



Book	Policy Manual
Section	Volume 33, No. 2 - May 2021
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - ELECTRONIC MONITORING AND RECORDING
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#### 7440.01 - **ELECTRONIC MONITORING AND RECORDING**

##### **[OPTION 1]**

**[ X ] ( X )** In order to promote student and staff safety, and deter unauthorized access and destructive acts (e.g., theft and vandalism), **[END OF OPTION] ( X )** In order to protect ~~Board~~ School Corporation property, promote security and protect the health, welfare and safety of students, staff and visitors, **[END OF OPTION]** the School Board authorizes the use of video and audio monitoring equipment on ~~Board~~ Corporation property, and on school buses. Information obtained through video and audio monitoring may be used to identify intruders and persons violating the law, Board policy, or the Student Code of Conduct.

##### **[END OPTION 1]**

##### **[OPTION 2]**

**[ X ]** The Board authorizes the use of video and audio monitoring equipment on ~~Board~~ Corporation property and on buses. The monitoring equipment shall be used to protect ~~Board~~ Corporation property and assets from theft and vandalism, through deterrence and documentation. No representation shall be made that the monitoring system is capable of insuring protection of persons or property.

**[ X ]** The monitoring of the conduct of persons on ~~Board~~ Corporation property is intended to assist students, staff, and visitors in protecting themselves and their property. Video and audio monitoring is to complement other means being employed by the Board and staff to provide a safe and secure working and learning environment for students and staff.

##### **[END OPTION 2]**

The Superintendent is responsible for approving where and when to install and operate fixed-location monitoring equipment. The building principals and administrators responsible for other facilities shall be responsible for recommending use of monitoring in those facilities. Monitoring equipment may be placed in common areas in ~~Board~~ Corporation facilities. Common areas include hallways, entryways, offices where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries, parking lots and other outside areas, and in school buses. Except in extraordinary circumstances such as a response to possible bullying, hazing, harassment, personal injury, property damage, or theft, and only with the written authorization of the Superintendent, monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas). In assessing whether extraordinary circumstances exist, the Superintendent shall consult with Corporation legal counsel before authorizing placement of monitoring equipment in private areas in which privileged communications occur (unless there is express consent given by the office occupant), or conference/meeting rooms, or in individual classrooms during instructional times. Access to live monitoring or recordings made in private areas will be based on the need for access to respond to the information obtained. **( )** ~~Board~~ Corporation employees are authorized to carry and use video and audio recording equipment when video and audio documentation would assist in performing the duties of their position. **( )** The Board authorizes security personnel to use body-worn monitoring equipment while on duty.

A person who blocks, moves, or alters the location or viewing angle of monitoring equipment, or attempts to do so shall be subject to disciplinary action.

Signs shall be placed at the main entrance to buildings in which monitoring equipment may be deployed. These signs shall notify people entering through that entrance that their communication and actions may be monitored and recorded in the facility they are entering. Students and staff shall also be advised of the use of monitoring the recording equipment in ~~Board~~Corporation facilities and on ~~Board~~Corporation property.

Information obtained from monitoring and recording may be used to support the safe and orderly operation of the ~~School~~ Corporation's schools and facilities. This includes providing access to monitoring or recordings to law enforcement officers when proper authority in support of the requested access is provided. Records obtained through the use of monitoring equipment installed and operated in compliance with this policy may be authenticated and used as evidence in any forum in which its use would assist in the search for the truth concerning the recorded event. Recording that focuses on and follows a specific student or staff member may become a part of the student's education record or the staff member's personnel file.

Monitoring and recording equipment capability shall not be used to intercept or record communication between persons unless at least one of the participants is aware of the possibility of monitoring and recording. The results of monitoring or recording shall not be used for any tortious or criminal purpose and shall never be used in violation of the rights of the persons whose communication is monitored or recorded.

**[SELECT OPTION #1 OR OPTION #2]**

**[OPTION #1]**

☒ Not all monitoring will result in recording of what is monitored. Where a recording is made, not all recordings will include both audio and video, and the quality of recorded audio or video is not warranted to always be intelligible. Where audio or video records are made, they may be destroyed if a timely request is not made pursuant to this policy.

**[END OPTION 1]**

**[Option #2]**

☐ Monitoring equipment will not be used to make a recording of the results of monitoring except as authorized by the Superintendent.

**[END OPTION 2]**

**[END OF OPTIONS]**

☒ Monitoring and recording equipment will not be used for the purpose of routine staff appraisal/evaluation. However, prerecorded lessons or observations of online or virtual learning sessions may be included as part of an employee's evaluation, subject to discussion with the exclusive representative of the Corporation's teachers prior to adoption of this policy.

Further, if an employee is assigned to work remotely (i.e., telework), the administration is authorized to conduct observations that consist of the supervisor reviewing video-recordings of the employee working and/or watching the employee perform his/her job responsibilities through means of a live-stream that includes both video and audio, provided the employee is afforded advanced notice of the observation, subject to discussion with the exclusive representative of the Corporation's teachers prior to adoption of this policy.

Additionally, nothing herein shall prevent the administration from using information gathered through electronic means (i.e., viewing a video-recording or live-stream of an employee working) for employment purposes, including but not limited to completing components of an evaluation, subject to discussion with the exclusive representative of the Corporation's teachers prior to adoption of this policy. **[END OF OPTION]**

Recordings containing personally identifiable information about a student shall not be released except as required or authorized by the Family Educational Rights and Privacy Act ("FERPA"). A parent or guardian of a student, and a student who is eighteen (18) years of age or older shall have access to relevant portions of any video or audio recording related to disciplinary charges against the student. Upon written request to the building principal, if the requested access does not violate State and/or Federal law (i.e., the privacy rights of any other student whose images appear on the recording), a recording may be exhibited to a parent/guardian and an eligible student. However, the parent/guardian and student will not be given a copy of the recording.

School personnel with responsibility for the program of a student may have access to relevant portions of a recording related to the services they delivered to the student and any disciplinary charge against the depicted student.

The Board shall maintain monitoring recordings for a limited period. Any request to view a recording under this policy must be made within ~~\_\_\_\_\_~~**[seven (7) to thirty (30)]** days of the event/incident. Unless an investigation is being conducted, or the ~~School~~Attorney-Corporation legal counsel advises that specific recordings must be preserved pursuant to a "litigation hold" notice, recordings may be destroyed after ~~\_\_\_\_\_~~**[seven (7) to thirty (30)]** days. If, however, action is taken by the

Board/administration based upon recorded events, the recordings shall be kept for a minimum of two (2) years from the date of the action taken. (X) Recordings may also be kept beyond the normal retention period if they are going to be used for training purposes. This policy shall not be interpreted to guarantee the destruction of a recording after any specific length of time.

With the knowledge of the persons depicted, students, staff or a parent/guardian may record a school event open to the public such as a play, music performance, athletic contest, graduation, or Board meeting. Instruction may be recorded for staff evaluation or educational or research purposes.

The Superintendent may develop administrative guidelines consistent with this policy to address the use of monitoring and recording equipment in school buildings, school buses and on property owned and/or operated by the ~~Board~~ Corporation.

Monitoring is to be implemented in accordance with this policy and the Superintendent's guidelines. The use of monitoring and recording equipment in violation of this policy will result in disciplinary action.

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#### Legal

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