



Policy 3.34.1R

## **LICENSED PERSONNEL CELL PHONE USE – STIPEND** Effective: 7/1/2014

Use of cell phones or other electronic communication devices by employees during instructional time for other than instructional purposes is strictly forbidden unless specifically approved in advance by the superintendent, building principal, or their designees.<sup>1</sup>

District staff shall not be given cell phones for any purpose other than their specific use associated with school business. School employees who use a school issued cell phones and/or computers for non-school purposes, except as permitted by District policy, shall be subject to discipline, up to and including termination. School employees who are issued District cell phones due to the requirements of their position may use the phone for personal use on an “as needed” basis provided it is not during instructional time.<sup>2</sup>

All employees 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 termination.<sup>3</sup>

No employee 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. Violation may result in disciplinary action up to and including termination.

The District will provide a tiered stipend for cell phone usage for school business for employees using their personal phones to conduct required district business.

Tier I	\$100.00 monthly for complete data and phone access
Tier II	\$50.00 monthly for phone and text messaging access only
Tier III	If an employee is required to have a phone to use for district business, and they do not have one, the district will provide the phone for school business only. Any personal phone calls would be prorated and considered income.

The Superintendent or designee will determine what employees will qualify for the above referenced stipend. Texting while driving is prohibited.

### Notes:

<sup>1</sup> The goal is to eliminate the use of cell phones during instructional time for other than instructional purposes.

<sup>2</sup> 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.

When considering the pros and cons of school issued technology, keep in mind that any correspondence made on such technology (cell phone, iPad, computer) would be subject to inspection under the Freedom of Information Act. Because it is district issued, there would be no differentiation between personal and school use.

<sup>3</sup> 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.

Cross Reference: 4.47 – POSSESSION AND USE OF CELL PHONES, BEEPERS, ETC., 7.14 – USE OF DISTRICT CELL PHONE AND COMPUTERS

Legal Reference: IRS Publication 15B

Adopted: 5/17/2011

History PPC: 6/1/2011, 11/14/2012, 6/4/2014

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