

Office of the General Counsel  
Walter J. Harvey, General Counsel

**SUBJECT:** **INITIAL READING: PROPOSED REPEAL AND REPLACEMENT OF SCHOOL BOARD POLICY 7530.01, STAFF USE OF WIRELESS COMMUNICATION DEVICES**

**COMMITTEE:** **PERSONNEL, STUDENT, SCHOOL AND COMMUNITY SUPPORT**

**LINK TO STRATEGIC PLAN:** **EFFECTIVE AND SUSTAINABLE OPERATIONAL PRACTICES**

Consistent with the Board's responsibility to periodically review and update its policies, authorization is requested to repeal and replace School Board Policy 7530.01, *Staff Use of Wireless Communication Devices*.

Policy 7530.01, *Staff Use of Wireless Communication Devices*, is proposed for repeal and replacement to align the policy with current District practices. The replacement policy would also expand the options available to staff members issued Board-owned wireless communication devices (WCDs) and accommodate those staff members who prefer to alternatively use their personally owned WCDs to conduct District business. The replacement policy would specifically provide: (a) that staff members issued Board-owned WCDs may elect to also use such devices for personal use if they compensate the District in the form of a monthly flat fee, as is currently the District's practice; (b) that eligible staff members who prefer to use their personally owned WCDs to conduct District business may do so if such use is approved by an administrator and is in compliance with District procedures; (c) that eligible staff members electing to use their personally owned WCDs for District business will receive a yearly stipend for such use in accordance with District procedures; and (d) that staff members separating from the District can request to have their District cellphone numbers transferred to their personally owned WCDs. These provisions ensure that staff members are given flexibility in their use of WCDs while remaining in compliance with applicable laws, Board policies, and District procedures.

The proposed replacement policy was drafted in collaboration with, and reviewed by, the Superintendent, Cabinet, and District staff. The Office of the General Counsel has also contracted with a nationally recognized consulting firm, K-12 Strategic Technology Advisory Group, that has reviewed and provided feedback.

The Notice of Intended Action and proposed repealed and replacement policy is attached.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to repeal and replace Board Policy 7530.01, *Staff Use of Wireless Communication Devices*.

## **NOTICE OF INTENDED ACTION**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 24, 2024, its intention to repeal and replace Board Policy 7530.01, *Staff Use of Wireless Communication Devices*, at its meeting of September 11, 2024.

PURPOSE AND EFFECT: Board Policy 7530.01, *Staff Use of Wireless Communication Devices*, is proposed for repeal and replacement to bring the policy in line with both current and recommended District practices.

SUMMARY: Board Policy 7530.01, *Staff Use of Wireless Communication Devices*, is proposed for repeal and replacement to expand the options available to staff members in their use of either Board-owned or personally owned wireless communication devices and to align the policy with current District practices on Board-issued devices.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.32(2); 1001.41(1), (2); 1001.42(5), (6), (7), (8); 1001.51(4), (7).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 1003.02; 1012.27(7).

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF September 11, 2024, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by August 20, 2024, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED REPLACED AND AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

## 7530.01 - **STAFF USE OF WIRELESS COMMUNICATION DEVICES**

The School Board will provide wireless communication devices ("WCDs") (i.e. cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs) BlackBerries/Smartphones, WiFi-enabled or broadcast access devices, etc.) to employees who by the nature of their job have a routine and continuing business need for the use of such devices for official Board business. WCDs are provided as a tool to conduct Board business and to enhance business efficiencies. WCDs are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct Board business (i.e. because some wireless services plan are billed on a time-used basis, Board-owned WCDs should not be used if a less costly alternative method of communication is safe, convenient and readily available).

The Superintendent is authorized to designate those staff members who will be issued a Board-owned WCD and provided with a wireless service plan.

