



...the educational prism through which students realize meaning and purpose in their lives...

**TO: Members, Board of Education
Dr. Constance Collins, Superintendent**

FROM: Chris Jasculca

RE: Policy Review

DATE: April 13, 2010

The District 97 Policy Committee (Rance Clouser, Jim Gates and Chris Jasculca) is presenting the following three policies to the Board of Education for review and discussion this evening.

- Revised draft of Video Security Camera and Electronic Monitoring policy
- Revised draft of the Movies, Videos and Television Programming policy
- Preliminary draft of a revised Copyrights policy

Video Security Camera and Electronic Monitoring

During the meeting on January 26, 2010, the District 97 Board of Education reviewed a preliminary draft of a policy titled Video Surveillance and Electronic Monitoring that is related to the proposed installation of video security cameras in Gwendolyn Brooks Middle School and Percy Julian Middle School.

In response to the questions and comments raised by the Board members at the meeting on January 26, the following revisions were made to the draft policy:

- The name of the policy was changed to Video Security Camera and Electronic Monitoring.
- The word surveillance was removed from the document; all references to video surveillance were changed to video security camera.
- Two new sections were created—Expectations Related to the Use of Video Security Camera and Electronic Monitoring Equipment and Limitations on the Use of Video Security Camera and Electronic Monitoring Equipment—that feature new content or information that was moved from the section titled Use of Video Monitoring.
- The second paragraph on the first page of the policy defines the primary purpose of the video security camera/electronic monitoring system, which is to complement other means being employed in the District to promote and foster a safe and secure teaching and learning environment for students and staff.
- The second paragraph on the first page of the policy states that the video security camera/electronic monitoring system serves as an appropriate and useful tool with which to augment and support policy 5601 (Serious Misconduct).
- In the first sentence on the second page, person was changed to student or staff member to clearly define who the district and Board have the ability/authority to discipline if this policy is violated.
- A cross reference with policy 5601 (Serious Misconduct) was added to the end of the policy.

The Board also charged the policy committee with identifying how FERPA and FOIA interact, and requested a definition of legitimate educational interests referenced in the first sentence of the last paragraph on page two. The committee consulted with the legal expert from Neola on both these issues and was provided with the following information.

- **FERPA and FOIA** – In general, the Freedom of Information Act (FOIA) governs release of records to the public. It contains two exemptions that relate to student records. Section 7.5(r) exempts records protected by the Illinois School Student Records Act from being provided in response to a FOIA request. 5 ILCS 140/7.5. Also, Section 7 contains an exemption for information specifically prohibited from disclosure by federal or state law. 5 ILCS 140/7(1)(a). That exemption allows a district to use FERPA to deny the release of records to a FOIA requester. Individuals without a legitimate educational interest should not have access to student records. Therefore, in most situations, one or both of these exemptions will apply to a FOIA request.
- **Legitimate Educational Interest** – District personnel have a legitimate educational interest if he/she has instructional, supervisory, administrative or educational duties, obligations or rights imposed or granted to him/her by law with respect to such student; or the proper discharge of the duties, obligations or rights imposed upon him/her by law necessarily requires disclosure to him/her of such student records or the information contained therein; and such student records and the information contained therein are not used for any other purpose.

Movies, Videos and Television Programming

During the meeting on February 23, 2010, the Board of Education reviewed a preliminary draft of a policy titled Movies, Videos and Television Programming that was created based upon direction given by the Board during its response to public comment at the meeting on December 15, 2009. The draft was generated using sample policies/templates from other districts throughout the country.

In response to the questions and comments raised by the Board members at the meeting on February 23, 2010, the following revisions were made to the draft policy:

- The name of the policy was changed to Instructional Digital and Analog Video to make it more inclusive of the various types of media used in the classroom.
- The copyright and fair use information was moved into the District's existing policy about copyrights (2531).
- The following paragraph was added to the overview at the top of the first page:

The Board believes that digital and analog video and other audiovisual materials are important tools in the educational process. At the same time, the Board believes that the use of digital and analog video should be limited so that they are used legally and appropriately in achieving legitimate educational objectives. Therefore, it is the Board's purpose to have a policy that promotes the appropriate educational use of digital and analog video in schools by maximizing classroom instructional time, encouraging parental participation in the educational process and fostering community values.

- The names of the subsections in the policy were changed from Copyrights and Review, Approval, and Proper Use of Movies, Videos, and Television Programming to Guidelines and Parent/Guardian Notification and Waiver Participation. The content of the policy was then rearranged to better fit within each subsection.
- Letter E, which highlights what digital and analog video is pre-approved for classroom use, was added to the Guidelines subsection.
- This paragraph:
 - A. For all movies, videos, and clips thereof carrying a TV-Y-7, PG, TV-PG, TV-PG, PG-13 or TV-14 rating, or television warning of parental/guardian discretion, parents/guardians shall receive written notification of the proposed showing at least five (5) school days prior to the movie, video, or television program showing.

was changed to:

- A. Classroom presentation of a feature length digital or analog video will require parental/guardian notification at least five (5) school days prior to the classroom presentation. This notification will include the title, curricular relevance, cumulative instructional time used to show the video, and rating of the video.
- Definitions of feature length and short length were added to the Definitions subsection.

The policy committee contacted Neola to see if there was a template regarding the use of certain types of online media (YouTube, Facebook, podcasts, etc.) in the classroom. Neola informed the committee that it does not have such a template. Furthermore, upon further discussion, the committee determined that attempts to include all types of media in this policy would be difficult and, more important, place restrictions on staff members that may inhibit them from using valuable instructional resources and negatively impact the classroom experience for their students.

Copyrights

As part of the February 23 conversation regarding the preliminary draft of the Movies, Videos and Television Programming policy, the Board recommended incorporating the copyright and fair use language from the policy into the district's existing policy about copyrights (2531). The preliminary draft of the revised copyrights policy now features additional content that is divided among the following three subsections: Guidelines, General Responsibilities and Intellectual Property Rights.

All three of these policies were vetted by the policy committee (Rance Clouser, Jim Gates and Chris Jasculca), and revised using information provided by Neola, HLERK (the district's legal counsel), and district administrators to ensure it is legally compliant and in alignment with the district's role and responsibilities to deliver a high-quality education to the children of Oak Park. The policies have been made available for review by the general public via the Policies/Publications page (<http://www.op97.k12.il.us/boe/policies.html>) on the district's Web site.

These policies are being presented to the Board tonight for review and discussion.

Attachments:

- Revised draft of the Video Surveillance and Electronic Monitoring policy now named Video Security Camera and Electronic Monitoring policy
- Revised draft of the Movies, Videos and Television Programming policy now named Instructional Digital and Analog Video policy
- Preliminary draft of a revised Copyrights policy