

**GERMANTOWN SCHOOL DISTRICT
NOTICE OF POLICY COMMITTEE MEETING
District Administrative Offices Board Room
N104 W13840 Donges Bay Road
Germantown, WI 53022**

**December 5, 2018
5:30 p.m.**

AGENDA

- I. Meeting Called to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes
 - A. October 8, 2018
- V. New Business
 - A. Discussion and possible action regarding facilities use policy.
 - B. Discussion and possible action regarding personal communication devices.
- VI. Adjourn

**GERMANTOWN SCHOOL DISTRICT
GERMANTOWN, WISCONSIN 53022
MINUTES OF THE BOARD OF EDUCATION
POLICY COMMITTEE MEETING**

October 8, 2018

1. The meeting of the Policy Committee was called to order by Policy Committee Chair Lester Spies at 5:30 p.m. in the District Office Board Room. Policy Committee Members Present: Lester Spies and Tom Barney. Committee member Sarah Larson was absent (excused). Also Present: Jeff Holmes and Bob Soderberg.
2. Motion by Barney, second by Soderberg to approve the agenda. Motion carried.
3. The Policy Committee reviewed draft updates to Policy 7510.01 Community Use of School Facilities. Clarifications will be needed for rental rates and usage fees and the ability for the Board to modify rates at any time with regular review of the policy. Jeff Holmes will continue to work on the policy and incorporate wording for special sporting events and church use.
4. Motion Barney, second by Soderberg to forward to the Board with a positive recommendation, approval of new Policies 7510.02 Performing Arts Center Facility Use Policy, 7510.03 Pool Facility Use Policy, and 7510.04 Fieldhouse Facility Use Policy. Motion carried.
5. The committee directed Jeff Holmes to inquire about the presence of alcohol and firearms at non-district sponsored events.
6. The committee also discussed Administrative Guidelines that will accompany the PAC, pool, and fieldhouse facility use policies featuring phone use, content of performances in the PAC, application forms, equipment (no off-site equipment may be brought in), and a correction to wording regarding VCR/DVD/CD.
7. Motion by Barney, second by Soderberg to adjourn. Motion carried.
8. Policy Committee Chair Lester Spies declared the meeting adjourned at 6:05 p.m.

Jayne Borst
Recorder

Lester Spies
School Board Clerk

7510.01 - COMMUNITY USE OF SCHOOL FACILITIES – Proposed Revision

Community groups may be permitted and are encouraged to use school facilities when such use does not interfere with the regular school program. Use is granted in priority order with the District having first priority (1), the second priority (2) to the Municipalities of Germantown School District Parks and Recreation Department(s), and all other organizations per their designated priority group (3, 4, 5). All organizations will be assigned a designated category by the District as listed below. If an organization has not been assigned a category, the Director of Business and Auxiliary Services will assign a category at the time of application.

PRIORITY USER GROUP CLASSIFICATIONS

Users categorized in Priorities 3 through 5 wanting to use the Germantown School District facilities Monday through Friday after 5:00 PM and non-school days may and/or will be assessed a facility use charge, possible equipment charges, and/or staff charges. Priorities and fees associated with the use of the Germantown School District facilities are based upon a group's classification as determined by the Board.

PRIORITY 1: Germantown School District Curricular, Co-curricular, and Extra-curricular programs

PRIORITY 2: Germantown School District's Municipalities Park and Recreation Department programs, and are assessed usage fees at a 25% discounted rate of the District's fee schedule for Priority 4 users

PRIORITY 3: Germantown School District affiliated groups and community groups (must have 51% of membership being Germantown School District residents and/or Germantown School District Students). The group must provide a certificate of insurance with a minimum liability coverage of \$1,000,000. Examples include, but are not limited to:

- Parent/Teacher Organizations (PTO)
- Athletic/Co-curricular/Extra-curricular Booster Clubs
- Boy Scouts, Cub Scouts, Girl Scouts, Brownies, Daisies
- Youth Athletic Clubs
- GSD Municipalities Police and Fire
- GSD non-profit organizations (must include Section 501.c.3 proof of status)
- GSD community churches

PRIORITY 4: Non-Profit outside organizations (must include Section 501.c.3 proof of status) or organizations with less than 51% of membership being Germantown School District residents and/or Germantown School District Students. The group must provide a certificate of insurance with a minimum liability coverage of \$1,000,000. Examples include, but not limited to:

- Non-school related youth sports teams (student roster list is less than 51% GSD residents/students)
- American Cancer Society
- United Way
- US Army, Navy, Air Force, Marine groups

PRIORITY 5: All other individuals and groups. The group must provide a certificate of insurance with a minimum liability coverage of \$1,000,000.

