

**Video Surveillance And Electronic Monitoring**

In order to protect district property, promote security and protect the health, welfare and safety of students, staff and visitors, the Okemos Public Schools Board of Education authorizes the use of video surveillance and electronic monitoring equipment on school property, inside and outside school buildings and on school buses.

Video surveillance/electronic monitoring equipment may be placed in common areas in school buildings, including but not limited to entryways, hallways, gymnasiums, cafeterias and libraries. Video surveillance/electronic monitoring equipment may be placed in school parking lots, on athletic fields and other outside areas. School busses are equipped with video and audio surveillance equipment. Except in extraordinary circumstances and with the written authorization of the superintendent, video surveillance/electronic monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas).

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the district's schools and facilities, and for law enforcement purposes. Video surveillance/electronic recordings may be used to identify intruders and persons violating the law, board policy, and/or the Student Code of Conduct. Recordings obtained through the use of video surveillance/electronic monitoring equipment may be used for any purpose which serves to promote security and protect the safety of individuals. Further, recordings may be used as evidence in disciplinary, administrative or criminal proceedings, subject to board policy and regulations and relevant state and federal law. Such recordings may become a part of a student's education record or staff member's personnel file.

Video surveillance/electronic monitoring recordings shall be maintained for a limited duration. Unless an investigation is being conducted, recordings shall be maintained for twenty (20) days. If, however, action is taken by the board and/or administration, as a result of a formal complaint or specific incident and depending on the severity of the incident, recordings may be maintained for a longer duration.

This policy does not apply to recordings of school events created by the district or parent/guardians (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.

The superintendent or designee is directed to develop administrative guidelines to address the use of video surveillance/electronic monitoring equipment in school buildings, on school buses and on property owned and/or operated by the district.

Improper use of video surveillance/electronic monitoring equipment is prohibited. In all cases of wrongful use, appropriate action will be initiated.

Legal Reference:

FERPA, 20 U.S.C. 1232g

34 C.F.R. 99.1-99.67

Title I of the Electronic Communication Privacy Act of 1986

18 U.S.C. 2510-2521

Policy

Adopted: 10-12-2015

Amended:

Reviewed:

The following guidelines are intended to protect district property, promote security and protect the health, welfare and safety of students, staff and visitors.

**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 20 U.S.C. 1232g(a)(5)(A)
- 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 property, inside and outside school buildings and on school buses. This includes an audio device, thermal imaging technology or any other component associated with recording the image of an individual.

**1. Placement of Video Surveillance/Electronic Monitoring Equipment**

In collaboration with the director of operations or designee, the building principal, subject to review by the superintendent, is responsible for authorizing the locations where video surveillance/electronic monitoring equipment is installed and operated. The building principal or superintendent must approve any changes in the locations of the equipment.

- 1.1 Video surveillance/electronic monitoring equipment may not ordinarily be used inside a classroom, laboratory, or other area utilized as a classroom or study space. (Exceptions: OHS and CMS libraries and gymnasiums). 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 the 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.
- 1.2 Any person who takes action to block, move or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action.

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### **2. Notice of Surveillance**

Students, faculty, and staff will 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, inside and outside school buildings, on school buses, or participating in school functions.

Each building 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 and/or recorded.

### **3. 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.

- 3.1 Although constant, real-time monitoring is not always possible, video images will be monitored when appropriate.

Real-time viewing shall be limited to the building principal or his/her designees (e.g., security personnel, other administrators, and secretarial staff.) Under certain circumstances, the building principal or superintendent may allow 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.

- 3.2 The director of operations is responsible for the proper implementation and control of video surveillance/electronic monitoring system installed and operating in all buildings and premises. This effort will be coordinated with and supported by the Director of Technology or designee.

A periodic audit 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. The director of technology, or designee is responsible for adhering to a strict maintenance program – including image refocusing and lens cleaning where surveillance/electronic monitoring equipment is installed.

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### **4. Use/Access/Viewing 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 (trespassing/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.

- 4.1 Video surveillance/electronic monitoring equipment will not be used to obtain information for the purpose of routine staff appraisal/evaluation or monitoring. However, any evidence unintentionally obtained through its general use may be used in internal employment or labor-related investigations. Information shall not be retained or used for purposes other than those sanctioned by board policy.
- 4.2 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. Electronic 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.
- 4.3 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 superintendent.
- 4.4 Access to video surveillance files shall be limited to authorized district personnel (including district legal counsel) with legitimate educational interest or responsibility for enforcing district policies or law enforcement.
- 4.5 Video recordings will be viewed by authorized users on a random basis and/or when problems are brought to the attention of the building principal or another administrator.
- 4.6 Video monitors used to view video recordings should not be located in a position that enables public viewing.
- 4.7 In the case of discipline or law enforcement:
  - A. **Student:** Upon written request, parents/ guardians of minor students and students who are eighteen (18) years of age or older who are charged with disciplinary violations may view relevant portions of the video recording related to the charge,

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provided the video does not violate State and/or Federal law (i.e. privacy rights of any other students whose image appears of the recording).

Such requests must be received within fourteen (14) days of the disciplinary action.

- B. **Personnel:** Upon written request, school personnel may view relevant portions of the video recording related to the charge, provided the video does not violate State and/or Federal law (i.e. privacy rights of any other personnel whose image appears of the recording).

Such requests must be received within fourteen (14) days of the disciplinary action.

- C. **Law Enforcement:** Law enforcement may view portions of a video file as part of an investigation. Absent of clear legal obligation, copies of confidential recordings will only be released through subpoena or court order.

- 4.8 An individual may be refused permission to review a video recording where 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 principal will view it and report to the person what is contained on the recording.

### **5. Covert Surveillance**

Covert surveillance may only be used upon approval of the superintendent and in limited case-specific circumstances, and in a time-limited manner. Appropriate use includes those circumstances in which it is determined that the benefits derived from the personal information obtained far outweigh the violation of privacy of the individuals observed. (Examples include but are not limited to: investigation of recurring thefts, vandalism, etc.)

Regulations: October, 2015