The Superintendent is responsible for verifying:

- A. the need for each Board-owned WCD and wireless service plan is clearly justified for Board business purposes;
- B. alternative solutions for work production and communication are considered;
- C. employees provided with wireless service plans are notified of the purpose and limitations of usage;
- D. wireless service plan invoices outlining the details of usage are received and reviewed for conformance with this policy;
- E. employees reimburse the Board for non-business use;
- F. that Board-owned WCDs are restricted from accessing any prohibited application as identified by the Florida Department of Management Services (DMS);
- G. that the District retains the ability to remotely wipe and uninstall any prohibited application from the WCD that is believed to be have been adversely impacted, either intentionally or unintentionally, by a prohibited application; and
- H. that a Board-owned WCD is returned and the corresponding wireless service plan is terminated when it is no longer justified by business requirements, the employee leaves the Board's employment, and/or when the employee has demonstrated a disregard for the limitation of this policy.

In deciding which staff members should receive a Board-owned WCD, the Superintendent will consider whether their jobs:

- A. require them to spend a considerable amount of time outside of their assigned office or work area during normal working hours and have regular access to telephone and/or Internet connections while outside their office or assigned work area;
- B. require them to be accessible outside of scheduled or normal working hours or to be contacted and respond in the event of an emergency;
- C. consistently require timely and business-critical two (2) way communication for which there is not reasonable alternative technology (not intended to include occasional, incidental access or purely voluntary access such as checking e-mail from home);
- D. safety requirements indicate having a WCD is an integral part of meeting the requirements of the employee's job description;
- E. more than fifty percent (50%) of the employee's work is conducted outside the employee's assigned office or work area;
- F. the employee is required to be contacted on a regular basis outside normal work hours;
- G. the employee is required to be on-call 24/7; or
- H. the employee's job requirements include critical District-wide decision-making.

Board-owned WCDs and/or their related wireless service plan are to be used only to place calls, access the Internet, or receive/send e-mails, instant messages or text messages for District-related business. Board-owned WCDs are not to be used to place calls or send/receive e-mails, instant messages or text messages of a personal nature, or access the Internet for personal business.

Wireless service plans are expected to be set at the minimum level that fulfills the business need for the position in question. The wireless service plan that is selected for an employee should be the one that provides a combination of services including number of minutes, coverage, and local call zone most nearly matching the employee's recurring business needs as well as whether or not the service plan includes text messaging, instant message and/or e-mail capability, and ability to access the Internet. If the wireless plan is based on minutes used for calls made or includes a charge regarding e-mail or instant messages, the smallest plan available to accommodate the particular business need shall be utilized.

The Board shall approve the Superintendent's recommendation regarding the type and level of wireless service appropriate for each staff member listed above. In all cases, the Superintendent shall take the steps necessary to secure the most economical and responsible service available.

Thereafter, an annual review of the service plans available shall be made to determine if the District's wireless service plans are the most economical and responsible available. Additionally, at least once annually, the Superintendent shall review the employee's actual usage (i.e. type and level of service) with the employee and, if warranted, authorize the acquisition of a different WCD and/or selection of a different wireless service plan that more nearly matches the employee's recurring business needs. Any such change in provider and/or necessary adjustments to individual staff member's devices and/or service plans shall be presented to the Board for consideration and approval.

Possessing a Board-owned WCD is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost effectiveness of WCD use by utilizing assigned landline and/or designated computers as available and appropriate. Employees should know that using a WCD to place calls outside the immediate area might result in roaming charges, in addition to long distance and regular charges, and that the Board is charged for both outgoing and incoming calls.

In order to continue to be eligible to receive a Board-owned WCD, staff members are required to answer all calls on their WCDs and promptly respond to any messages.

Employee safety is a priority of the Board, and responsible use of WCDs includes safe use.

Using a WCD while operating a vehicle is strongly discouraged. Employees should plan accordingly so that calls are placed, text messages, instant messages or e-mails sent/read, and/or the Internet browsed either prior to traveling or while on rest breaks. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws and Board policies while driving.

### **Confidentiality of Student Personally Identifiable Information; Public and Student Record Requirements**

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their Board-owned WCDs.

Wireless communications, including calls, text messages, instant messages, and e-mails sent from WCDs may not be secure. Employees should use discretion in relaying confidential information related to students.