Facilities available for use include the school property, buildings and equipment, with the following exceptions:

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1. With the exception of Priority Group 1, food service and food preparation area shall not be available for community use. All use shall be charged at the rate established by the District for each food service staff member needed. Fees waivers for food service staff are not granted.
2. Industrial arts or maintenance facilities, as well as school or District materials, shall not be made available for community use, including use by School District employees.
3. The A-Wing of Germantown High School shall not be available for community use.
4. No motorized equipment shall be available for use (i.e. lifts, lawn care equipment).
5. All arrangements for use of School District facilities shall be coordinated by the Director of Business and Auxiliary Services, the Superintendent, and/or GSD Activities Director.
6. Any responsible resident of the District who is at least twenty-one (21) years old or any responsible organization which has named a responsible adult who is at least twenty-one (21) years old to be in charge of and present at the activity may be eligible to use school facilities.
7. Fees shall be charged for the use of school facilities in accordance with State law and established procedures. Such fees shall be determined by the Board. All eligible organizations shall be charged a fee in accordance with the fee schedule approved by the Board.
8. Any individual or group granted approval for use of school facilities under this policy and its implementing procedures shall be required to abide by all facility use requirements.

Procedures for Use of School Facilities

Facility Use Requests

1. Facility use requests shall be made by the person or organization in writing in a timely manner. No use may occur without a written confirmation of approval. The Director of Business and Auxiliary Operations and/or GSD Activities Director shall determine the most effective methodology for the format of Facility Use Requests.
2. All arrangements for the use of school facilities by GSD Municipalities Parks and Recreation Department(s) shall be coordinated by the Facility Services Department in conjunction with school offices and the GSD Municipalities Parks and Recreation Department(s).
3. Applicants must provide enough supervisors, chaperones or crowd control personnel to insure proper conduct of all patrons and participants. An adult must be present from the beginning time stated on an "Application and Agreement for Use of Facilities" form until all participants have left the premises. It is the group's responsibility to maintain control of the behavior of all participants and spectators involved in the activity, and to ensure that they remain in the area authorized by an approved "Application and Agreement for Use of Facilities" form.

Conditions for Use of Facilities

1. Under no condition shall any individual, group or business be allowed access to school facilities unless they have provided a responsible adult who is in charge, present at all times of use, and permission for use of the facility has been granted as outlined above.
2. Times of use of the school facilities shall be such that they do not interfere with the regular school program. All requests for use of facilities will be considered subject to the annual facility use schedules established by principals and the GSD Activities Director. School facilities shall not be available to any school or non-school groups on Sundays or holidays unless pre-approved by the Director of Business and Auxiliary Operations and/or GSD Activities Director. Groups using the school facilities are restricted to the activity hours listed on their "Application and Agreement for Use of Facilities" form. Allow ample time before and after your activity for set-up and clean-up. Rental fees will be based upon when the group members enter the building to when they depart. All activities will end by the times approved on the "Application and Agreement for Use of Facilities" form.
3. School district facilities used during non-operational school hours will be limited to one (1) building access point (i.e. set of doors). This building access point should be located as close to the building usage area as possible. The individuals using the facility shall provide a responsible adult to attend the building access point at all times and monitor access to the activity during the event.

