superintendente o designado determinará lo que es apropiado para el uso de los medios de tecnología y su decisión es final. El TUSD se reserva los derechos de cualquiera material almacenado en los expedientes y removerá cualquier material el cual crea que es ilegal, obsceno, pornográfico, abusivo o de otra manera censurable. El sistema no deberá usarse para obtener, ver, descargar, o de otra manera obtener o proporcionar acceso a tales materiales. El superintendente o designado referirá para acción disciplinaria a cualquier individuo que cumple no acate las provisiones de este acuerdo. La cancelación del uso de los privilegios será a la discreción del personal después de aplicar el proceso legal debido.

El Distrito Escolar Unificado de Tracy no se hará responsable por cualquier daño sufrido por el usuario, incluyendo lo que resulta de no entrega, 'mis-deliveries', o interrupciones de servicio, uso no autorizado, pérdida de datos y la exposición a materiales potencialmente dañino o inadecuado, experimentado o incurrido en conexión con el uso, operación o incapacidad del uso del sistema. El Distrito Escolar Unificado de Tracy no se hace responsable por la exactitud o calidad de información obtenida electrónicamente. El uso de cualquier información obtenida electrónicamente es al riesgo del usuario. El distrito no asume ninguna responsabilidad para tecnología personal, incluyendo computadoras, teléfonos inteligentes, dispositivos de acceso de red o otros dispositivos de señalización electrónicas, si dichos dispositivos están dañados, perdidos o robados. El usuario o padre/tutor del usuario, deberá indemnizar y eximir inofensivo TUSD de las pérdidas sufridas como consecuencia del uso o mal uso de los recursos tecnológicos del distrito por el usuario, o la pérdida o daño de tecnología personal.

Uno de los servicios disponibles a través del sistema de computación del Distrito Escolar Unificado de Tracy es el Internet. El Internet es una sistema de red de comunicaciones, que no lo gobierna ninguna entidad. El Distrito no tiene control sobre la clase o calidad de información que es accesible a los usuarios de Internet. No es factible limitar el acceso de materiales o todos los correos electrónicos que un padre/tutor pueda considerar inadecuado, por lo tanto, el uso inapropiado es responsabilidad del usuario.

**TRACY UNIFIED SCHOOL DISTRICT ACUERDO DE USO ACEPTABLE (AUA)
RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS
(Basado en BP/AR 4040 y BP/AR 6163.4)**

No todo el acceso a Internet puede ser supervisado. Los usuarios se comprometen a no enviar, acceder, presentar, publicar, mostrar o imprimir en la red Internet o TUSD, o usando de recursos de tecnología de TUSD, cualquier materia difamatorio, inexacto, abusivo, obsceno, profano, sexualmente orientado, amenazante, ofensivo o ilegal. Ciberacoso está específicamente prohibida. Será responsabilidad del usuario informar el uso, sitio web o las comunicaciones inadecuados a los profesores y demás personal del distrito.

El uso del sistema de la red/computación de TUSD requiere que todos los usuarios respeten las siguientes reglas:

- Ser cortés. No mandar o responder a mensajes abusivos, de acoso o sugestivos a nadie. Reportar tales mensajes.
- Respetar (no tener acceso, borrar, mover o alterar) los expedientes o información de otros.
- Usar lenguaje apropiado. No maldecir, usar vulgaridades o expresarse con cualquier tipo de lenguaje inadecuado.
- La comunicación defendiendo, estimulando o apoyando las actividades ilegales está estrictamente prohibido.
- Copyright, marca registrada o leyes registradas deben respetarse en todo momento. Todos los materiales de la Internet y otros recursos digitales, incluyendo gráficos, deben citarse correctamente.
- Respetar la privacidad de todos los usuarios. No revelar tu dirección o teléfono personal o la de nadie más.
- El correo electrónico de distrito no es privado. El correo electrónico de TUSD es operado por y para el Distrito.
- Respetar el originario del correo electrónico y no reenviar mensajes de correo electrónico o información sin permiso.
- Los individuos usarán ÚNICAMENTE las cuentas autorizadas que se les haya dado para uso personal.
- Todos los usuarios deben mantener sus contraseñas de cuenta confidenciales.
- No mandar correo "basura (junk)", "mass" o "spam".
- No usar un módem conectado a una red o computadora de TUSD.
- Acceso a Internet o a otros sistemas de comunicación de red de distrito desde tecnología personal está limitada a puntos de acceso inalámbrico en los campus de la escuela. Acceso a Internet o a otros sistemas de comunicación de red del Distrito de tecnología personal no está disponible a través de conexiones "hardwire".

El sistema de computación del Distrito Escolar Unificado de Tracy es para el uso exclusivo de los usuarios registrados los cuales son responsables por su contraseña y sus cuentas. Cualquier problema con el uso de la cuenta es la responsabilidad del usuario de la cuenta. Cualquier uso inadecuado de la cuenta o sistema resultará en acción disciplinaria y/o la suspensión o cancelación de privilegios. El uso de la cuenta por alguien que no sea el usuario registrado dará motivos de cancelación y/o resultará en una acción disciplinaria.

**TRACY UNIFIED SCHOOL DISTRICT ACUERDO DE USO ACEPTABLE (AUA)
RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS**
(Basado en BP/AR 4040 y BP/AR 6163.4)

Las dos secciones siguientes son para los estudiantes y sus padres y requieren firmas.

ACUERDO DEL ESTUDIANTE

He leído el Acuerdo de Uso Aceptable del Distrito Escolar Unificado de Tracy "RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS" (06/2012) y entiendo sus provisiones. Acepto la responsabilidad para el uso apropiado del sistema de computación de TUSD como está delineado en el presente acuerdo y que las violaciones resultarán en acción disciplinaria y si es apropiado, acción criminal. Entiendo que uso inadecuado del sistema resultará en una acción disciplinaria y la cancelación de privilegios. Estoy de acuerdo en reportar cualquier uso del sistema inadecuado a un administrador.

Alumno o Usuario de la Comunidad (LETRA DE MOLDE)	Escuela	FIRMA	Fecha

PADRE/TUTOR ACUERDO

He leído el Acuerdo de Uso Aceptable del Distrito Escolar Unificado de Tracy "RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS" (06/2012) y entiendo la responsabilidad que mi hijo(a) tiene para el uso del sistema computarizado de TUSD y que violaciones resultarán en acción disciplinaria y si es apropiado, acción criminal. Acepto la responsabilidad total por el uso del sistema por mi hijo. Asimismo estoy de acuerdo en reportar cualquier uso inadecuado del sistema al administrador.

Padre/Tutor (LETRA DE MOLDE)	FIRMA	Fecha

===== La sección a continuación es para empleados TUSD y requiere una firma =====


ACUERDO DE MIEMBRO DEL PERSONAL DOCENTE DE TUSD

He leído el Acuerdo de Uso Aceptable del Distrito Escolar Unificado de Tracy "RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS" (06/2012) y estoy de acuerdo en enseñar a los usuarios por los cuales soy responsable sobre el uso aceptable del sistema computarizado del TUSD y en que las violaciones resultarán en acción disciplinaria y si es apropiado, acción criminal. No puedo ser responsable por el acceso del alumno a los medios de tecnología del trabajo individual o en el contexto de otra clase. Estoy de acuerdo en reportar el uso inadecuado del sistema a un administrador.
Entiendo y acepto la responsabilidad de apoyar las provisiones de este acuerdo con todos los usuarios y de cumplir personalmente con las reglas de este acuerdo para mi uso personal del sistema de computación del TUSD.

Maestro/Personal (LETRA DE MOLDE)	Escuela/Departamento	Posición/Título	FIRMA	Fecha



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM:  Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: May 29, 2012
SUBJECT: Adopt Revised Board Policy and Acknowledge Administrative Regulation 4040, Employee Use of Technology (Second Reading)

BACKGROUND: K-12 schools providing Internet access and receiving E-rate funding must meet certain federal requirements in accordance with CIPA (Children's Internet Protection Act) which was signed into law on December 21, 2000. Under CIPA, a school district must certify that it is enforcing a policy of Internet safety that includes the use of Internet filtering or blocking technology. The Protecting Children in the 21st Century Act was enacted into law in October 2008 and requires that measures be in place to monitor the online activities of minors and provide education about appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. The FCC released CIPA rule revisions in August 2011, incorporating the E-Rate program provisions of the Protecting Children of the 21st Century Act.

RATIONALE: BP and AR 4040 have been updated to reflect modifications necessary to maintain compliance of the Children's Internet Protection Act and the Protecting Children of the 21st Century Act. This supports District Strategic Goal #4: Utilize technology as a tool for improvement in instruction, and to increase efficiency in operations across the District.

FUNDING: TUSD must be able to demonstrate compliance by June 30, 2012 or risk the loss of E-Rate discounts until compliance is attained.

RECOMMENDATION: Adopt Revised Board Policy and Acknowledge Administrative Regulation 4040, Employee Use of Technology (Second Reading).

Prepared by: Cindy Minter, Director of Information Services and Educational Technology

EMPLOYEE USE OF TECHNOLOGY

The Governing Board intends that technological resources provided by the district be used in a safe, responsible and proper manner in support of the enhancement of employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating operations. 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. Every effort shall be made to provide equal access to technology throughout the district's schools and classes.

The Superintendent or designee shall notify employees about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement (AUA).

Before an employee is authorized to use the district's technological resources, the employee shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the employee shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. He/she shall also agree to indemnify and hold harmless the district and district personnel for any damages or costs involved.

The Superintendent or designee shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of employees using the district's technological resources and to help ensure that the district adapts to changing technologies and circumstances.

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 receive copies of related policies, regulations and guidelines. Employees shall be asked to acknowledge in writing that they have read and understood these policies, regulations and guidelines.

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.

EMPLOYEE USE OF TECHNOLOGY**Use of District Computers for Online Services/Internet Access**

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in the supervision.

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.

The Superintendent or designee shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Employee use of district computers to access social networking sites is prohibited, unless approved by the Superintendent or designee. To the extent possible, the Superintendent or designee shall block access to such sites on district computers with Internet access.

Harassment or bullying of student and staff, including, but not limited to, cyberbullying, intimidation, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption, in accordance with this section entitled "Bullying/Cyberbullying" below:

Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another

EMPLOYEE USE OF TECHNOLOGY

person's electronic account and assuming that person's identity in order to damage that person's reputation.

District staff is expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If a District staff believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Employees who violate district or school rules and regulations may be subject to discipline action, revocation of the user account, and legal action as appropriate. The Superintendent or designee shall notify local law enforcement as appropriate.

Employees also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities or district operations.

Bullying/Cyberbullying

The Governing Board desires to prevent bullying and cyberbullying by establishing a positive, collaborative school climate and clear rules for employee conduct.

School staff shall receive instructional materials that promote communication, social skills, and assertiveness skills that will educate students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying.

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information.

When an employee is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against students or other staff, or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity and district operations.

EMPLOYEE USE OF TECHNOLOGY

Any employee who engages in cyberbullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity, shall be subject to discipline in accordance with district policies and regulations. If the employee is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Legal Reference:EDUCATION CODE

200-262.4	Prohibition of discrimination
32261	Bullying
35181	Governing board policy on responsibility of students
35291-35291.5	Rules
44807	Duty concerning conduct of students
48900-48925	Suspension or expulsion, especially:
48908	Duties of students
51006-51007	Equitable access to technological education programs
51512	Prohibition against electronic listening or recording
	Device in classroom without permission
51870-51874	Education technology
60044	Prohibited instructional materials

CIVIL CODE

1714.1	Liability of parents and guardians for willful misconduct of minor
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PENAL CODE

288.2	Harmful matter with intent to seduce
313	Harmful matter
502	Computer crimes, remedies
632	Eavesdropping on or recording confidential communications
647	Use of camera or other instrument to invade person's privacy; misdemeanor
647.7	Use of camera or other instrument to invade person's privacy; punishment
653.2	Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

EMPLOYEE USE OF TECHNOLOGY

300-307 Duties of pupils

UNITED STATES CODE, TITLE 15

6501-6506 Children's Online Privacy Protection Act

UNITED STATES CODE, TITLE 20

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

6777 Internet Safety

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's Online Privacy Protection Act

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection
Measures, E-rate discounts

254 Universal service discounts (E-rate)

Court Decisions:

J.C. v. Beverly Hills Unified School District, (2010 711 F. Supp.2d 1094

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Tinker v. Des Moines Independent Community School District (1969)
393 U.S. 503

Management Decisions:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

EMPLOYEE USE OF TECHNOLOGY**NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS**

Digital Discipline: Off-Campus Student conduct, the First Amendment and Web Sites, School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office:

<http://www.cde.ca.gov/lss/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

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

~~The Governing Board 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. 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.~~

~~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.~~

~~Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. This technology shall not be used to transmit confidential information about students, employees, or District affairs.~~

~~The Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography, 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.~~

EMPLOYEE USE OF TECHNOLOGY

~~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.~~

~~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 receive copies of related policies, regulations and guidelines. Employees shall be asked to acknowledge in writing that they have read and understood these policies, regulations and guidelines.~~

~~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.~~

Legal Reference:**EDUCATION CODE**

51870-51874 ————— Education technology

GOVERNMENT CODE

3543.1 ————— Rights of employee organizations

PENAL CODE

502 ————— Computer crimes, remedies

632 ————— Eavesdropping on or recording confidential
communications

UNITED STATES CODE, TITLE 47

254 ————— Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

EMPLOYEE USE OF TECHNOLOGY

54.520 _____ Internet safety policy and technology protection
measures, E-rate discounts

UNITED STATES CODE, TITLE 20

6751-6777 _____ Enhancing Education Through Technology Act, No
child Left Behind Act, title II, Part D

6777 _____ Internet Safety

Adopted: 01/28/1997

Revised: 11/14/2006

Revised: 05/30/2012

EMPLOYEE USE OF TECHNOLOGY

The Superintendent or designee shall oversee the maintenance of the districts technological resources and may establish guidelines and limits on their use. All employees shall receive a copy of this administrative regulation, the accompanying Board policy, and the district's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of district Staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

Employees shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

Online/Internet Services: User Obligations and Responsibilities

Employees are authorized to use district equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below, and the district's Acceptable Use Agreement.

1. The employee in whose name an online services account is issued is responsible for its proper use at all times. Employees shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.
2. Employees shall use the district's system safely, responsibly, and primarily for educational purposes.
3. Employees shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

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)

4. Unless otherwise instructed by school personnel, employees shall not disclose, use, or disseminate personal identification information about themselves or others

EMPLOYEE USE OF TECHNOLOGY

when using email, chat rooms, or other forms of direct electronic communication. Employees also shall be cautioned not to disclose such information by other means to individuals contacted through the Internet.

Personal information includes the employee's name, address, telephone number, Social Security number, or other personally identifiable information.

5. Employees shall not use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.
6. Employees shall not use the system to engage in commercial or other for-profit activities.
7. Employees shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.
8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects or district operations should be given proper credit as with any other printed source of information.
9. Employees shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."
10. Employees shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or use another individual's identity.
11. Employees shall report any security problem or misuse of the services to a principal, department head, Superintendent or Superintendent's designee.

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

The district reserves the right to monitor use of the district's systems for improper use without advance notice or consent. Employees shall be informed that computer files and electronic communications, including email, are not private and may be accessed by the district for the purpose of ensuring proper use.

EMPLOYEE USE OF TECHNOLOGY

Whenever an employee is found to have violated Board policy, administrative regulation, or the district's Acceptable Use Agreement, the Superintendent or designee may cancel or limit an employee's user privileges. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

Technology Acceptable Use Agreement

The following pages include the Acceptable Use Agreement.

A. Purpose and Scope

~~To 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.~~

B. General

- ~~1. Employees shall be responsible for the appropriate use of technology.~~
- ~~2. Computer files and communications over electronic networks, including e-mail and voice mail, are not private. This technology shall not be used to transmit confidential information.~~
- ~~3. The Superintendent or designee may establish guidelines and limits on the use of technological resources.~~
- ~~4. The Superintendent or designee shall ensure that all District computer with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography, 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.~~

C. Forms Used and Additional References

None

D. Procedure

EMPLOYEE USE OF TECHNOLOGY

~~Employees are authorized to use the District's on-line services in accordance with user obligations and responsibilities specified below.~~

- ~~1. The employee in whose name an on-line services account is issued is responsible for its proper use at all times. Users shall keep personal account numbers, home addresses and telephone numbers private. They shall use the system only under their own account number.~~
- ~~2. Employees shall use the system only for purposes related to their employment with the District. Commercial, political and/or personal use of the system is strictly prohibited. The District reserves the right to monitor any on-line communications for improper use.~~
- ~~3. Users shall not use the system to promote unethical practices or any activity prohibited by law or District policy.~~
- ~~4. Users shall not transmit material that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion or political beliefs.~~
- ~~5. Copyrighted material may not be placed on the system without the author's permission. Users may download copyrighted material for their own use only and only in accordance with copyright laws.~~
- ~~6. Vandalism will result in the cancellation of user privileges. Vandalism includes intentional uploading, downloading or creating computer viruses and/or any malicious attempt to harm or destroy District equipment or materials or the data of any other user.~~
- ~~7. Users shall not read other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other users' mail.~~
- ~~8. Users are encouraged to keep messages brief.~~
- ~~9. Users shall report any security problem or misuse of the network to the Superintendent or designee.~~

EMPLOYEE USE OF TECHNOLOGY

~~E. Reports Required~~

None

~~F. Record Retention~~

None

~~G. Responsible Administrative Unit~~

Human Resources

Information Services and Educational Technology

Educational Services

~~H. Approve By~~

Assistant Superintendent for Human Resources

TUSD Acknowledged: 1/23/97

REVISED: 11/14/06

REVISED: 05/30/2012

TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA) NETWORK AND COMPUTER RELATED RESOURCES

(Based on BP/AR 4040 and BP/AR 6163.4)

In exchange for the use of the Tracy Unified School District (TUSD) computer systems and data communication networks, either locally attached or through remote connection on or near school property, in school vehicles and buses, and at school-sponsored activities, the following agreement will apply. **Please read this document carefully.** It is a legally binding agreement when signed. The guardian/parent must sign when the user is under 18 years of age.

The use of the TUSD network/computer system is a privilege for which users accept responsibility. Each user must act in an appropriate manner consistent with TUSD Board of Education policies, California Education Code, and other local, state and federal laws and regulations governing the applicable matter. It is intended to provide Internet and technological resources to:

- Support learning
- Promote educational excellence and innovation
- Improve administrative efficiency
- Increase opportunities for communication and communicate with others in furtherance of the user's education
- Conduct research and provide additional resources for general information
- Result in more timely and accurate information
- Increase opportunities for professional/personal growth
- Enhance parent involvement

The TUSD network/computer system is shared and available to all registered users. The system may not be used in a way as to disrupt or interfere with its use by others. Inappropriate use of the system includes, but is not limited to:

- Virtual and physical damage, vandalism or theft of equipment as well as theft, piracy or altering of software.
- Theft of services, including connection of unauthorized network/computer equipment to the system.
- Installation of non-approved software/programs, or the download and installation of software/programs on District computers or network communication systems.
- Use of the system to communicate unlawful information or to transmit computer viruses.
- Accessing or communicating information which is pornographic, obscene, sexist, racist or abusive.
- Access or communication of "Harmful matter" as defined by California Penal Code 313.
- Violation of copyright law and Plagiarism of ideas or information.
- Use of the system for anonymous access or communication of information.
- Use of the system for commercial purposes or for political campaigning.
- Other conduct deemed objectionable by the Tracy Unified School District.
- Any violations of the classroom rules, school conduct code, educational code, or penal code.

**TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA)
NETWORK AND COMPUTER RELATED RESOURCES**

(Based on BP/AR 4040 and BP/AR 6163.4)

Students, parents/guardians, and District Staff shall recognize that the nature of the use of District technological resources extends outside of the school itself and into off-campus remote locations such as homes. The District's jurisdiction to enforce student behavior and discipline policies, and rules shall apply whether the misuse or violation is at school or away from school as long as the District's technological resources are being used in the inappropriate behavior.

The District will log the use of all systems and monitor all system utilization. Any and all information on the TUSD networks, with the exception of student and personnel records is **not** deemed private. Digital storage is TUSD property. All District computers will comply with A.R.S. 34-501 (enacted, 1999) (access to materials harmful to minors) and all District employees are required to comply with the Family Education and Privacy Rights Act of 1974 (disclosure of personally identifiable information). Student names will be included as part of their network user/email accounts. The Superintendent or designee will determine what is appropriate use of technology resources and their decision is final. The TUSD reserves the rights to any materials stored in files, and will remove any material which the Superintendent or designee may believe to be unlawful, obscene, pornographic, abusive, or otherwise objectionable. The system may not be used to obtain, view, download, or otherwise gain or provide access to such materials. The Superintendent or designee will refer for disciplinary action anyone who does not comply with the provisions of this agreement. Cancellation of user privileges will be at the discretion of the staff after application of due process.

The Tracy Unified School District will not be held responsible for any damages suffered by the user, including those arising from non-deliveries, mis-deliveries, service interruptions, unauthorized use, loss of data and exposure to potentially harmful or inappropriate material sustained or incurred in connection with the use, operation, or inability to use the system. The TUSD specifically denies any responsibility for the accuracy or quality of information obtained electronically. Use of any information obtained electronically is at the risk of the user. The District assumes no liability for personal technology, including computers, smart phones, network access devices, or other electronic signaling devices, if such devices are damaged, lost or stolen. The user, or user's parent/guardian, shall indemnify and hold TUSD harmless from any losses sustained as the result of use or misuse of the District's technological resources by the user, and/or the loss or damage of personal technology.

One of the services available through the TUSD network/computer system is the Internet. The Internet, a community of network systems, is not governed by any entity. The District does not have control over the kind or quality of the information that is accessible to Internet users. It is not feasible to limit access to all materials or all emails that a parent/guardian might consider inappropriate; therefore, inappropriate use is the responsibility of the user.

TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA)
NETWORK AND COMPUTER RELATED RESOURCES
(Based on BP/AR 4040 and BP/AR 6163.4)

Not all access to the Internet can be supervised. Users agree not to send, access, submit, publish, display or print over the Internet or TUSD network, or using TUSD technology resources, any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, offensive or illegal material. Cyberbullying is specifically prohibited. It shall be the user's responsibility to report the inappropriate use, web site, or communications to teachers or other District Staff.

The use of TUSD network/computer system requires that all users abide by the following rules:

- Be polite, do not send or respond to abusive, harassing, or suggestive messages to anyone. Report such messages.
- Respect (do not access, delete, move, or alter) anyone else's files and/or data.
- Use appropriate language. Do not swear, use vulgarities, or express yourself in any other inappropriate language.
- Communication advocating, encouraging or supporting illegal activities is strictly forbidden.
- Copyright, trademark and/or registered laws must be adhered to at all times. All materials from the Internet and other digital resources, including graphics, must be properly cited.
- Respect the privacy of all users. Do not reveal the personal address or phone numbers of yourself or anyone else.
- District e-mail accounts are not private. TUSD e-mail is operated for and by the District.
- Respect the originator of email and do not forward e-mail messages or information without permission.
- Individuals will ONLY use authorized accounts they have been personally issued.
- All users must keep their account passwords confidential.
- Do not send "junk", "mass", or "spam" email.
- Do not use a modem connected to a TUSD computer or network.
- Access to the Internet or other District network communication systems from personal technology is limited to wireless access points on the school campuses. Access to the Internet or other District network communication systems from personal technology is not available via hardwire connections.

The Tracy Unified School District computer system is intended for the exclusive use of its registered users who are responsible for their password and their accounts. Any problems which arise from the use of the account are the responsibility of the account holder. Any misuse of the account or system will result in disciplinary action and/or the suspension or cancellation of privileges. Use of the account by someone other than the registered user will be grounds for cancellation and/or may result in disciplinary action.

**TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA)
NETWORK AND COMPUTER RELATED RESOURCES**
(Based on BP/AR 4040 and BP/AR 6163.4)

The following two sections are for students and their parents and REQUIRE SIGNATURES.

STUDENT AGREEMENT

I have read the Tracy Unified School District "NETWORK AND COMPUTER RELATED RESOURCES (06/2012)" Acceptable Use Agreement and understand its provisions. I accept responsibility for the appropriate use of the TUSD computer system as outlined in this agreement and that violations will result in disciplinary and if appropriate criminal action. I understand that misuse of the system will result in disciplinary action and/or the cancellation of privileges. I agree to report any misuse to a teacher or District administrator.

Student or Community User (PRINT NAME)

School Site

SIGNATURE

Date

PARENT/GUARDIAN AGREEMENT

I have read the Tracy Unified School District "NETWORK AND COMPUTER RELATED RESOURCES (06/2012)" Acceptable Use Agreement and understand the responsibility my child has for the use of the TUSD computer system and that violations will result in disciplinary and if appropriate criminal action. I accept full responsibility for my child's use. I also agree to report any misuse of the system to a teacher or District administrator.

Parent/Guardian (PRINT NAME)

SIGNATURE

Date

===== The section below is for TUSD employees and REQUIRES a SIGNATURE =====

TUSD TEACHER/STAFF MEMBER AGREEMENT

I have read the Tracy Unified School District "NETWORK AND COMPUTER RELATED RESOURCES (06/2012)" Acceptable Use Agreement and agree to instruct the users for whom I have responsibility in the acceptable use of the TUSD computer system and that violations will result in disciplinary and if appropriate criminal action. I cannot be held responsible for student access to technology resources for their individual work or in the context of another class. I agree to report any misuse of the system to a District administrator.

I understand and accept responsibility for supporting the provisions of this agreement with all users and for personally abiding by the rules of this agreement in my own use of the TUSD network and computer system.

Teacher/Staff Member
(PRINT NAME)

School Site or
Department

Job/Title

SIGNATURE

Date

**TRACY UNIFIED SCHOOL DISTRICT ACUERDO DE USO ACEPTABLE (AUA)
RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS**
(Basado en BP/AR 4040 y BP/AR 6163.4)

A cambio del uso de la red de comunicación de datos y las sistemas computarizados del Distrito Escolar Unificado de Tracy (TUSD), ya sea localmente conectado o por conexión remota en o cerca de la propiedad de la escuela, en autobuses y vehículos de la escuela y en actividades patrocinadas por la escuela, el siguiente acuerdo deberá aplicarse. **Les suplicamos leer este documento cuidadosamente.** Una vez firmado se convierte en un acuerdo legal obligatorio. Asimismo, el padre/tutor deberá firmar cuando el usuario es menor de 18 años de edad.

El uso del sistema de la red/sistema computarizado de TUSD es un privilegio por el cual los usuarios aceptan la responsabilidad. Cada usuario debe actuar de manera adecuada y coherente con las políticas de la Mesa Directiva del Distrito, el código de educación de California y otras leyes locales, estatales y federales y reglamentos que rigen la materia aplicable. La intención es de proporcionar Internet y recursos tecnológicos para:

- Apoyar el aprendizaje
- Promover la innovación y la excelencia educativa
- Mejorar la eficacia administrativa
- Aumentar las oportunidades para la comunicación y comunicarse con otras personas en el fomento de la educación del usuario
- Realizar investigaciones y proporcionar recursos adicionales para obtener información general
- Resultar en más información oportuna y exacta
- Aumentar las oportunidades de desarrollo profesional y personal
- Aumentar la participación de los padres

El uso del sistema de la red/sistema de computación de TUSD deberá compartirse y estar disponible para todos los usuarios registrados. El sistema de computación no deberá usarse en tal manera que interrumpa o interfiera con el uso los demás. El uso inadecuado del sistema incluye, pero no se limita a:

- Daño físico y virtual, vandalismo o robo del equipo, así como robo, piratería o alteración de software.
- Robo de los servicios, incluyendo la conexión de una red/ equipo de computación no autorizado al sistema.
- Instalación de software/programas no autorizada, o la descarga e instalación de programas en equipo o sistemas de comunicación de red del distrito.
- Uso del sistema para comunicar información ilegal o para transmitir virus de computación.
- Acceso a información que es pornográfico, obsceno, sexista, racista o abusivo.
- Acceso o información de "Materia Perjudicial" según se define en el Código Penal 313 de California.
- Violación de la ley de los derechos de autor y Plagio de ideas o información.
- Uso del sistema para acceso anónimo o comunicación de información.
- Uso del sistema para propósitos comerciales o para campañas políticas.
- Otra conducta que del Distrito Escolar Unificado de Tracy juzgue censurable.
- Cualquier violación de las reglas del salón de clase, código de conducta escolar, código de educación o código penal.

**TRACY UNIFIED SCHOOL DISTRICT ACUERDO DE USO ACEPTABLE (AUA)
RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS**
(Basado en BP/AR 4040 y BP/AR 6163.4)

Estudiantes, padres o tutores y personal de Distrito reconocerá que la naturaleza del uso de recursos tecnológicos de distrito se extiende fuera de la propia escuela y en ubicaciones remotas fuera del campus, como casas. Jurisdicción del distrito para aplicar el comportamiento del estudiante y las normas y políticas de disciplina se aplicará sino el abuso o la violación es en la escuela o fuera de la escuela si recursos tecnológicos del distrito se utilizan en el comportamiento inadecuado.

El Distrito mantiene un registro del uso de todos los sistemas y controla todo uso del sistema. Cualquier y toda la información de la red informática de TUSD, con excepción de los expedientes de los alumnos y el personal **no** se consideran privada. Almacenamiento de información digital es propiedad TUSD. Todos las computadoras de distrito cumplirán con A.R.S. 34-501 (legislada, 1999) (acceso a materiales perjudiciales para menores) y todos los empleados del Distrito deben cumplir con la Ley de los Derechos de Educación y Privacidad de la Familia de 1974 (revelar información que identifique personalmente). Los nombres de los alumnos se incluirán como parte de la cuenta de su red/cuenta de usuario de correo electrónico. El superintendente o designado determinará lo que es apropiado para el uso de los medios de tecnología y su decisión es final. El TUSD se reserva los derechos de cualquiera material almacenado en los expedientes y removerá cualquier material el cual crea que es ilegal, obsceno, pornográfico, abusivo o de otra manera censurable. El sistema no deberá usarse para obtener, ver, descargar, o de otra manera obtener o proporcionar acceso a tales materiales. El superintendente o designado referirá para acción disciplinaria a cualquier individuo que cumple no acate las provisiones de este acuerdo. La cancelación del uso de los privilegios será a la discreción del personal después de aplicar el proceso legal debido.

El Distrito Escolar Unificado de Tracy no se hará responsable por cualquier daño sufrido por el usuario, incluyendo lo que resulta de no entrega, 'mis-deliveries', o interrupciones de servicio, uso no autorizado, pérdida de datos y la exposición a materiales potencialmente dañino o inadecuado, experimentado o incurrido en conexión con el uso, operación o incapacidad del uso del sistema. El Distrito Escolar Unificado de Tracy no se hace responsable por la exactitud o calidad de información obtenida electrónicamente. El uso de cualquier información obtenida electrónicamente es al riesgo del usuario. El distrito no asume ninguna responsabilidad para tecnología personal, incluyendo computadoras, teléfonos inteligentes, dispositivos de acceso de red o otros dispositivos de señalización electrónicas, si dichos dispositivos están dañados, perdidos o robados. El usuario o padre/tutor del usuario, deberá indemnizar y eximir inofensivo TUSD de las pérdidas sufridas como consecuencia del uso o mal uso de los recursos tecnológicos del distrito por el usuario, o la pérdida o daño de tecnología personal.

Uno de los servicios disponibles a través del sistema de computación del Distrito Escolar Unificado de Tracy es el Internet. El Internet es una sistema de red de comunicaciones, que no lo gobierna ninguna entidad. El Distrito no tiene control sobre la clase o calidad de información que es accesible a los usuarios de Internet. No es factible limitar el acceso de materiales o todos los correos electrónicos que un padre/tutor pueda considerar inadecuado, por lo tanto, el uso inapropiado es responsabilidad del usuario.

**TRACY UNIFIED SCHOOL DISTRICT ACUERDO DE USO ACEPTABLE (AUA)
RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS**
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No todo el acceso a Internet puede ser supervisado. Los usuarios se comprometen a no enviar, acceder, presentar, publicar, mostrar o imprimir en la red Internet o TUSD, o usando de recursos de tecnología de TUSD, cualquier materia difamatorio, inexacto, abusivo, obsceno, profano, sexualmente orientado, amenazante, ofensivo o ilegal. Ciberacoso está específicamente prohibida. Será responsabilidad del usuario informar el uso, sitio web o las comunicaciones inadecuados a los profesores y demás personal del distrito.