Additionally, wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using their Board-owned WCD may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a student. Wireless communications that are public records are subject to retention and disclosure, upon request, according to Policy 8310. Wireless communications that are student records should be maintained pursuant to Policy 8330. Finally wireless communications and other electronically stored information (ESI) stored on the staff member's Board-owned WCD may be subject to a Litigation Hold pursuant to Policy 8315. Staff are required to comply with District requests to produce copies of wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

Except in emergency situations, employees are prohibited from using WCDs to capture, record or transmit the words (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, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal or Superintendent.

At no time may any WCD be used by an employee in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

### **Employee's Responsibilities**

Employees are responsible for the safekeeping, care and custody of the WCDs assigned to them. Further, employees are responsible for the cost of misuse, intentional damage or reckless loss of the WCDs provided to them.

Reasonable precautions should be taken to prevent unauthorized use/access to, or loss, damage, theft and/or vandalism to said devices. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the WCD for return or inspection. Employees unable to present the device in good working condition within the time period requested may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Prior to issuance of a Board-owned WCD, each employee shall review and sign the Board WCD Policy Statement. Each employee issued a Board-owned WCD will receive a detailed monthly statement for all charges. The employee must review the monthly statement for billing accuracy, then sign and date it verifying the employee's review and attesting that there are no charges for personal calls, text messages, instant messages or e-mails. In the event that a personal call is inadvertently made or received, or a text message, instant message or e-mail of a personal nature is sent or received on the employee's Board-owned WCD, the employee shall be billed for the actual cost of the personal calls made or received, or the text messages, instant messages or e-mails sent or received. In addition, the employee shall also be charged a portion of the monthly service fee. If the employee's service plan is all-inclusive and charges are not assessed for individual calls, text messages, instant messages or e-mails, then the employee will be charged a pro-rated share of the monthly charge. Any amount owed will be deducted from the employee's paycheck in the following pay cycle.

Any employee who abuses Board-owned WCD privileges by placing or receiving personal calls, or uses his/her Board-owned WCD to send/receive personal e-mails, text messages, or instant messages, shall be subject to disciplinary action. Use of a Board-owned WCD by an employee to access a personal e-mail account or connect to the Internet for personal business is strictly prohibited.

WCDs may not be transferred to any other employee without prior notification and approval of the Superintendent. Employees provided with a WCD understand that the WCD is owned by the Board. Any alteration or switching of WCDs must be approved in advance by the Superintendent.

Cellular telephone numbers provided by the Board, via contract with a wireless service provider/vendor, are considered business numbers of the District which shall remain and belong to the Board for its use, unless otherwise changed by the service provider/vendor or as mandated by the Federal Communications Commission. Employees are not allowed to transfer/port a previous personal cellular telephone number to a Board-owned WCD.

Employees may not download or access any prohibited application as identified by the DMS unless a waiver for certain law enforcement officers and/or purpose is specifically requested and obtained from DMS in accordance with F.S. 112.22. Upon notice of any changes to the DMS's list of prohibited applications, District employees shall have fifteen (15) calendar days to remove such applications.

The Board may audit all Board-owned WCDs, which will include but not be limited to, a review of the detailed monthly statement upon submission after the requisite review by the employee. The detailed monthly service statements for all Board-owned WCDs as well as invoices and payment documents related to these accounts are public records and may be subject to disclosure and review.

### **Privacy Issues**

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

### **Use of Board-owned WCDs for Personal Calls**

Use of a Board-owned WCD for personal business is prohibited but there may be limited situations when personal use is justified. Employees shall not take advantage of this provision and repeated use of a Board-owned WCD for personal business will result in disciplinary action.

If unforeseen circumstances develop where employees must use their Board-issued WCD for personal reasons (i.e. to let family know that the employee will be home late, etc.), the Superintendent shall determine whether the employee should reimburse the Board.

The Board will routinely audit the phone log/record provided by employees to confirm that no personal calls were made and/or to ensure that the costs associated with any personal calls made by the employee are timely reimbursed to the Board.

