BP 3515.6 SAFETY AND SECURITY RECORDING SYSTEMS ~~(a)~~(FIRST READ)

~~**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.~~

~~**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.~~

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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; and
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.

(*cf. 3580* - District Records)
(*cf. 5125* - Student Records)

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;

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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.

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.

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)

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 reduces 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, exterior entrances or exits to school buildings and large gathering spaces such as classroom corridors, cafeteria, lobby, and main entrances. 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.

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 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

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