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NEW POLICY - VOL. 18, NO. 2

7530.02 - STAFF AND SCHOOL OFFICIALS USE OF WIRELESS COMMUNICATION DEVICES

Use of wireless communication devices ("WCD") (as defined in Bylaw 0100) has become pervasive in the workplace. Whether the WCD is Board-owned and assigned to a specific employee or school official or personally-owned by the employee or school official (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee or school official on a per use basis for their business-related use of his/her WCD, or the employee or school official receives no remuneration for his/her use of a personally-owned WCD, the employee or school official is responsible for using the device in a safe and appropriate manner and in accordance with this policy and its accompanying procedure, as well as other pertinent Board policies and procedures.

Conducting District Business Using a WCD

[NOTE: FIRST SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]

[OPTION A] ☒

[X*] Employees and school officials are permitted to use a Board-owned and/or personally-owned WCD to make/receive calls, send/receive e-mails, send/receive texts, send/receive instant messages (), or () _____ **[END OF OPTION]** that concern District business of any kind.

Employees and school officials are responsible for archiving such communication(s) in accordance with the District's requirements. **[INSERT REQUIREMENTS INSTEAD OF GENERAL REFERENCE TO REQUIREMENTS.]**

[END OF OPTION A]

[OPTION B]

[] Employees and school officials are prohibited from using a Board-owned and/or personally-owned WCD that concern District business of any kind other than to () make/receive telephone calls (), send/receive emails on a District-issued e-mail account (), or _____ **[END OF OPTION]**.

Employees and school officials who receive District business-related communication(s) on Board-owned and personally-owned WCDs on a function that is not permitted under this policy are still responsible for the following:

- A. archiving such communication(s) sent or received in accordance with the District's requirements; and
- B. responding to an individual who sends such communication using the employee's or school official's District-issued e-mail account with the following message: "On _____ **[insert date]**, I received a message from you on my () Board-owned () personally-owned WCD. Pursuant to Board Policy 7530.02, please contact me with such communications regarding District business of any kind via my wireless communication device, the District issued email account from which I am sending this message (), or _____ **[End of Option]**. Thank you."

[END OF OPTION B]

[END OF FIRST SET OF OPTIONS]

Safe and Appropriate Use of a WCD

[NOTE: SECOND SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]

[OPTION A]

[X] Employees and school officials whose job responsibilities include regular or occasional driving and who use a WCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees and school officials should pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message, or e-mail, or browsing the Internet using a WCD while driving is a violation of State law and is strictly prohibited. If accepting a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g., headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for

employees, school officials, and other drivers, employees and school officials are required to comply with all applicable State laws and local ordinances while driving, including any laws that prohibit texting or using a cell phone or other WCD while driving.

☒ In situations where job responsibilities include regular driving and accepting of business calls, the employee or school official should use hands-free equipment to facilitate the provisions of this policy.

OPTION B

☐ Employees and school officials are responsible for operating Board-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees are prohibited from using a WCD while operating such vehicles or equipment. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving.

[NOTE: END OF SECOND SET OF OPTIONS]

All employees and school officials must comply with Policy 8625 – Ban on Texting While Driving.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees and school officials are subject to all applicable policies and procedures pertaining to protection of the security, integrity, and availability of the data stored on a WCD regardless of whether they are Board-owned and assigned to a specific employee or personally-owned by the employee.

WCD communications, including calls, text messages, instant messages, and e-mails sent or received may not be secure. Therefore, employees should use discretion when using a WCD to relay confidential information, particularly as it relates to students.

Additionally, WCD communications, including text messages, instant messages, and e-mails sent and/or received by a public employee or school official using a WCD may constitute public records.

Further, WCD communications about students, including text messages, instant messages, and e-mails sent and/or received by a District employee or school official using his/her WCD may constitute education records if the content includes personally identifiable information about a student.

Communications, including text messages, instant messages, and e-mails sent and/or received by a District employee or school official using his/her WCD, that are public records or student records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/Wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records.

It is the responsibility of the District employee or school official who uses a WCD for District business-related use to archive all text messages, instant messages and e-mails sent and/or received using his/her WCD in accordance with the District's requirements.

Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's or school official's WCD may be subject to a litigation hold pursuant to Policy 8315 – Information Management. Staff and school officials are required to comply with District requests to produce copies of cellular/wireless communications in their possession that are either public records or education records or that constitute ESI that is subject to a litigation hold.