4. Supervision of use of school facilities shall be the prime responsibility of the applicant. Lack of proper supervision shall result in the immediate loss of facilities privilege. A custodian or district employee must always be present when a facility is in use. The custodian shall not serve as the supervisor of the activities. If a district employee is present, the district employee shall not serve as the supervisor of the activities unless so designated by prior arrangement. A school authority shall assist and acquaint the applicant in the proper use of the facilities, and shall exercise such necessary authority to protect and preserve school property from damage. A charge shall be made to the applicant for any damage done to any school property. The applicant may be required to reimburse the District for any cleaning required to maintain the original condition of the facility.
5. Any organization and its supervisors utilizing GSD facilities shall be liable for any damage done to school property or loss of school property and, assume all responsibilities for any personal injury to a patron and participants in their activities and/or events. A certificate of insurance is required prior to granting use of facilities, as well as a security deposit.
6. All groups are expected to leave the facilities in the same condition in which they were found. Any expenses incurred because of activities will be charged to the user.
7. The use and possession of alcoholic beverages, tobacco, and/or controlled substances shall be prohibited in school buildings and on school premises, except as provided herein relative to alcoholic beverages.

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7.8. Presentations, programs, plays, or theatrical productions may be prohibited if the proposed event contains depictions of or glorification of violence, drug use, sexual activity, or depicts or encourages other similar conduct inappropriate for a school facility. The District may require restricted attendance for any production that is rated for mature audiences only. This shall not be used to restrict any production or event on the basis of a particular viewpoint or message, rather, the Board believes that themes and depictions within any production should not detract from the educational and environmental interests of a school community.

Use of Playgrounds

Children shall have responsible adult supervisors present whenever they are in organized groups utilizing the school grounds or any other facility. No organized group shall be allowed to use school playground facilities without supervision.

While all students are expected to go home as soon as school is over, unless attending some school-sponsored activity, the informal use of the playgrounds after school hours, on holidays or weekends by the children of the community is not prohibited. It is understood that such informal use of the playgrounds is done at the risk of the user.

The agreement for the use of school facilities for public recreation programs shall be reviewed periodically by the District Administrator and the GSD Municipalities Park and Recreation Departments, and shall be in conformance with Board policy and these procedures.

Events involving the use or sale of alcoholic beverages.

Any group that wishes to hold an event in a GSD facility which involves the availability of alcoholic beverages, either for sale or distribution on some other basis, must abide by the following rules:

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1. The group must secure the appropriate municipal permit or license for the event, and must present the license to the GSD Administrator responsible for approving the facility use request. It is the group's responsibility to determine, in consultation with municipal officials, whether any such permit is required and to secure it in advance of the event.
2. The facility use request must identify whether alcohol will be sold at the event, or provided without charge to those in attendance. If sold, the group is responsible for complying with all rules relative to sales of alcohol.
3. The Group is responsible for assuring that no person under the age of 21 is permitted to possess or consume alcoholic beverages during any event held at GSD facilities.
4. Only beer and / or wine are permitted, provided that all other requirements are met. This includes wine coolers, or hard ciders, lemonades, but expressly excludes hard liquor.
5. Event organizers are responsible for assuring that no person in attendance is served an excessive amount of alcohol and are encouraged to provide transportation opportunities for participants as appropriate.

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The district is not responsible for any harm or other adverse results of a group's event, including those resulting from the use of alcoholic beverages. The event organizers assume full responsibility for properly organizing and controlling the event.

Events Involving Firearms

No person may be in possession of a firearm on school grounds in violation of Wisconsin or Federal law. A firearm may be in a school or on school grounds only if it is (a) unloaded; and (b) in a locked container or case in which no part of the firearm is visible. Events that involve firearms (e.g. a raffle where a firearm is a prize) must be conducted in accordance with this policy, applicable state and federal law governing firearms in or on school grounds, and any other applicable state or federal laws.

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Facility Use Fees

Facility use fees shall be established by the Board of Education. "Donations in kind" cannot be substituted for fees.

Fees which are collected for facility use shall be accounted as "revenue" in Community Services Fund 80 and shall only be used for facilities operations and improvements.

When the facilities are being used by the public and an admission or participation fee is charged, the organization shall be charged for such use at a rate established in the fee schedule.

The manner in which fees are collected shall be determined by the Director of Business Services and Auxiliary Operations.