The Board may withhold any unreimbursed amount from the employee's wages.

Employees will be expected to sign an agreement that allows the Board to deduct the cost of unpaid calls from the employee's paycheck.

## **Use of a Personal WCD While at Work**

During work hours, personal communications made or received, regardless of whether on a WCD, regular telephone, or network computer, can interfere with employee productivity and/or distract others. Employees are expected to use discretion in using personal WCDs while at work. Employees are asked to limit personal communication to breaks and lunch period and to inform friends and family members of the Board's policy in this regard.

## **Potential Disciplinary Action/Cancellation of Board-Owned WCD**

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of the WCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in the Board immediately canceling the employee's privilege to use a Board-owned WCD and return of the device.

Effective 07.01.2011  
Revised 12.20.2023

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Legal References:  
F.S. 112.22  
F.S. 316.305  
F.S. 316.306

Adoption Date: 05.11.2011



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Title **STAFF USE OF WIRELESS COMMUNICATION DEVICES**  
Code 7530.01  
Status Initial Reading

7530.01 - **STAFF USE OF WIRELESS COMMUNICATION DEVICES**

The School Board will provide wireless communication devices (“WCDs”) to staff members who, by the nature of their jobs, have a routine and continuing business need for the use of such devices for official Board business. Board-owned WCDs are provided as a tool to conduct Board business and to enhance business efficiencies, but shall not be a primary mode of communication unless they are the most cost-effective means to conduct Board business (i.e. because some wireless service plans are billed on a time-used basis). Board-owned WCDs should not be used if a less costly alternative method of communication is safe, convenient, and readily available.

Personal use of a WCD is subject to the requirements of this policy and District procedures. Use of a personally owned WCD to conduct District business is also subject to the requirements of this policy and District procedures. Staff member safety is a priority of the Board, and responsible use of WCDs includes safe use.

I. **District Oversight of WCDs and Wireless Service Plans**

- A. The Superintendent is authorized to designate those staff members who will be issued a Board-owned WCD and provided with a wireless service plan.
- B. The Superintendent is responsible for verifying that:
  - 1. the need for each Board-owned WCD and wireless service plan is clearly justified for legitimate District purposes;
  - 2. alternative solutions for work production and communication are considered;

3. staff members provided with wireless service plans are notified of the purpose and limitations of usage;
  4. wireless service plan invoices outlining the details of usage are received and reviewed as necessary for conformance with this policy;
  5. staff members, as applicable, reimburse the Board for non-business use of Board-owned WCDs;
  6. Board-owned WCDs are restricted from accessing any prohibited application as identified by the Florida Department of Management Services (DMS);
  7. the District retains the ability to remotely wipe and uninstall any prohibited application from a WCD that is believed to be have been adversely impacted, either intentionally or unintentionally, by a prohibited application; and
  8. a Board-owned WCD is returned, and the corresponding wireless service plan is terminated, when it is no longer justified by business requirements, the staff member leaves the Board's employment, and/or a staff member has demonstrated a disregard for the limitations of this policy.
- C. In deciding which staff members should receive a Board-owned WCD, the Superintendent will consider whether:
1. the staff member is required to spend a considerable amount of time outside of their assigned office or work area during normal working hours and have regular access to telephone and/or Internet connections while outside their office or assigned work area;
  2. the staff member is required to be accessible outside of scheduled or normal working hours or to be contacted and respond in the event of an emergency;
  3. the staff member is required to engage in timely and business-critical two-way communications for which there is no reasonable alternative technology (not intended to include occasional, incidental access or purely voluntary access to two-way communication, such as checking e-mail from home);
  4. safety requirements indicate having a WCD is an integral part of meeting the requirements of a staff member's job description;

