

# **CAN WE PLEASE GET ON THE SAME PAGE?**

## **SDUSD WEBSITE AND INTERNET POLICIES**

### ***SUMMARY***

The San Diego Unified School District (SDUSD), with 221 schools from K through 12, including magnet and charter schools, is the largest school district in the County of San Diego. The 2013-2014 San Diego County Grand Jury has concluded there is a lack of oversight by the District in the policies and procedures governing schools' websites and social media. Thus the Grand Jury proposes several recommendations to the District.

### ***INTRODUCTION***

Not all the SDUSD schools utilize the District endorsed Content Management System (CMS) known as *Schoolwires Centricity*<sup>1</sup> for their websites. Further investigation into school websites found that many of the non-district endorsed sites had outside commercial advertising embedded in them. These ranged from large retail websites to a local LASIK clinic and a realty office. It was also found that these non-district endorsed websites are being provided to the schools through their Foundations. Members of these Foundations were acting as the school website administrators who do on-line updating. This includes all of the school's activities on and off campus as well as all the Foundation's fundraising efforts. Controversially, some advertisers were soliciting students' personal information. Except for use of the District's CMS which had several levels of control, social media seemed to be an uncharted territory. It was difficult to find control or oversight over much of access both outgoing and incoming through the independent school websites.

### ***PROCEDURE***

The Grand Jury interviewed administrators from several schools and key administrative personnel from the District. The committee reviewed numerous school websites and documents, such as, but not limited to, SDUSD "Staff Social Media Guidelines", "Facts for Parents", "Student Connect Responsibility Contract", "ASB Guidelines for Internal Control and Administrative Procedures", "District Policy Manual", and "Administrative Procedures".

### ***DISCUSSION***

San Diego Unified School District is blessed with a wealth of talent and community support from teachers and administrators to Parent/Teacher/Student organizations and school Foundations. This source of support by these organizations is a real help to schools and the district in these economically stressed times. However, the Grand Jury found that due to the lack of funding some of the schools have started to rely increasingly

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<sup>1</sup><http://www.sandi.net/page/2928> San Diego Unified School District Website.

on their Foundations. Some schools have enjoyed autonomy from the District's established policies and procedures.

The San Diego Unified School District (SDUSD) provides and maintains a recommended Content Management System (CMS) for all its schools websites free of charge. They also provide training and technical support for each school to start its website. Any school in the District may access information on this CMS by going to Website Guidelines & Policies.<sup>2</sup> Having the schools on one CMS allows direct immediate dissemination of information from the District to all its schools. The Grand Jury found that although recommended not all the schools are on the District's CMS Schoolwires Centricity.

According to the SDUSD Staff Social Media Guidelines, "Authorized school websites shall maintain a clear separation from the website of their school Foundation or Parent-Teacher group. However a link to the school Foundation or parent-teacher group website is permissible".<sup>3</sup> In spite of this clear directive, some schools have their Foundations pay for and maintain the schools' websites with volunteers acting as webmasters. These school administrations have no authorization from their Foundation or knowledge of how to update or change their school's website.

In addition, some schools are actually paying for website providers and/or webmasters. The Grand Jury found that at least one school has allowed the Associated Student Body (ASB) to help fund the Foundation's website. This website is being maintained by the school Foundation at a cost of \$4200 per year of which the ASB is paying \$2100 per year. This is a violation of the ASB Accounting Manual 2012, which states that expenses for parent-teacher organizations are prohibited purchases for the ASB.<sup>4</sup>

Some School Foundations are selling advertising on school websites to private companies. The Foundations use the money to buy supplies and services for the school but no cash appears to go to the ASB or the school. Furthermore, several schools place no specific criteria or restrictions on anyone advertising on their school websites. Some advertisers ask for students' personal and family information in order to expand their market. This is in violation of the Federal law<sup>5</sup> enacted by Congress in 2001 and updated in 2011, to address concerns about children's access to obscene or harmful content over the Internet. Schools and libraries subject to Children's Internet Protection Act (CIPA) are required to adopt and implement an Internet safety policy addressing among other

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<sup>2</sup> SDUSD Website Guidelines and Policies, [www.sandi.net/page/2942](http://www.sandi.net/page/2942)

<sup>3</sup> SDUSD Staff Social Media Guidelines, <http://www.sandi.net/cms/lib/CA01001235/Centricity/Domain/402/social-media-guidelines.pdf>

<sup>4</sup> ASB Accounting Manual Fraud Prevention Guide Chapter 14 Allowable and Questionable Expenses <http://www.sandi.net/site/handlers/filedownload.ashx?moduleinstanceid=58965&dataid=58581&FileName=ASBManual2012finalprint.pdf>

<sup>5</sup> Children's Internet Protection Act (CIPA) 47 U.S.C. §254(l)(1)(A)(iv) <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title47/pdf/USCODE-2009-title47-chap5-subchapII-partII-sec254.pdf>

issues: “unauthorized disclosure, use, and dissemination of personal information regarding minors.”

With no monitoring or oversight by the school or district, it only reinforces the need to separate the advertising from the official school site.

Beyond websites, the all-pervasive social media is a greater concern for the District as it directly affects children. The news media has published numerous accounts of children being harassed, bullied, and even driven to suicide through social media. In response to the alarming rise of such instances, the District has created a “Facts for Parents Handbook” to be handed out to the student population.

