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Elizabeth Janowiak
Director of Technology
Geneva School District

To: Kent Mutchler
From: Elizabeth Janowiak
Date: January 30, 2014
Re: Recommended Technology Related Policies

Working with our Board Policy consultant from NEOLA, there have been three recent technology related policies that have been recommended to us. Two of these, ByLaw 0160 and PO 7530.01, have previously been presented to the BOE Policy Committee. The third one, PO 5540.02, is new and according to NEOLA is a required policy.

At the November Policy Committee meeting, a board member expressed concern about the possible infringement on client/attorney confidentiality that might be implied from the wording in ByLaw 0160. Therefore, this ByLaw along with associated policies, were shared with our attorney Rick Petesch from Whitt Law. His response is as follows:

I have reviewed the Bylaw and the existing Staff Policies. The private conversations between attorney and client would never be turned over to a third party for review. Only those emails between Board members and/or staff members could be subject to disclosure. If a FOIA request is made for emails pertaining to a Board issue, only the school-related emails would be forwarded from the phone to the District FOIA officer or attorney. (via email dated 1/24/2014)

It is my recommendation that this ByLaw be re-evaluated by the Policy Committee and hopefully approved to be forwarded to the entire Board for their review and acceptance.

The second policy, PO 7530.01, was already reviewed by the Policy Committee and I do not believe the committee had any concerns with the minor change that was recommended in this policy. It is my recommendation that we bring this to Policy Committee on Feb 24th along with the above ByLaw 0160 as the ByLaw refers to this particular policy.

Lastly, a new technology-related policy PO 5540.02, was recently shared with the Leadership Council on January 14th. Some administrators expressed concern that this policy conflicted with a new law recently passed related to employee digital privacy rights. Therefore, this PO 5540.01 was also forwarded to our attorney for evaluation. Mr. Petesch's response is as follows:

With regard to 4.1.3 Policy 5540.02, this policy complies with The Right to Privacy in the School Setting Act which became effective January 1, 2014.

As long as this policy is communicated to parents and students, AND "if there is reasonable cause to believe that a student's social networking account contains evidence that the student has violated the Student Discipline Policies", then the student can be required to provide the password.

The rules are different for employees and also for college students.

It is my recommendation that this new policy, PO5540.01, also be added to the Feb 24th Policy Committee agenda.