5. more than fifty percent (50%) of the staff member's work is conducted outside the staff member's assigned office or work area;
  6. the staff member is required to be contacted on a regular basis outside normal work hours;
  7. the staff member is required to be on-call 24/7; or
  8. the staff member's job requirements include critical District-wide decision-making.
- D. Unless a personal-use option for a wireless service plan of a Board-owned WCD has been approved by the Superintendent in writing, a Board-owned WCD should be used only to place calls, access the Internet, or receive/send e-mails, instant messages or text messages for District-related business.
- E. Wireless service plans are expected to be set at the minimum level that fulfills the business need for the position in question. The wireless service plan that is selected for a staff member should be the one that provides a combination of services including number of minutes, coverage, and local call zone most nearly matching the staff member's recurring business needs as well as whether or not the service plan includes text messaging, instant message and/or e-mail capability, and Internet accessibility. If the wireless plan is based on minutes used for calls made or includes a charge regarding e-mail or instant messages, the smallest plan available to accommodate the particular business need shall be utilized.
- F. The Board shall approve the Superintendent's recommendation regarding the type and level of wireless service plans made available to staff members. In all cases, the Superintendent shall take the steps necessary to secure the most economical and responsible service plan available. Thereafter, the wireless service plans made available to staff members shall be reviewed annually by the Superintendent to determine if they are the most economical and responsible service plans available. Additionally, the Superintendent shall at least once annually review staff members' actual usage of Board-owned WCDs and, if warranted, authorize the acquisition of different WCDs and/or the selection of different wireless service plans that more nearly match staff members' recurring business needs. Any change in wireless service plan provider shall be presented to the Board for consideration and approval.
- G. The Board may request an audit of Board-owned WCD usage at any time. The detailed monthly service statements for all Board-owned WCDs, as well as invoices and payment documents related to these accounts, are public records subject to disclosure and review.

## II. **Staff Members' Responsibilities**

- A. Possessing a Board-owned WCD is a privilege and all staff members are expected to use them appropriately and responsibly. Staff members are responsible for managing the cost effectiveness of WCD use by using assigned landlines and/or designated computers as available and appropriate. Staff members should be made aware that using a WCD to place calls outside the immediate area might result in roaming charges, in addition to long distance and regular charges, and that the Board is charged for both outgoing and incoming calls. Using a WCD internationally requires prior approval from an administrator.
- B. Before being issued a Board-owned WCD, each staff member shall review and sign a copy of this policy.
- C. Staff members who wish to use Board-owned WCDs for personal use must request a personal-use option of their wireless service plan in accordance with District procedures. If the personal-use option is approved by the Superintendent, the staff member shall agree in writing to be billed a monthly flat fee for such use. If no personal-use option of the wireless service plan has been approved, the staff member shall be charged the portion of the District's monthly service fee attributable to the staff member's personal use of a Board-owned WCD in accordance with District procedures. Any charges owed by a staff member to the District will be deducted from the staff member's paycheck.
- D. To continue to be eligible to receive a Board-owned WCD, staff members are required to answer all calls on their WCDs and promptly respond to any messages.
- E. Staff members eligible to receive Board-issued WCDs under this policy may be permitted to alternatively use personally owned WCDs for District business if such use is approved by their administrator and Board policies and District procedures are followed. Staff members approved for such use may request and receive reimbursement in the form of a yearly stipend in accordance with District procedures. The District reserves the right to revoke this approval at any time for any reason and to require staff members to use Board-owned WCDs for District business. Staff members who exercise this option understand that their personal cellphone numbers and other information on their personally owned WCDs may become public records subject to inspection and/or production (see section III., below).
- F. Staff members are responsible for the safekeeping, care and custody of the Board-owned WCDs assigned to them. Further, staff members

are responsible for the cost of misuse, intentional damage, or reckless loss of the WCDs provided to them.