Fee Structure/Designation/Waivers

Fee waivers may be granted based on the table below:

- Priority Group 1 - No fees for facility use
- Priority Group 2 - Germantown School District's Municipalities Park and Recreation Department programs, and are assessed usage fees at a 25% discounted rate of the District's fee schedule for Priority 4 users
- Priority Group 3 - No fees assessed based on Use of Facility Fee Structure
- Priority Group 4 - Fees assessed based on Use of Facility Fee Structure
- Priority Group 5 - Fees assessed based on Use of Facility Fee Structure

Fee waivers are obtained by completing the Application for Waivers of Rental Fees with the Director of Business and Auxiliary Services. Applications should be accompanied by the applicant organization's IRS Letter of Determination stating their 501(c)(3) status. The waiver of fees does not relieve the organization of insurance requirements or other requirements as stated in this policy. The completed application will be forwarded to the Office of the Director of Business and Auxiliary Services.



Book	Policy Manual
Section	7000 Property
Title	COMMUNITY USE OF SCHOOL FACILITIES
Number	po7510.01
Status	Active
Adopted	August 22, 2011
Last Revised	March 26, 2012

7510.01 - COMMUNITY USE OF SCHOOL FACILITIES

Community groups may be permitted and encouraged to use school facilities when such use does not interfere with the regular school program. Use is granted in priority order with the District having first priority, the second priority to the Village of Germantown Parks and Recreation Department, and all other organizations per their designated priority group. All organizations will be assigned a designated category by the District as listed below. If an organization has not been assigned a category, the Director of Business and Auxiliary Services will assign a category at the time of application.

Definitions:

District: Instructional, co-curricular and athletic programs funds by the District's budget

Intergovernmental Agreements: Germantown Parks and Recreation Department

Priority Group 1: Germantown Band Boosters, Fine Arts Foundation, Athletic Booster, Germantown Kickers Organization, Friends of Soccer, Germantown Gridiron Club, Ice Bears Hockey Organization, Hornet Wrestling Organization, Germantown Girls Basketball Club, Germantown Boys Basketball Club, Germantown Hoops Basketball, Germantown Little League, Germantown Diamond Club, PTA, Girl Scouts and Boy Scouts

Priority Group 2: Any resident non-profit organization providing documentation of 501(c)3 status whose participants include 51% or more Germantown residents. Residents are defined as individuals who reside within Germantown School District boundaries or who attend school in Germantown. The participation list with addresses may be requested by the District Administrator. The group must provide the District Administrator with a certificate of liability insurance with a minimum liability coverage of \$1,000,000.

Priority Group 3: Any resident non-profit organization providing documentation of 501(c)3 status whose participants include less than 51% Germantown residents. Residents are defined as individuals who reside within Germantown School District boundaries or who attend school in Germantown. The participation list with addresses may be requested by the District Administrator. The group must provide the District Administrator with a certificate of liability insurance with a minimum liability coverage of \$1,000,000.

Priority Group 4: Germantown commercial organizations using facilities for programming who are at least 40% Germantown School District residents. Residents are defined as individuals who reside within Germantown School District boundaries or who attend school in Germantown. The participation list with addresses may be requested by the District Administrator.

Priority Group 5: Non-profit groups, schools, colleges and youth associations that are not based in Germantown.

Priority Group 6: All other individuals and groups.

Facilities available for use include the school property, buildings and equipment, with the following exceptions:

- A. The high school football field, track and soccer field shall be available for community use only with approval of the Director of Business and Auxiliary Services and the District Administrator.

- B. The interscholastic (Varsity) hardball and softball fields shall be available for use with the approval of the Director of Business and Auxiliary Services and the District Administrator.
- C. With the exception of Priority Group 1, food service and food preparation area shall not be available for community use. All use shall be charged at \$30/hour for each food service staff member needed. Fees waivers for food service staff are not granted.
- D. Industrial arts or maintenance facilities as well as school or District materials shall not be made available for use, including use by School District employees.
- E. The A-Wing of Germantown High School shall not be available for community use.
- F. The Gold area of Kennedy Middle School shall not be available for community use.
- G. No motorized equipment shall be available for use (i.e. lifts, lawn care equipment).