This handbook addresses Discrimination, Harassment, Bullying, Zero Tolerance, Health Requirements, Photo/Video/Media Release, Technology/Network Acceptable Use Contract, and contains a page requiring signatures of both student and a parent, acknowledging having read the Handbook. All of the District schools were given the handbooks but not all the schools follow through by collecting and retaining the signature page.

There is no other written policy in the District with the same proscriptions as stated in the Handbook. As important and timely as the subject matter is, it should be addressed in the District’s official Policy and Procedures Manual. On the other hand, the access and use of the Districts website, e-mail, and the Sandi.net is rigorously policed. All users must sign a contract. Violation of any part of the contract is cause to be banned from using the web access.

Teachers and staff of all schools should be vigilant to any violation of the directives in the Handbook and report such to the proper authorities, on or off campus. The schools should also guarantee to “hold harmless” from prosecution or litigation teachers or staff should they report any suspect activity on social media.

### ***FACTS AND FINDINGS***

***Fact:*** The San Diego Unified School District (SDUSD) provides and maintains a recommended Content Management System (CMS) for all its schools websites free of charge.

***Fact:*** Not all the schools are on the District’s CMS; some schools have their Foundations pay for and maintain the schools’ websites with volunteers acting as webmasters.

***Fact:*** SDUSD Staff Social Media Guidelines states, “Authorized school websites shall maintain a clear separation from the website of their school Foundation or Parent-Teacher group. However a link to the school Foundation or Parent-Teacher group website is permissible”.

**Finding 01:** Merging the school and Foundation websites is a violation of the SDUSD Staff Social Media Guidelines which states “Authorized school websites shall maintain a clear separation from the website of their school Foundation or Parent-Teacher group”.<sup>6</sup>

**Fact:** Some schools have their Foundations pay for and maintain the schools’ only websites, with links to the schools programs.

**Fact:** At least one school’s Foundation paid \$4200 per year for the website and maintenance and charged back \$2100 per year to the ASB.

**Finding 02:** A school’s ASB payment of expenses incurred by a Parent-Teacher organization is in direct violation of the ASB Accounting Manual, Fraud Prevention Guide, and Desk Reference 2012.<sup>7</sup>

**Fact:** Some school Foundations are selling advertising on the school websites to private companies and retaining the funds so generated.

**Fact:** Neither the school administrators nor the District exercise oversight or control over the company or the content of the advertisements on the school’s websites when they jointly serve both the school and its Foundation.

**Fact:** Some schools place no specific criteria or restrictions on anyone advertising on their school websites.

**Finding 03:** Allowing advertisement without oversight may be in violation of the CIPA 47 U.S.C. §254(l)(1)(A)(iii)<sup>8</sup> which places controls on what may be placed on the internet, if a school is subject to CIPA for receiving the E-rate discount.<sup>9</sup>

**Fact:** Some advertisers ask for students’ personal and family information in order to expand their market.

**Finding 04:** Asking for students’ personal and family information is in violation of Federal CIPA law.

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<sup>6</sup>SDUSD Staff Social Media Guidelines,

<http://www.sandi.net/cms/lib/CA01001235/Centricity/Domain/402/social-media-guidelines.pdf>

<sup>7</sup> ASB Accounting Manual Fraud Prevention Guide Chapter 14 Allowable and Questionable Expenses  
<http://www.sandi.net/site/handlers/filedownload.ashx?moduleinstanceid=58965&dataid=58581&FileName=ASBManual2012finalprint.pdf>

<sup>8</sup> CIPA; <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title47/pdf/USCODE-2009-title47-chap5-subchapII-partII-sec254.pdf>

<sup>9</sup> Only schools and libraries receiving the E-rate discounted internet access are subject to CIPA

**Fact:** In response to the alarming rise of children being harassed, bullied and even driven to suicide through social media, the District has created a “Facts for Parents Handbook” addressing these issues to be disseminated among the student population.

**Fact:** Some schools have kept no record of having distributed the Parent Handbook.

**Finding 05:** There is no present policy in practice to verify if students and a parent are being provided the necessary admonitions in the Parent Handbooks.

### ***RECOMMENDATIONS***

**The 2013-2014 San Diego County Grand Jury recommends that the San Diego Unified School District:**

- 14-16:            Make mandatory that all schools in the District have their websites on the District’s CMS.**
- 14-17:            Allow Foundations to have only a link from the school’s website to their own separate website.**
- 14-18:            Restrict advertising sold by Foundations to their own website and not allowed on the school’s website.**
- 14-19:            Ensure that no expense or cost incurred by the Foundations should be charged to the ASB.**
- 14-20:            Ensure that advertisers and the contents of their advertising on a school’s Foundation link are in compliance with CIPA and other applicable law.**
- 14-21:            Mandate a policy of requiring parents and students to sign an acknowledgment of receipt of Parent Handbook to be verified by the District.**
- 14-22:            Address the issue of social media in the District’s website under the District’s written Policy and Procedures as well as in the District’s manual.**

### ***REQUIREMENT AND INSTRUCTIONS***

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such

comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

<b><u>Responding Agency</u></b>	<b><u>Recommendations</u></b>	<b><u>Due Date</u></b>
<b>San Diego Unified School District Superintendent</b>	<b>14-16 through 14-22</b>	<b>7/22/14</b>