[NOTE: START OF THIRD SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]

☒ OPTION A [TO BE SELECTED IF BOARD ADOPTED POLICY 7530.01 V1]

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for verifying all public records, student records, and ESI subject to a litigation hold that are maintained on the employee's WCD are transferred to the District's custody (e.g., server, alternative storage device). The District's IT department/staff is available to assist in this process. Once all public records, student records, and ESI subject to a litigation hold are transferred to the District's custody, the employee is required to delete the records/ESI from his/her WCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the District's custody and deleted from his/her WCD.

Similarly, if an employee intends to dispose of, or otherwise stop using, a personally-owned WCD on which s/he has maintained public records, student records and/or ESI that is subject to a litigation hold, the employee must transfer the records/ESI to the District's custody before disposing of, or otherwise ceasing to use, the personally-owned WCD. The employee is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the personally-owned WCD.

Failure to comply with these requirements may result in disciplinary action.

☐ OPTION B [TO BE SELECTED IF BOARD ADOPTED POLICY 7530.01 V2]

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for informing the Superintendent or his/her designee of all public records, student records, and ESI subject to a Litigation Hold that is maintained on the employee's Board-owned WCD. The District's IT department/staff will then transfer the records/ESI to an alternative storage device.

☐ If the employee utilized a personally-owned WCD for District-related communications, and the device contains public records, students records, and/or ESI subject to a litigation hold, the employee must transfer the records/ESI to the District's custody (e.g., server, alternative storage device) prior to the conclusion of his/her employment. The District's IT department/staff is available to assist in this process. Once all public records, student records, and ESI subject to a litigation hold are transferred to the District's custody, the employee is required to delete the records/ESI from his/her personally-owned WCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the District's custody and deleted from his/her personally-owned WCD.

[NOTE: END OF THIRD SET OF OPTIONS]

If a WCD is lost, stolen, hacked, or otherwise subjected to unauthorized access, the employee or school official must immediately notify the Superintendent so a determination can be made as to whether any public records, students records, and/or ESI subject to a litigation hold has been compromised and/or lost. Pursuant to Policy 8305 – Information Security and its accompanying procedure, the Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on

the WCD was encrypted.

The Board prohibits employees and school officials from maintaining the following types of records and/or information on their WCDs:

- A. (☒) social security numbers
- B. (☒) driver's license numbers
- C. (☒) credit and debit card information
- D. (☒) financial account numbers
- E. (☒) student personally identifiable information
- F. (☒) information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)
- G. (☒) personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)
- H. () _____

[☒] If an employee or school official maintains records and/or information on a WCD that is confidential, privileged, or otherwise protected by State and/or Federal law, the employee is required to encrypt the records and/or information.

[☒] It is () required (☒) suggested that employees and school officials lock and password protect their WCDs when not in use.

[☒] Employees and school officials are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a WCD in their possession, that is confidential, privileged, or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees and school officials are prohibited from using WCDs to capture, record, and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member, or other person in the school or while attending a school-related activity. Using a WCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

[NOTE: START FOURTH SET OF OPTIONS - CHOOSE OPTION A OR OPTION B OR OPTION C]

[] OPTION A

The use of a WCD that contains built-in cameras (i.e., devices that take still or motion pictures, whether in a digital or other format) is prohibited in () classrooms, () gymnasiums, locker rooms, shower facilities, rest/bathrooms () and/or swimming pool.

[] OPTION B

The use of a WCD in () classrooms, () gymnasiums, locker rooms, shower facilities, rest/bathrooms and/or () swimming pool is prohibited.

[☒] OPTION C

WCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, () classrooms, () gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a WCD is absolutely prohibited.

[NOTE: END OF FOURTH SET OF OPTIONS]

Potential Disciplinary Action

Violation of any provision of this policy may constitute just cause for disciplinary action up to and including termination.

Use of a WCD in any manner contrary to local, State, or Federal laws may also result in disciplinary action up to and including termination.

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Legal

[F.S. Chapter 119](#)[F.S. 1001.41](#)[F.S. 1001.42](#)[F.S. 1001.43](#)[F.S. 1002.221](#)[F.A.C. 6A-10.081](#)[Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 \(2008\)](#)[Children's Internet Protection Act \(CIPA\), Pub. L. No. 106-554 \(2001\)](#)[20 U.S.C. 1232g](#)[34 C.F.R. Part 99](#)

Cross References

[po0100 - DEFINITIONS](#)[po5722 - SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS](#)[po8330 - STUDENT RECORDS](#)[po9700.01 - ADVERTISING AND COMMERCIAL ACTIVITIES](#)[ap7540.02 - WEB PAGE SPECIFICATIONS](#)[ap9700B - CRITERIA FOR COMMERCIAL MESSAGES](#)

Last Modified by Sam Stalnaker on November 5, 2018