

**A. INTRODUCTION**

The use of technology resources by members of the Alleghany County Board of Education, due to their unique status and role, is subject to certain special considerations and requirements addressed in this policy. Board members shall comply with these requirements and shall report to the board chairman or to the entire board, as the case may require, any abuses thereof by any board member or employee.

**B. PERMISSIBLE USES**

Board members may use Alleghany County Schools technology resources to fulfill their responsibilities in furtherance of the System's educational mission. Board members shall engage in such use in a responsible and prudent manner. Unless otherwise prohibited, limited personal or incidental use of Alleghany County Schools technology resources is permitted if such use complies with Alleghany County Schools policies, is reasonably limited and not disruptive, and does not interfere or threaten to interfere with the operational and educational objectives of Alleghany County Schools or violate any law.

**C. PROHIBITED USES**

Board members shall not engage in any prohibited uses of technology resources. Prohibited uses include, but are not necessarily limited to, the following:

**1. General Prohibited Uses**

General prohibited uses include all uses prohibited in the Alleghany County Schools General Use Policy (Policy 10100).

**2. Personal Use and Gain**

Technology resources shall not be used for inordinate personal use or for personal advancement. Board members shall not allow any other person to use any technology resource, including a system-owned laptop computer issued to the board member, unless such other use is by a school official and necessary for the board member to carry out his/her duties.

**3. Coercive Use**

Technology resources may not be used to exert coercive influence upon any member of the Alleghany County School System or community.

#### **4. Circumvention of Public Records, Confidentiality, or Open Meetings Laws**

Technology resources may not be used to communicate or create records that violate the state's public records and open meetings laws. Board members shall not access or disclose to unauthorized recipients any electronic file or other information that is protected from such access or disclosure by law, local policy, or generally accepted ethical principals. This includes but is not limited to protected personnel files, student records, or other organizational data that is exempt from public records rules.

#### **5. Use of Personal Technology Resources to Conduct School Business**

Unless otherwise authorized or approved, board members shall not use personal electronic devices to create, store, transmit, or otherwise process electronic data and communications when such use involves any of the following:

- a. Private, confidential, or otherwise sensitive school system-related information, or
- b. School system public records when such information is not also contained in or conveyed to appropriate computer or other electronic media owned or controlled by the Alleghany County Schools, or
- c. School system information when such use otherwise impedes or is intended to impede the ability of the Alleghany County Schools from complying with all public records, record retention, open meetings, and related laws and rules, or
- d. Circumvention, intentional or otherwise, of state or federal law.

Examples of such prohibited conduct include, but are not limited to:

- Using a personal computer, laptop, or other similar device to view or store confidential student, employee, or other system-related records unless otherwise authorized;
- Using a personal digital camera or cell phone to create, store, or transmit pictures, records, or other information that is otherwise protected from public disclosure;
- Using personal e-mail to conduct school business unless such use is otherwise authorized or necessary;
- Posting or storing protected school or job-related information on a private, non-system website or other technology venue unless otherwise authorized.

#### **D. OPEN MEETINGS**

In North Carolina the public is entitled by law to observe the official meetings of public bodies like school boards, subject to certain exceptions. The state's open meetings law defines an official meeting as any "meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body" to conduct its business. The law requires a public body to provide advance notice when it will conduct business through electronic means and must "provide a location and means" by which members of the public may "listen" to the meeting. Although this provision was written primarily with telephone conference meetings in mind, it presumably applies to e-mail, "chat rooms," "blogs," and other electronic forums as well. Thus, when a majority of school board members communicate via e-mail or other electronic means about school business, the communications are presumably subject to the Open Meetings law, at least to the extent that the communications are deemed to occur "simultaneously." School board members should be aware of these requirements and should not use e-mail or other electronic devices to circumvent the Open Meetings law.

#### **E. PUBLIC RECORDS AND RECORD RETENTION**

All records generated by Board members in their use of Alleghany County Schools technology resources are or may be public records to the extent that such records relate to the conduct of the business of the Alleghany County Schools. Such records include, but are not limited to, any electronic document such as a memo, letter, spreadsheet, financial compilation, or database; e-mail messages; and Internet usage records (e.g., cookies, Internet logs, data downloads). Therefore, the Alleghany County Schools may be required to make such records available for public inspection unless such records are otherwise protected from disclosure by law or subject to disposal by approved record disposal schedules.

For these reasons, any such records must be created, retained, and stored according to the Alleghany County Schools record retention policies. They may not be deleted or discarded except as permitted by the System's record retention policy. Typically, e-mail that has lost its value may be discarded; however, Board members should be cautious to avoid premature or otherwise improper storage and deletion of such records to avoid subjecting themselves and the Alleghany County Schools to potential liability.

Personal files, data and other similar electronic information (i.e., "personal electronic data") generated or stored on technology resources or networks owned or issued by the Alleghany County Schools should be kept to a minimum. Such data, though it is not a

public

record, may be subject to control, monitoring, and inspection by appropriate school system officials.

Board members who generate such personal electronic data, consistent with reasonable personal use rules, should delete or remove such data from Allegheny County Schools technology resources and networks within a reasonable time. Such deletion and removal must take place immediately if the presence of such data interferes with or is likely to interfere with safe, efficient, and orderly operations of the system.

#### **F. WAIVERS AND EXCEPTIONS**

Board members may request waivers and exceptions to this policy by submitting such request to the whole board.

Adopted: January 5, 2009