All arrangements for use of School District facilities shall be coordinated by the Director of Business and Auxiliary Services and the District Administrator.

Any responsible resident of the District who is at least twenty-one (21) years old or any responsible organization which has named a responsible adult who is at least twenty-one (21) years old to be in charge of and present at the activity may be eligible to use school facilities.

Fees shall be charged for the use of school facilities in accordance with State law and established procedures. Such fees shall be determined by the Board. All outside organizations shall be charged a fee in accordance with the fee schedule approved by the Board.

Any individual or group granted approval for use of school facilities under this policy and its implementing procedures shall be required to abide by all facility use requirements.

Procedures for Use of School Facilities

A. Facility Use Requests

Facility use requests shall be made by the person or organization in writing in a timely manner. No use may occur without a written confirmation of approval. The Director of Business and Auxiliary Operations shall determine the most effective methodology for the format of Facility Use Requests.

All arrangements for the use of school facilities by the Village of Germantown Parks and Recreation Department shall be coordinated by the Facility Services Department in conjunction with school offices and the Village of Germantown Parks and Recreation Department.

B. Conditions for Use of Facilities

1. Under no condition shall any individual, group or business be allowed access to school facilities unless they have provided a responsible adult who is in charge, present at all times of use, and permission for use of the facility has been granted as outlined above.
2. Times of use of the school facilities shall be such that they do not interfere with the regular school program. All requests for use of facilities will be considered subject to the annual facility use schedules established by principals and the Activities Director. School facilities shall not be available to any school or non-school groups on Sundays or holidays unless pre-approved by the Director of Business and Auxiliary Operations.
3. School facilities used during non-operational school hours will be limited to one (1) building access point (i.e. set of doors). This building access point should be located as close to the building usage area as possible. The individuals using the facility shall provide a responsible adult to attend the building access point at all times and monitor access to the activity during the event.
4. Supervision of use of school facilities shall be the prime responsibility of the applicant. Lack of proper supervision shall result in the immediate loss of facilities privilege. A school authority shall assist and acquaint the applicant in the proper use of the facilities, and shall exercise such necessary authority to protect and preserve school property from damage. A charge shall be made to the applicant for any damage done to any school property. The applicant may be required to reimburse the District for any cleaning required to maintain the original condition of the facility.
5. The use and possession of alcoholic beverages, tobacco, and/or controlled substances shall be prohibited in school buildings and on school premises.
6. Use of Playgrounds
 - a. Children shall have responsible adult supervisors present whenever they are in organized groups utilizing the school grounds or any other facility. No organized group shall be allowed to use school playground facilities without supervision.
 - b. While all students are expected to go home as soon as school is over, unless attending some school-sponsored activity, the informal use of the playgrounds after school hours, on holidays or weekends by the children of the community is not prohibited. It is understood that such informal use of the playgrounds is done at the risk of the user.

7. The agreement for the use of school facilities for public recreation programs shall be reviewed periodically by the District Administrator and Germantown Village Park and Recreation Commission Director, and shall be in conformance with Board policy and these procedures.

8. Certificates of Insurance, with the Germantown School District named as an "Additional Insured" shall be provided with the application.

C. Facility Use Fees

1. Facility use fees shall be established by the Board of Education. "Donations in kind" cannot be substituted for fees.
2. Fees which are collected for facility use shall be accounted as "revenue" in Community Services Fund 80 and shall only be used for facilities operations and improvements.
3. When the facilities are being used by the public and an admission or participation fee is charged, the organization shall be charged for such use at a rate established in the fee schedule.
4. The manner in which fees are collected shall be determined by the Director of Business Services and Auxiliary Operations.

