

## USE OF VIDEO AND AUDIO RECORDING

The School Board recognizes that maintaining the safety and security of students, staff, and District property is best implemented with a multifaceted approach. To the extent modern technology provides tools to maintain safety and security, the use of technology such as video surveillance cameras is supported by the Board.

Video recording devices may be utilized on school grounds and may be equipped with audio recording capabilities. Video recording shall be in accordance with applicable laws pertaining to such use. The District shall also comply with applicable law related to maintaining video recordings and student records, as appropriate.

### Purpose of Electronic Recording Systems

1. To promote the safety of all individuals while on District campuses;
2. To encourage overall positive behavior;
3. To act as a deterrent to inappropriate, unsafe, or criminal activities;
4. To assist in providing physical security for District assets;
5. To provide visual resources in areas having limited visibility;
6. To provide retroactive and investigative support to School and District Administrators (e.g., theft, vandalism, harm to others); and/or
7. To assist Law Enforcement, and School and/or District Administration during investigative or emergency situations.

### Exclusions

Video and audio monitoring are not permitted in areas where there is a reasonable expectation of privacy (e.g., restrooms, locker rooms, individuals' offices, staff break areas). Recording of teacher instruction for purposes of completing a performance evaluation or for professional growth opportunities is not intended to be covered by this policy and shall not be permitted except as provided by state law and/or consent or request of the employee. Recording of students for purposes of their educational programming is also not intended to be covered by this policy.

### Legal Reference:

#### UNITED STATES CODE

20 U.S.C. §1232g (*Family Educational Rights and Privacy Act of 1974*)

#### CODE OF FEDERAL REGULATIONS

34 C.F.R. §99.1 *et seq.* (*FERPA regulations*)

## AUTHORIZED ACCESS TO VIDEO RECORDINGS

District Administrators, including the Superintendent, Director of Maintenance, Director of Technology, School Principals, and appointed Designees may:

1. View "Live" Video;
2. View Recorded Video; and/or
3. Export Recorded Video.

Non-school personnel may be authorized to view preserved video footage on a case-by-case basis by the Superintendent or Designee. Preserved footage will be released by the Superintendent or Designee in limited circumstances on a case-by-case basis as follows:

1. In order to protect the health and safety of all students and staff, recordings that reveal unlawful actions will be brought to the attention of and/or released to law enforcement agencies, per District policy;
2. A legal parent/guardian of a student pictured on preserved video footage may be permitted by the Superintendent or Designee to view video footage, as relevant circumstances warrant;
3. A legal parent/guardian of a student shall be permitted to view any preserved video footage that is used in a disciplinary action against their child;
4. In response to a public records request, the District will provide preserved video footage, unless otherwise exempt; and/or
5. In response to a judicial subpoena or court order.

### **Transfers or Release of Video Disclosures**

All transfers of video disclosures to sources outside the District must be documented. Such transfers shall be limited to judicial subpoenas or court orders. Law enforcement may be given access to video by subpoena or as part of an ongoing investigation, by the Superintendent or Designee.

### **Maintenance**

Camera and video software maintenance may be performed each year, but will occur as frequently as is necessary to maintain the video surveillance system. This may result in an occasional downtime but is not expected to impact video recording. The following maintenance procedures and actions will be included in this process:

1. Video recording may be suspended at any time, and without prior notification;
2. Installation of new cameras on school grounds will be overseen by the Director Maintenance in collaboration with the Director of Technology;

### **Periodic System and Video Image Audit**

A periodic audit of the video system and its recordings shall be conducted by no fewer than two (2) authorized District personnel. Results should verify that the surveillance system has not been modified or altered by unauthorized personnel, that observed target areas remain accurate, and that overall integrity of the system is intact.

### **System Monitoring & Security**

There will be no expectation for authorized School or District personnel to continuously monitor video. The District will, on average, retain video on-site for the most recent 30-day period. Video content reviews will take place at the District or School offices, as needed, will have secured, password-protected access by appropriate personnel, and will be located away from public view. Video footage beyond the designated period of time will be archived off-site by a third-party in a secured manner.

## **EDUCATION RECORD**

A photo or video of a student will become an education record, subject to specific exclusions, when the photo or video is: (1) directly related to the student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution for a specific purpose.

### **Directly Related to a Student**

Factors that may help determine if a photo or video should be considered “directly related” to a student are as follows:

1. The educational agency or institution uses the photo or video for disciplinary action (or other official purposes) involving the student (including the victim of any such disciplinary incident);

2. The photo or video contains a depiction of an activity:
  - a. that resulted in an educational agency or institution's use of the photo or video for disciplinary action (or other official purposes) involving a student (or, if disciplinary action is pending or has not yet been taken, that would reasonably result in use of the photo or video for disciplinary action involving a student);
  - b. that shows a student in violation of local, state, or federal law;
  - c. that shows a student getting injured, attacked, victimized, ill, or having a health-related emergency;
3. The person or entity taking the photo or video intends to make a specific student the focus of the photo or video (e.g., ID photos, or a recording of a student presentation); or
4. The audio or visual content of the photo or video otherwise contains personally identifiable information contained in a student's education record.

### **Maintained by an Educational Agency**

To be considered an education record of a student under FERPA, an educational agency or institution, or a party acting for the agency or institution, must maintain the record within the student's disciplinary record file.

Legal Reference:

UNITED STATES CODE

20 U.S.C. §1232g(a)(4)(A) (*Family Educational Rights and Privacy Act of 1974*)

CODE OF FEDERAL REGULATIONS

34 C.F.R. §99.3 (*FERPA regulations "Education Record"*)

### **NOTIFICATION OF USE OF SECURITY CAMERAS**

Appropriate signage will be posted in noticeable locations on campus that notify students, staff, and the community of the District's use of video cameras. Signs may also be posted in general locations informing persons that the buildings and grounds may be under electronic surveillance.

The District will ensure that reasonable efforts are made to notify students and staff at the beginning of the school year regarding the use of video cameras on school grounds. Such notification may include, but not be limited to, staff in-service, employee e-mail, student handbooks, and/or beginning of the year correspondence. Communication shall, at a minimum, reference District policy and may identify key procedures related to video camera usage. During the initial implementation period, the Superintendent may vary notification based on circumstances and available options.

### **MISCELLANEOUS**

The Superintendent or Designee is authorized to develop Administrative Regulation(s) governing the use of video recording in accordance with applicable state and federal law and Board policy.

It is a violation of this policy to interfere, obstruct, or disable any of the District's cameras or recording systems. This includes, covering the cameras, cutting the wires, or disabling the system in any way.

This policy does not apply to the monitoring of the District's network infrastructure or employee use of the District's network infrastructure.

This policy serves as notification to employees and the public, at large, that video systems may be in use on school campuses for the purposes described herein.

ADOPTED:

Cordova School District