

CELL PHONE POLICY**8332.00. Statement of Policy**

The Board of Education recognizes that the District's purposes and needs are served by the ability to communicate immediately and efficiently with District employees and that use of a cell phone or similar telecommunication device may be efficient and effective, and may be necessary or critical in certain instances. Consistent with the Board's obligation to ensure that District resources are expended only for legitimate District needs, it is the policy of the Board that the District provide such devices at District expense to an employee when, in the judgment of the Superintendent or their designee, the use of a cell phone is required in order for the employee to perform assigned duties; or when communication through other, less costly means, is inefficient, unavailable or impracticable. It is the policy of the Board of Education, in addition, to require that the Superintendent or their designee develop and implement such procedures that will serve to adequately and accurately provide inventory and cost control; and to develop and enforce appropriate standards for the use of District cell phone and related equipment.

8332.10. Definitions

1. "Cell phone" for purposes of this policy shall mean any cellular telephone, walkie-talkie, or other telecommunication or multi-function device (including, by way of example and not limitation, such items as a smartphone or similar device), and related equipment, including power converters; chargers; wireless broadband access cards and MiFi devices for personal computers or laptops; and storage devices, for which service is provided through a vendor and paid by the District.
2. "Cell phone functionality" shall mean any capabilities available through the cell phone including, but not limited to, voicemail, text messaging, camera, picture messaging, video, internet browsing, games, ring tones and other "downloads."
3. "Services" for purposes of this policy shall mean furnishings provided by a vendor, including but not limited to: access/usage, voice, roaming, messaging, internet, and/or equipment included, leased or sold as part of the vendor's contract with the District.
4. "Vendor" for purposes of this Policy shall mean any supplier that provides cell phones, cell phone functionality or cell phone services to the District.

8332.20. Authorized Use of Cell Phones

1. A list of job titles requiring District-owned cell phones shall be maintained in the Business Office (IM&T) and is defined in District Regulation 8332-R.
2. Cell phones issued by the District pursuant to this policy shall be used for official District business only. No personal use of a District cell phone shall be allowed, except on an incidental and necessary basis. Such personal use shall be accounted for and paid for by the employee if it results in cost to the District.
3. Cell phones and cell phone functions shall be used solely in accordance with other District policies and/or regulations, including but not limited to, the following Board policies: Code of Conduct (policy 1400), Acceptable Use of the District Network (policy 1950), Code of Ethics (policy 2160), and Internet (policy 4526).

4. Camera cell phones shall not be used for personal purposes or in violation of District policies or in violation of any local, state or federal law.

8332.30. No Expectation of Privacy: Monitoring of Cell Phone Use

Employees who use District equipment, including cell phones shall have no expectation of privacy with regard to such use, even with regard to personal use. Cell phone/telecommunication use may be monitored and/or documented or recorded, in any manner not prohibited by law, by the District at any time.

8332.40. Penalties for Improper Use

Violation of this policy, and any regulations promulgated under it, may result in revocation of cell phones, disciplinary action in accordance with applicable collective bargaining agreements or, where appropriate with the Rules and Regulations, and, where appropriate, referral to law enforcement. All records relating to the use of cost of such equipment shall be admissible in favor of the District in any disciplinary proceeding and may be shared with law enforcement officials.

8332.50. Promulgation of Regulations

The responsibility for developing, publishing and enforcing regulations to implement this policy rests with the Superintendent of Schools, as authorized by Board of Education policy 3310, Development of Regulations. Such regulations should adhere to all applicable federal or state laws and regulations. The Superintendent of Schools, with the advice and counsel of the District's Department of Law, is expressly authorized to prepare, update, maintain and implement administrative regulations. Such regulations shall cross-reference this policy, and shall be published in a manner reasonably designed to assure accessibility, such as inclusion with the Board Policy Manual on the District's website.

Cross-ref: Code of Conduct (1400)
Acceptable Use of the District Network (1950)
Code of Ethics (2160)
Internet (4526)
Development of Regulations (3310)
Mobile Communications Regulation (8332-R)

Ref: Fourth Amendment, U.S. Constitution
Fourteenth Amendment, U.S. Constitution
City of Ontario, California v. Quon 130 S. Ct. 2619 (2010)

Notes: Adopted August 16, 2007 pursuant to Resolution No. 2007-08: 153; Amended March 23, 2023 pursuant to Resolution No. 2022-23: 555

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