

## **VIDEO SURVEILLANCE AND ELECTRONIC MONITORING**

### **Purpose and Scope**

This guideline governs the implementation of video surveillance and electronic monitoring systems on school property, and in school buildings and school buses. This guideline also addresses staff members' use of portable video cameras on school property for security purposes.

Board Policy 6.05 and this procedure do not apply to District and parentally-created video recordings of school events (e.g., plays, music performances, athletic contests, graduation, Board meetings), video recordings used for instructional purposes and made with the consent of all parties recorded, video recordings made of individual teachers for the purpose of improving classroom instruction, or surveillance (covert or otherwise) undertaken by law enforcement officers.

### **Definitions:**

A. Covert Surveillance – surveillance conducted by means of hidden devices, without notice to the individuals being monitored.

B. Personally Identifiable Information – all information about a student other than directory information, which is defined in R.C. 3319.321(B)(1).

C. Video Recording – a videotape, CD, DVD, disk, hard drive, or other device used to store information (whether in printed format, on film, by digital/electronic means or otherwise) from a video surveillance/electronic monitoring system.

D. Video Surveillance/Electronic Monitoring System – a video, physical, or other mechanical, electronic or digital surveillance/electronic monitoring system or device that is permanently installed and enables continuous or periodic video recording, observing or monitoring of individuals on school premises, and in school buildings and school buses. This includes an audio device, thermal imaging technology or any other component associated with recording the image of an individual.

E. Portable Video Cameras – portable video cameras that may be carried by an individual and/or body-worn video cameras.

### **Approval**

Before a video surveillance/electronic monitoring system is installed in a school building or on school premises, the building director must provide to the Superintendent a report describing the circumstances that indicate the necessity of having surveillance at the site (e.g., the safety and property concerns). The report should outline the less intrusive/invasive means that have been considered and the reason why they are not effective. The report should also identify proposed locations of the video surveillance/electronic monitoring equipment and whether portable video cameras will be used.

### **Placement of Video Surveillance/Electronic Monitoring Equipment**

The building director, subject to review by the Superintendent, is responsible for authorizing the locations where video surveillance/electronic monitoring equipment is installed and operated. The building director must approve any changes in the locations of the equipment.

Video surveillance/electronic monitoring equipment may not ordinarily be used inside a classroom, laboratory, or other area utilized as a classroom or study space. Absent extraordinary circumstances, video surveillance/electronic monitoring equipment may not be operated in areas where there is a reasonable expectation of privacy by staff or students and where appropriate confidential or private activities/functions are routinely carried out (e.g., rest rooms, locker rooms, private offices, conference/meeting rooms, and/or staff lounges.) Any exception to this rule must first be authorized by the Superintendent on grounds that no other supervision option is feasible and that the need is pressing and outweighs the privacy interest of the students or other persons likely to be observed. Surveillance of such locations may not be authorized on an ongoing basis.

Video surveillance/electronic monitoring equipment must be installed in a way that it only monitors those spaces that have been identified as requiring video surveillance – i.e., video cameras should not be directed to look through the windows of adjacent buildings, or onto adjacent property. Viewing areas off-campus, into neighboring property, into vehicles, or into any other areas where there is a reasonable expectation of privacy is prohibited. Absent express written authorization from the Superintendent, no sound is to be monitored or recorded in connection with the video surveillance/electronic monitoring system.

Security staff and administrators are authorized to carry and use portable video cameras.

Security staff are authorized to use body-worn video cameras while on duty, but are prohibited from operating them while routinely patrolling restrooms and locker rooms, unless the staff member is responding to a specific incident.

#### Notice of Surveillance

Parents will be informed whenever a school decides to install video surveillance/electronic monitoring systems.

Students, faculty, and staff must be informed at the beginning of each year that the school is using video surveillance/electronic monitoring equipment to observe, monitor and/or record the behavior and activity of all persons on school property or grounds, or participating in school functions.

Each building or area in which video surveillance/electronic monitoring system is occurring shall have clearly written signs posted at conspicuous locations informing persons that the buildings and grounds may be under video surveillance. Signs shall be conspicuous enough in size so that a reasonable person would be able to view the contents of the sign and have reasonable and adequate warning that surveillance is, or may be, in operation. The signs must provide contact information of the building director or a designated staff person who is responsible for answering questions about the video surveillance/electronic monitoring system. Any exception to the Notice requirement, such as for a time-limited specific investigation into criminal conduct, must be authorized by the Superintendent on the grounds that covert surveillance is essential to the success of the investigation and the need outweighs the privacy interests of the persons likely to be observed. Covert surveillance may not be authorized on an ongoing basis.

#### Operation of Video Surveillance/Electronic Monitoring Equipment

Video surveillance/electronic monitoring equipment may be used to monitor and/or record behavior and activity of all persons on school property or grounds and on school vehicles.

Although constant, real-time monitoring may not always be possible, it is expected that video images will be monitored on a scheduled basis.

Real-time viewing shall be limited to the building director or his/her designees (e.g., security personnel, other administrators, and secretarial staff responsible for providing visitors with access to the building). Under certain circumstances, the building director or Superintendent may contact local law enforcement to view the District's real-time video surveillance/electronic monitoring feeds. Circumstances warranting a review should be limited to instances where an incident is reported/observed or to investigate a potential crime or violation of Board Policy or the Student Code of Conduct.

If information is not viewed for law enforcement, school or public safety purpose – it should be routinely erased according to a standard schedule (i.e., they will be maintained for a period of ten (10) calendar days). If information is viewed for law enforcement, school or public safety purposes, it must be retained for a minimum of one (1) year. Prior to destruction of it, the building director should contact the Superintendent and/or Board Counsel.