- G. In the interest of safety of both staff members and other drivers, staff members are required to comply with all applicable laws and Board policies while driving. Except as provided in F.S. 316.305(3)(b) and other applicable laws and Board policies, using a WCD while operating a vehicle is prohibited. Staff members should plan accordingly so that calls are placed, text messages, instant messages or e-mails are sent/read, and/or the Internet is browsed either prior to traveling or while on rest breaks.
- H. Reasonable precautions should be taken to prevent unauthorized use, access, loss, damage, theft and/or vandalism to Board-owned WCDs. Upon resignation or termination of employment, or at any time upon request, a staff member may be asked to produce a WCD for return or inspection. Staff members unable to present their WCDs in good working condition within the time period requested may be expected to bear the cost of a replacement. Additionally, staff members whose WCDs are repeatedly lost or damaged may be subject to discipline. Staff members who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.
- I. Board-owned WCDs may not be transferred to any other staff member without prior notification and approval of the Superintendent. Staff members provided with a WCD understand that the WCD is owned by the Board. Any alteration or switching of WCDs must be approved in advance by the Superintendent.
- J. Cellphone numbers provided by the Board through its contract with a wireless service provider/vendor are considered business numbers of the District which shall remain and belong to the Board for its use, unless otherwise changed by the service provider/vendor or as mandated by the Federal Communications Commission. Staff members are not allowed to transfer/port a previous personal cellphone number to a Board-owned WCD, but staff members separating from the District may transfer/port a District cellphone number to a personally owned WCD if they are authorized to do so by the Superintendent in writing.
- K. Staff members may not download or access any prohibited application as identified by the DMS on a Board-issued WCD, or personally owned WCD being used for District business, unless a waiver for certain law enforcement officers and/or purposes is specifically requested and obtained from the DMS in accordance with F.S. 112.22. Upon notice of

any changes to the DMS's list of prohibited applications, staff members shall have fifteen (15) calendar days to remove such applications.

- L. At no time may any WCD be used by a staff member in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated (see Policy 7540.04).

### III. **Confidentiality of Student Information, Public Record Requirements, and Discoverable Electronic Records**

- A. Staff members are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their WCDs.
- B. Wireless communications, including calls, text messages, instant messages, and e-mails sent from WCDs may not be secure. Staff members should use discretion in relaying confidential information related to students.
- C. Wireless communications, including text messages, instant messages and e-mails sent or received by staff members using their Board-owned WCDs, or personally owned WCD being used for District business, may constitute public records if the content of the communication concerns District business. The District reserves the right to compel the production of such records from a Board-issued or personally owned WCD at any time. Communications on WCDs may also constitute education records if the content includes personally identifiable information about a student. Wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310. Wireless communications that are educational records should be maintained pursuant to Policy 8330 and may also be subject to disclosure.
- D. Wireless communications and other electronically stored information (ESI) stored on a staff member's WCD may be subject to a litigation hold pursuant to Policy 8315. Staff members are required to comply with District requests to produce copies of wireless communications in their possession that constitute ESI subject to a litigation hold.
- E. Except in emergency situations, staff members are prohibited from using WCDs to capture, record or transmit the words (i.e. audio) or images (i.e. pictures/video) of any student, other staff member, or other person in a school or while attending a school-related activity without express prior notice and explicit consent for the capture, recording, or transmission of such words or images. Unless authorized by the school principal or Superintendent, using a WCD to take or

transmit words or images of an individual without consent is considered an invasion of privacy and is not permitted.

- F. Staff members are prohibited from using WCD cameras in locker rooms or bathrooms except as directed by an administrator.

#### IV. **Personal WCD Communications During Working Hours**

During work hours, personal communications made or received, regardless of whether on a Board-owned or personally owned WCD, regular telephone, or network computer, can interfere with staff member productivity and/or distract others. Staff members are expected to use discretion in making personal communications using WCDs while at work. Staff members are asked to limit personal communications to breaks and lunch periods and to inform friends and family members of the Board's policy in this regard.

#### V. **Potential Disciplinary Action/Cancellation of Board-Owned WCD**

Violation of this policy and District procedures 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 will constitute misuse and will result in the Board immediately canceling the staff member's privilege to use a Board-owned WCD, demanding return of the device, and holding the staff member responsible for any and all costs associated with the violation.

Effective 07.01.2011  
Revised 12.20.2023

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Legal References:

F.S. 112.22  
F.S. 316.305  
F.S. 316.306

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