



June 9, 2014

DONATED TECHNOLOGY

Our office has recently been advised that teachers and other staff may be applying for donations of technology, including iPads and the like, without the knowledge or participation of the district's technology department or administration. A teacher whose request is granted may be presented one of these items, and seek to use it in connection with their work within the district. This raises compatibility questions, as well as questions of ownership of the items.

One such program, called "DonorsChoose" awarded an iPad to a local teacher, and the teacher sought to take the iPad when leaving the district. The "DonorsChoose" website indicates items are donated to the school and not the teacher making the donation request. The Schools Legal Service standard Acceptable Use Policy indicates donated computers or electronic devices are district property. The terms "district computer" and "district electronic device" mean any computer or electronic device that is owned, leased, or rented by a district, purchased with funds from a grant approved by or awarded to a district, or borrowed by or donated to a district from another agency, company or entity.

The attached "Notice" is a form that may be used to notify employees that the district must be advised when donations are requested and/or received. If the donation is expressly made to the employee, the donated item may become the property of the employee, but may not be used in connection with the district's technology assets, if incompatible. Unless expressly donated to the employee, all donated items are subject to acceptance by the district, and become district property, remaining with the district and/or school should the employee leave the school or district.

The Notice can be used by itself, or become part of the district's Acceptable Use Policy. It assumes adoption of a "Gifts, Grants and Bequests" policy similar to GAMUT BP 3290.

If you have any questions concerning this or related issues, do not hesitate to contact our office.

— William A. Hornback

Education Law Updates are intended to alert clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Please consult legal counsel as to how the issue presented may affect your particular circumstances.

NOTICE TO EMPLOYEES

DONATED EQUIPMENT AND TECHNOLOGY

[may be part of AUP]

Donated Equipment, Devices and/or Technology

All employees shall report to the Director of Technology or other technology supervisor any and all donation requests made by the employee for donations of technology, including computers, electronic devices or software programs for use by the employee in their employment with the District. In accordance with the District's policy on accepting gifts, grants and bequests (BP 3290), the technology will be evaluated to confirm alignment with the District's mission and vision, and compatibility with the District's existing technology and other requirements.

Without express District consent, all such gifts, grants and bequests accepted by the employee shall become District property and not the personal property of the employee, unless shown to be expressly donated to the employee. District-owned items will remain with the school upon the departure of the employee from the school or District.

All such items shall be subject to the District's policies, including policies on Acceptable Use of Technology and Social Media.