Each building director is responsible for the proper implementation and control of video surveillance/electronic monitoring system installed and operating in his/her building and premises. A periodic audit by the building director of random images from the video surveillance/electronic monitoring system shall be conducted to verify that the equipment is operating properly and has not been blocked, moved or altered and that the images captured by the system are not inclusive of areas prohibited by this guideline or Board policy.

Only a designated employee or agent of the Board can install and operate video surveillance/electronic monitoring equipment. Building directors who have video surveillance/electronic monitoring equipment installed and operated on their campuses are responsible for adhering to a strict maintenance program – including image refocusing and lens cleaning.

#### Use of Video Recordings

Information obtained through video surveillance/electronic monitoring shall be used exclusively for the purpose set out in policy – i.e., to enhance security for students, staff and visitors, and to assist in the detection and deterrence of criminal activity (theft/vandalism) and/or violations of Board policy or the Student Code of Conduct. Video recordings may be used by the Board/administration as evidence in any legal or disciplinary actions, and for inquiries and proceedings related to law enforcement.

Any remote monitoring system must protect the integrity of the video surveillance system and include a system utilizing passwords or other identifiers to gain access. Monitoring shall only be conducted by authorized school or District administrators and designees (e.g., police officials). Likewise, network connected systems must not be openly accessible on the Internet; rather, they must be operated behind the District's firewall and password protected.

Misuse or abuse of the video surveillance/electronic monitoring system shall not be tolerated and will be addressed on a case-by-case basis by the Board and Superintendent.

#### Viewing of Recordings

Authorized users of video surveillance/electronic monitoring system shall be approved by the Superintendent or building principal. Only individuals with a legitimate educational interest in the video recording shall be designated as authorized users. As such, video recordings may only be viewed by the building director/designee or individual authorizing the video surveillance/electronic monitoring systems installation, by parents and students (see below), or School District staff with a direct involvement with the recorded content of the specific video recording, or employees or agents responsible for the technical operation of the system (for technical purposes only).

Authorized users shall receive training regarding proper use of the video surveillance/electronic monitoring system equipment, rules regarding privacy, and Board policy. Authorized users shall restrict system use to that for which it is intended (i.e., maintenance of individual safety and property conservation).

Video monitors used to view video recordings should not be located in a position that enables public viewing.

Any student (or parent of a minor student), employee or member of the public that is recorded by a video surveillance/electronic monitoring system has a general right of access to review the video if it will not result in or constitute an unauthorized release of another student's personally identifiable information. Access to an individual's own personal information may depend upon whether any other confidential or privileged information can be reasonably severed. Confidential or private information can be reasonably severed from the recording for viewing purposes if the District is able, without undue hardship or expense, to utilize a copy of the recording and digitally "black out" or "blur" the images of the other individuals who appear on the video. The original recording may not be altered in any manner. If an employee or student is facing any disciplinary action, s/he may authorize his/her (union) representative or other advocate to also view the video recording.

An individual may be refused permission to review a video recording where to allow it would:

- A. be an unreasonable invasion of a third party's personal privacy;
- B. give rise to a concern for the safety of a third party;
- C. constitute an unauthorized disclosure of student personally identifiable information under State and/or Federal law; or
- D. interfere with or compromise a law enforcement investigation/matter.

If an individual is prohibited from reviewing a video recording, the building director will view it and report to the person what is contained on the recording.

#### Retention, Secure Storage, Access to and Disposal of Video Recordings

Video recordings, when not in use, shall be stored in a locked, fire resistant cabinet or room, in an area to which students and the public do not normally have access. The recordings must be clearly and properly labeled and entered into a storage log.

Access to and viewing of video recordings is limited to authorized personnel. The building director is responsible for maintaining a proper audit trail for all video recordings (i.e., logs must be maintained of all instances of access to, and use of, recorded material – the log must document the person accessing the recording, the date and time of access, and the purpose). The building director shall approve requests for access to recorded and stored video images. The building director may authorize the viewing of recorded images in the event of an ongoing law enforcement investigation, and incident involving property damage or loss, or for other reasons deemed appropriate.

All video recordings to be taken off-site must be signed out by the requestor and the building director. When returned, the requestor who originally signed the recording out and the building director shall sign the recording back in. All video surveillance/electronic monitoring recording media shall be considered legal evidence and treated as confidential or as directed by Board Counsel. Release of original video recordings to

individuals or outside agencies may only occur pursuant to subpoena or court order after the same has been reviewed by Board Counsel.

Original video recordings shall never be edited or manipulated in any manner. When video recordings are requested by any law enforcement agency as part of an ongoing investigation, a duplicate may be provided for that purpose. The original media shall be protected from accidental overwrite or erasure during the duplicating process. Nothing in this paragraph prohibits the redaction of personally identifiable information from duplicated media when mandated by FERPA.

Video recordings may never be sold publicly, viewed or distributed in any other fashion except as provided for by Board policy and this guideline, and consistent with State and Federal law.

Video surveillance/electronic monitoring recordings shall be retained, stored and destroyed, including storage log books, pursuant to the District's Records Retention Schedule.

Video recordings, scheduled to be destroyed must be securely disposed of in such a way that the personal information cannot be reconstructed or retrieved (e.g., shredding, burning, and magnetically erasing the personal information).

#### Covert Surveillance

Because covert surveillance is highly privacy-invasive, it may only be used as a last resort in limited case-specific circumstances, and in a time-limited manner (i.e., it must be the only available option under the circumstances and the benefits derived from the personal information obtained far outweigh the violation of privacy of the individuals observed).