D. Fee Waivers

1. Fee waivers are granted based on the table below:

ORGANIZATION	FEE DESIGNATION
District use	No fees for facility use
Intergovernmental Agency with Agreement	See intergovernmental agency agreement
Priority Group 1	No fees for facility use
Priority Group 2	No fees for facility use
Priority Group 3	Fees assessed based on Use of Facility Fee Structure
Priority Group 4	Fees assessed based on Use of Facility Fee Structure
Priority Group 5	Fees assessed based on Use of Facility Fee Structure
Priority Group 6	Fees assessed based on Use of Facility Fee Structure

2. Fee waivers are obtained by completing the Application for Waivers of Rental Fees with the Director of Business and Auxiliary Services. Applications should be accompanied by the applicant organization's IRS Letter of Determination stating their 501c(3) status. The waiver of fees does not relieve the organization of insurance requirements or other requirements as stated in this policy. The completed application will be forwarded to the Director of Business and Auxiliary Services and District Administrator.

Last Modified by Rachel Bechtol on July 20, 2018



Book	Policy Manual
Section	7000 Property
Title	STAFF USE OF WIRELESS COMMUNICATION DEVICES
Number	po7530.02
Status	Active
Adopted	August 22, 2011
Last Revised	July 23, 2018

7530.02 - STAFF USE OF WIRELESS COMMUNICATION DEVICES

Use of personal communication devices ("PCDs") has become pervasive in the workplace. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g. Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), and/or other web-enabled devices of any type. Whether the PCD is Board-owned and assigned to a specific employee, or personally-owned by the employee (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee on a per use basis for their business-related use of his/her PCD, or the employee receives no remuneration for his/her use of a personally-owned PCD), the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones

Employees are responsible for operating Board-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees are prohibited from using PCDs 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.

Duty to Maintain 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 PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and e-mails sent from PCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, cellular/wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD 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. Cellular/wireless communications that are public 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. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff 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.

If a PCD is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee must immediately notify the District Administrator 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. The District Administrator 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 PCD was encrypted.

Privacy Issues

Except in emergency situations or as otherwise authorized by the District Administrator or as necessary to fulfill their job responsibilities, employees are prohibited from using PCDs 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 PCD to capture,

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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.

The use of PCDs 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, shower facilities, and/or restrooms/bathrooms.

Personal Use of PCDs While at Work

During work hours personal communications made or received, regardless of whether on a PCD or a regular telephone or network computer, can interfere with employee productivity and distract others. Employees are expected to use discretion in using PCDs while at work for personal business. Employees 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.

Potential Disciplinary Action

Violation of this policy may result in disciplinary action up to and including termination. Use of a PCD 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

Last Modified by Debby Finton on October 9, 2018



Book Policy Manual
 Section Vol. 27, No. 2
 Title REVISED POLICY - VOL. 27, NO. 2 - STAFF AND SCHOOL OFFICIALS USE OF PERSONAL COMMUNICATION DEVICES; speak to Marc G.
 Number po7530.02
 Status
 Adopted August 22, 2011
 Last Revised July 23, 2018

REVISED POLICY - VOL. 27, NO. 2

7530.02 - STAFF AND SCHOOL OFFICIALS USE OF PERSONAL COMMUNICATION DEVICES

Use of personal communication devices ("PCDs") (as defined in Bylaw 0100) has become pervasive in the workplace. ~~For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers (e-readers), e-g. Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), () telephone paging devices (e.g., beepers or pagers), () and/or other web-enabled devices of any type. Whether the PCD 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 or school official 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 PCD, or the employee or school official receives no remuneration for his/her use of a personally-owned PCD), 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 guideline, as well as other pertinent Board policies and guidelines.~~

Conducting District Business Using a PCD

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

[OPTION A]

[] Employees and school officials are permitted to use a Board-owned and/or personally-owned PCD 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 PCD that concern District business of any kind other than to () make/receive telephone calls (), send/receive e-mails 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 PCDs 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 PCD. Pursuant to Board Policy 7530.02, please contact me with such communications regarding District business of any kind via my personal communication device, the District e-mail 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 PCD Personal Communication Devices, Including Cell Phones

[NOTE: START OF FIRST SET OF OPTIONS - CHOOSE OPTION A AND/OR OPTION B OR OPTION C] [NOTE: If Policy 8605 - Use or Electronic Wireless Communication Devices by District Employees Who Operate Board-Owned Or Operated Vehicles prohibits the use of handheld mobile communication devices in all circumstances, as opposed to just on the highway, then only Option B may be selected]

OPTION A

[] Employees and school officials whose job responsibilities include regular or occasional driving and who use a PCD 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 ~~are strongly encouraged to~~ 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 PCD while driving is a violation of State law and is strictly prohibited. If acceptance of 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 ~~both Board~~ 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 PCD while driving.