El uso del sistema de la red/computación de TUSD requiere que todos los usuarios respeten las siguientes reglas:

- Ser cortés. No mandar o responder a mensajes abusivos, de acoso o sugestivos a nadie. Reportar tales mensajes.
- Respetar (no tener acceso, borrar, mover o alterar) los expedientes o información de otros.
- Usar lenguaje apropiado. No maldecir, usar vulgaridades o expresarse con cualquier tipo de lenguaje inadecuado.
- La comunicación defendiendo, estimulando o apoyando las actividades ilegales está estrictamente prohibido.
- Copyright, marca registrada o leyes registradas deben respetarse en todo momento. Todos los materiales de la Internet y otros recursos digitales, incluyendo gráficos, deben citarse correctamente.
- Respetar la privacidad de todos los usuarios. No revelar tu dirección o teléfono personal o la de nadie más.
- El correo electrónico de distrito no es privado. El correo electrónico de TUSD es operado por y para el Distrito.
- Respetar el originario del correo electrónico y no reenviar mensajes de correo electrónico o información sin permiso.
- Los individuos usarán ÚNICAMENTE las cuentas autorizadas que se les haya dado para uso personal.
- Todos los usuarios deben mantener sus contraseñas de cuenta confidenciales.
- No mandar correo "basura (junk)", "mass" o "spam".
- No usar un módem conectado a una red o computadora de TUSD.
- Acceso a Internet o a otros sistemas de comunicación de red de distrito desde tecnología personal está limitada a puntos de acceso inalámbrico en los campus de la escuela. Acceso a Internet o a otros sistemas de comunicación de red del Distrito de tecnología personal no está disponible a través de conexiones "hardwire".

El sistema de computación del Distrito Escolar Unificado de Tracy es para el uso exclusivo de los usuarios registrados los cuales son responsables por su contraseña y sus cuentas. Cualquier problema con el uso de la cuenta es la responsabilidad del usuario de la cuenta. Cualquier uso inadecuado de la cuenta o sistema resultará en acción disciplinaria y/o la suspensión o cancelación de privilegios. El uso de la cuenta por alguien que no sea el usuario registrado dará motivos de cancelación y/o resultará en una acción disciplinaria.

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Las dos secciones siguientes son para los estudiantes y sus padres y requieren firmas.

ACUERDO DEL ESTUDIANTE

He leído el Acuerdo de Uso Aceptable del Distrito Escolar Unificado de Tracy "RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS" (06/2012) y entiendo sus provisiones. Acepto la responsabilidad para el uso apropiado del sistema de computación de TUSD como está delineado en el presente acuerdo y que las violaciones resultarán en acción disciplinaria y si es apropiado, acción criminal. Entiendo que uso inadecuado del sistema resultará en una acción disciplinaria y la cancelación de privilegios. Estoy de acuerdo en reportar cualquier uso del sistema inadecuado a un administrador.

Alumno o Usuario de la Comunidad (LETRA DE MOLDE)	Escuela	FIRMA	Fecha

PADRE/TUTOR ACUERDO

He leído el Acuerdo de Uso Aceptable del Distrito Escolar Unificado de Tracy "RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS" (06/2012) y entiendo la responsabilidad que mi hijo(a) tiene para el uso del sistema computarizado de TUSD y que violaciones resultarán en acción disciplinaria y si es apropiado, acción criminal. Acepto la responsabilidad total por el uso del sistema por mi hijo. Asimismo estoy de acuerdo en reportar cualquier uso inadecuado del sistema al administrador.

Padre/Tutor (LETRA DE MOLDE)	FIRMA
	Fecha

===== La sección a continuación es para empleados TUSD y requiere una firma =====

ACUERDO DE MIEMBRO DEL PERSONAL DOCENTE DE TUSD

He leído el Acuerdo de Uso Aceptable del Distrito Escolar Unificado de Tracy "RECURSOS RELACIONADOS CON LA RED Y SISTEMAS COMPUTARIZADOS" (06/2012) y estoy de acuerdo en enseñar a los usuarios por los cuales soy responsable sobre el uso aceptable del sistema computarizado del TUSD y en que las violaciones resultarán en acción disciplinaria y si es apropiado, acción criminal. No puedo ser responsable por el acceso del alumno a los medios de tecnología del trabajo individual o en el contexto de otra clase. Estoy de acuerdo en reportar el uso inadecuado del sistema a un administrador. Entiendo y acepto la responsabilidad de apoyar las provisiones de este acuerdo con todos los usuarios y de cumplir personalmente con las reglas de este acuerdo para mi uso personal del sistema de computación del TUSD.

Maestro/Personal (LETRA DE MOLDE)	Escuela/Departamento	Posición/Título	FIRMA	Fecha