

DOVER SCHOOL DISTRICT	POLICY CODE: EEAA
DATE OF ADOPTION: 3/9/15	PAGE 1 of 3
DATE OF PUBLIC HEARING: 11/9/15	

SECOND READING

VIDEO AND AUDIO SURVEILLANCE **RECORDING** ON SCHOOL PROPERTY

The Board authorizes the use of video cameras and/or audio surveillance ("recording equipment") on District property to ensure the health, welfare, and safety of all staff, students, and visitors to District property and to safeguard District buildings, grounds, and equipment. The Superintendent will approve appropriate use and/or locations for surveillance devices of such recording equipment as set forth herein.

Placement and/or use of recording equipment will be based upon the belief that students, staff and visitors have no reasonable expectation of privacy in public areas or at public events that occur on school property. Under no circumstances shall recording equipment be used or placed in bathrooms or locker rooms.

Recording equipment may be placed or used on district property in accordance with the following requirements:

1. If a teacher intends to create a recording in a classroom, including one or more students, prior written consent must be obtained from the parent/legal guardian of each affected student in the class.
2. If a student, parent, administrator or member of the public wishes to create a classroom recording of a teacher, student or a class, prior written consent must be obtained from the affected teacher and the parent/legal guardian of each affected student. **These recordings are not intended to be used for teacher evaluation or discipline.**
3. Written consent is not required from the teacher or other affected students for the use of recording equipment pursuant to a student's IEP or 504 Plan, when the IEP or 504 Team determines that such recording is necessary for the delivery of a free appropriate public education (FAPE). In such cases, the IEP or 504 Team is expected to establish reasonable conditions and limitations reasonably necessary for the student to receive a FAPE.
4. The use of recording equipment is also authorized in non-classroom locations/settings including, but not limited to, hallways, offices, libraries, vestibules, doorways, buses, vans, walkways, parking lots, maintenance areas, lawns, fields, roadways, arenas, rinks, sporting venues, and gymnasiums.

Backup devices will be installed and removed on a rotating basis by District personnel appointed by the Superintendent. The devices may be used by the District for personnel or disciplinary purposes. If disciplinary action is taken as a result of video/audio device, the parent/guardian or staff member may request, in writing within 5 days, to review the device with the appropriate school personnel. In the case of student discipline, such a request will only be granted under circumstances where the

DOVER SCHOOL DISTRICT	POLICY CODE: EEAA
DATE OF ADOPTION: 3/9/15	PAGE 2 of 3
DATE OF PUBLIC HEARING: 11/9/15	

~~parents/guardians of all students depicted have consented to the review. In the alternative, the parents/guardians of the student subject to discipline may review a redacted copy if they are willing to pay the cost associated with obscuring the identities of any other student depicted. For the purposes of this policy, the term "depicted" shall mean a view of the facial features of a student or the display of any other information that would be easily traceable to the identity of a student.~~

Signs will be posted on school buildings to notify students, staff and visitors that video cameras may be in use. At the Superintendent's discretion, parents and students may also be notified through the student handbook and/or the District's FERPA Annual Notice. Students will be responsible for any violations of school rules or state/federal law caught on tape by cameras.

The district will retain copies of video recordings until they are erased in accordance with the district's practices relative to the retention or reuse of video tapes/files/storage. The Superintendent will consult with the necessary personnel to determine how and when such records should be deleted.

Whenever possible, videos containing evidence of a violation of student conduct rules and/or state or federal law will be retained until the issue of misconduct is no longer subject to review or appeal as determined by board policy or applicable law. Any release or viewing of the video will be in accordance with law and shall respect the privacy interest of others.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's educational record. If an audio or video recording does become part of a student's education record, the provisions of Policy JRA shall apply.

This policy is not intended to circumvent provisions of any collective bargaining agreement between the District and its employees.

~~In the event the backup device from a video or audio surveillance device contains evidence of wrongdoing, be it a crime or violation of school conduct policies that could result in discipline, the actual, original device will be pulled from service and the relevant information shall be secured prior to the device being put back into operation. Should the device be confiscated by prosecutorial authorities as evidence in a crime, the District will take all steps possible to arrange for a certified copy to be retained by the District.~~

~~The Superintendent will notify staff, students, and parents through handbooks or by other means that video and/or audio surveillance may occur on District property. A notice will also be posted at the main entrance of all school district buildings and on all buses indicating the use of video and/or audio surveillance.~~

DOVER SCHOOL DISTRICT	POLICY CODE: EEAA
DATE OF ADOPTION: 3/9/15	PAGE 3 of 3
DATE OF PUBLIC HEARING: 11/9/15	

~~The District may choose to make surveillance recordings part of a student's educational record or a staff member's personnel record subject to the language of the Board approved employment contract. The District will comply with all applicable state and federal laws related to record maintenance and retention.~~

Legal References

20 U.S.C. 1232g, Family Educational Rights and Privacy Act (FERPA)

RSA 189:65 Definitions

RSA 189:68 Student Privacy

RSA 570-A:2

34 C.F.R Part 99, Family Educational Rights and Privacy and Act Regulations

RSA 189:6, