

MEMORANDUM

TO: NWABSD Board of Education
Members

DATE: April 11, 2023

NUMBER: 23-090

FR: Office of the Superintendent

SUBJECT: Adoption of New Policy,
BP 3515.6, Business and
Non-Instructional
Operations, Use of School
Safety Video Surveillance
Monitoring System; First
Reading

STRATEGIC PLAN/BOARD GOAL:

Improve Stakeholder Communication.

ABSTRACT:

Board policy revisions require Board approval.

ISSUE:

At issue is to approve the first reading of the proposed revisions to BP 3515.6, Business and Non-Instructional Operations, Use of School Safety Video Surveillance Monitoring System and open for public comments.

BACKGROUND AND/OR PERTINENT INFORMATION:

The Superintendent/designee presents drafts or suggestions for board policy revisions when changes in law occur or when specific need occurs. Policy revisions shall normally be given two readings prior to adoption by the Board. This is the first reading of the proposed revisions to BP 3515.6, Business and Non-Instructional Operations, Use of School Safety Video Surveillance Monitoring System. This new policy was brought forward by AASB and new policies require Board adoption.

The Board Policy Committee reviewed the new policy, recommends approval and to open for public comments.

ALTERNATIVES:

1. Approve the first reading to the proposed new policy BP 3515.6, Business and Non-Instructional Operations, Use of School Safety Video Surveillance Monitoring System as presented and open for public comments;
2. Do not approve first reading to the proposed new policy BP 3515.6 as presented;
3. Take no final action.

ADMINISTRATION'S RECOMMENDATION:

The administration recommends the Board approve the first reading to the proposed new policy BP 3515.6, Business and Non-Instructional Operations, Use of School Safety Video Surveillance Monitoring System as presented and open for public comments.

USE OF SCHOOL SAFETY VIDEO SURVEILLANCE MONITORING SYSTEMS BP 3515.6(a)

The School Board authorizes the use of video surveillance equipment on school district property, school vehicles, and school contracted vehicles to ensure health, welfare, and safety of all staff, students, and visitors to district property and/or passenger in district contracted or authorized vehicles and to deter inappropriate behavior. Cameras will also be utilized to safeguard district facilities and equipment, as well as equipment owned by staff or students.

In dealing with surveillance of students and employees, the Board recognizes both its obligation to provide appropriate levels of supervision in the interest of safety and the fact that students and employees have privacy rights that are reduced but not eliminated while under the supervision of the school. Thus, video surveillance, like other forms of supervision, must be carried out in a way that respects privacy rights.

~~District Administrators are responsible for determining whether video recordings are educational records as defined by the Family Educational Rights and Privacy Act (FERPA)), 20 U.S.C. § 1232g and 34 CFR Part 99.~~

School safety video recordings which are not education records may be disclosed as provided in the Alaska Public Records Act, [AS § 40.25.110 – 40.25.125](#).

Use

Video surveillance cameras may be used to monitor and/or record in locations authorized by the School Site Administrator or the officials of the school district. Public notification signs must be prominently displayed, indicating the use of video surveillance. The district shall also notify staff and students through student/parent and staff handbooks that security cameras are in place within district property.

Camera Placement

The security camera system will be installed in public areas only. These areas include school buses, grounds, athletic areas such as the gymnasium and weight room, exterior entrances or exits to school buildings and large gathering spaces such as classroom corridors, cafeteria, lobby, and main entrances. Classrooms, restrooms, changing rooms, private offices, nurse's offices, and locker rooms are excluded from surveillance camera use. Security camera usage is prohibited in any space where this a reasonable expectation for privacy.

Security

Only a designated employee or agent of the school district will install surveillance cameras. Only designated school officials shall have access to the camera equipment and operations system. For the purposes of this policy, school officials are the Superintendent or his/her expressly authorized designees. Only these school officials shall handle the camera or copies of the video segments. Video copies shall be stored in a secure area. Video copies may never be sold, publicly viewed or distributed in any other fashion except as approved for by this policy and/or relevant to legislation. Law enforcement personnel may review camera recordings, when available, to investigate criminal conduct through a subpoena.

Viewing of Video Recordings

Video monitors used to view video recordings should not be located in a position that enables public viewing. Video recordings may only be viewed by school site administrators, school official, or school staff members with direct involvement with the recorded contents of the specific video recording or employees or agents responsible for the technical operation of the system (for technical purposes only). Parents may submit a written request to view video recordings that pertain only to their children in relation to a disciplinary issue, but the viewing may be approved only if it does not violate the privacy of other students (see next paragraph).

USE OF SCHOOL SAFETY VIDEO SURVEILLANCE MONITORING SYSTEMS BP 3515.6(B)

Use of Video Recordings for Disciplinary Action

Video recordings may be used as a basis for student or employee disciplinary action. Video surveillance recordings involving students are considered to be educational records under FERPA. Therefore, consent must be given in order to disclose information contained on video recordings obtained through video surveillance, except to the extent that FERPA authorizes disclosure without consent. Viewing may be refused or limited where viewing would be an unreasonable invasion of a third party's personal privacy, give rise to a concern for the safety of a third party or where protected from disclosure by law. All viewing requests must be submitted in writing.

Retention of Video Recordings

A copy of a video recording shall be made when an incident results in a long-term suspension, a student injury, or there is a prospect of a legal claim against the district. The copy of the video recording shall be sent to the Superintendent or designee to be kept in a secure location. If a recording is used in the making of a decision about a student or employee, the recording must be kept for a minimum of one year, unless earlier erasure is authorized by or on behalf of the individual or the relevant appeals periods have been expired.

Video recordings shall be maintained for no more than 30 days and then erased unless they are being retained as indicated in the preceding paragraph or at the request of the school site administrator. The district shall comply with all applicable state and federal laws related to record maintenance and retention.

Review

Each school site administrator is responsible for the proper implementation and control of the video surveillance system. The Superintendent of Schools or designee shall develop regulations governing the use of video recordings in accordance with applicable law and board policy.

(cf. 1340 – Access to District Records)

(cf. 3515 – School Safety and Security)

(cf. 3580 – District Records)

(cf. 5125 – Student Records)

Legal References:

UNITED STATES CODE 20 U.S.C. 1232g

UNITED STATES CODE OF FEDERAL REGULATIONS 34 CFR Part 99

ALASKA STATUTES

40.21.070 – Records Management for Local Records 40.25.110-250 Public Records Act

ALASKA ADMINISTRATIVE CODE

2 AAC 96.100-370 Public Information

Revised 10/2021