

7.14 - USE OF DISTRICT CELL PHONES and COMPUTERS

Board members, staff, and students shall not be given cell phones or computers for any purpose other than their specific use associated with school business. School employees who use school issued cell phones and/or computers for non-school purposes, except as permitted by the District's policy, shall be subject to discipline, up to and including termination. School employees may be issued District cell phones if their position requires the employee be available at all times for work related emergencies or the employee be available to speak with others on school related business when the employee is away from the office. Employees issued cell phones for such purposes may use the phone for personal use on an "as- needed" basis.

Students who use school-issued cell phones and/or computers for non-school purposes, except as permitted by Policy 4.47— POSSESSION AND USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES, shall be subject to discipline, up to and including suspension or expulsion.

Except when authorized in the SCHOOL BUS DRIVER'S USE OF MOBILE COMMUNICATION DEVICES policies of 3.51 and 8.24, all employees and students are forbidden from using school issued cell phones while driving any vehicle at any time. Violation may result in disciplinary action up to and including;

- Suspension for students; and
- Termination for employees.

Except when authorized in the SCHOOL BUS DRIVER'S USE OF MOBILE COMMUNICATION DEVICES policies of 3.51 and 8.24, no employee or student shall use any device for the purposes of browsing the internet; composing or reading emails and text messages; or making or answering phone calls while driving a motor vehicle which is in motion and on school property. Violations may result in disciplinary action up to and including:³

- Suspension for students; and
- Termination for employees.

Notes: ¹ The IRS has changed its position regarding the use of district issued cell phones for personal use for those employees who have a genuine **need** for a cell phone due to their job's duties. Cell phones **cannot** be issued as a fringe benefit, but only as a "legitimate" need related to their job's responsibilities. There is no longer a need to keep track of personal calls and claim their value as income. The district has the option of supplying the phone directly to the employee or of reimbursing the employee for the cost of his/her personal phone that is used for both District and personal purposes. Any such reimbursement can only be for the specific employee and not any other individuals associated with that employee's cell phone plan. There has been no change to the use of school computers for personal purposes. Use of school issued cell phones and/or computers by board members or employees who do not meet the policy's definition of eligibility for non-school purposes is considered income by the Internal Revenue Service. "Income" in this sense means the fair market value that the individual would have had to pay for the use of the cell phone or computer on the open market. Any board member, or employees who do not meet the policy's definition of eligibility, who uses school-issued cell phones and/or computers for non-school purposes should be issued the appropriate IRS form (1099) stating the amount of income they have been paid by the district.

Please be aware that telephone records for both personal and school business calls of any school employee's district-provided cell phone can be requested and must be disclosed by the school district under the Arkansas Freedom of Information Act.

² This sentence is included because insurance companies have ruled that injuries occurring while driving and talking on school issued cell phones are subject to workers comp awards.

³ This sentence was added due to the dangers involved for both drivers and pedestrians associated with distracted driving. A.C.A. § 27-51-1609 prohibits the use of a "wireless handheld telephone" while in a school zone for any purpose when that use is not hands free. While the policy language exceeds the statutory language, we believe the expanded language is important for the protection of students and employees alike.

Cross References

3 .34— LICENSED PERSONNEL CELL PHONE USE
3.51—SCHOOL BUS DRIVER'S USE OF MOBILE COMMUNICATION DEVICES
4.47— POSSESSION AND USE OF CELL PHONES; OTHER ELECTRONIC DEVICES
8.24—SCHOOL BUS DRIVER'S USE OF MOBILE COMMUNICATION DEVICES
8.25— CLASSIFIED PERSONNEL CELL PHONE USE

Legal References:

IRC § 132(d)
IRC § 274(d)
IRC § 280F(d)(4)
IRS Publication 15 B
A.C.A. § 6-19-120
A.C.A. § 27-51-1504
A.C.A. § 27-51-1609

Date Adopted: April 12, 2007

Last Revised: May 14, 2009
May 10, 2012
June 24, 2019