[] In situations where job responsibilities include regular driving and accepting of business calls, the employee or school official should ~~consider the~~ use of 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 PCDs 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.

OPTION C

[] Using a cell phone or other PCD while operating a vehicle is strongly discouraged. Employees should plan their work accordingly so that calls are placed, text messages/instant messages/c-mails read and/or sent, 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 while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).

[NOTE: END OF SECOND/FIRST SET OF OPTIONS]

Employees and school officials may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

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 guidelines pertaining to protection of the security, integrity, and availability of the data stored on ~~at their~~ PCDs regardless of whether they are Board-owned and assigned to a specific employee or personally-owned by the employee.

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

Additionally, PCD cellular/wireless communications, including text messages, instant messages, and e-mails sent and/or received by a public employee or school official using ~~this/her~~ PCD 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. Cellular/wireless communications that are public 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. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 - Information Management. Staff 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.

Further, PCD 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 PCD 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 PCD, 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 - Student Records.

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

Cellular/Wireless communications and other electronically stored information (ESI) stored on the staff member's or school official's PCD 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~~SECOND 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 PCD 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 PCD. 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 PCD ~~before the Board will issue any final compensation that is owed to the employee.~~

Similarly, if an employee intends to dispose of, or otherwise stop using, a personally-owned PCD 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 PCD. The employee is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the personally-owned PCD.

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 District Administrator 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 PCD. The District's IT department/staff will then transfer the records/ESI to an alternative storage device.

[] If the employee also utilized a personally-owned PCD for District work-related communications, and the device contains public records, student 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 PCD. 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 PCD ~~before the Board will issue any final compensation that is owed to the employee.~~

[NOTE: END OF ~~THIRD~~SECOND SET OF OPTIONS]

If a PCD is lost, stolen, hacked, or otherwise subjected to unauthorized access, the employee or school official must immediately notify the District Administrator so a determination can be made as to whether any public records, student records, and/or ESI subject to a litigation hold has been compromised and/or lost. Pursuant to Policy 8305 - Information Security and its accompanying guideline, the District Administrator 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 PCD was encrypted.

The Board prohibits employees and school officials from maintaining the following types of student, staff, or District records and/or information on their () PCDs () cell phones:

- 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 ~~PCD cell phone~~ 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 PCDs 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 PCD 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 District Administrator or as necessary to fulfill their job responsibilities, employees and school officials are prohibited from using PCDs 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 PCD 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 PCDs that contain 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 PCDs in classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms and/or swimming pool is prohibited.

OPTION C

PCDs, 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 District Administrator and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

[NOTE: END OF FOURTH SET OF OPTIONS]

Personal Use of PCDs While at Work

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

OPTION A

~~During work hours personal communications made or received, regardless of whether on a PCD or a regular telephone or network computer, can interfere with employee productivity and distract others. Employees are expected to use discretion in using PCDs while at work for personal business. Employees 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.~~

OPTION B

~~Board employees may carry PCDs cell phones with them while at work including while operating Board equipment, but are subject to the following restrictions:~~

- A. ~~Excessive use of a PCD cell phone for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.~~
- B. ~~Employees are personally and solely responsible for the care and security of their personally owned PCDs. The Board assumes no responsibility for theft, loss, or misuse of unauthorized use of personally owned PCDs brought onto its property or the unauthorized use of such devices.~~

[NOTE: END OF FOURTH SET OF OPTIONS]

Potential Disciplinary Action

<https://www.boarddocs.com/wi/gpsd/Board.nsf/Private?open&login&policynewsid=AMGPAE59FB47#>

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

Use of a PCD 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

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

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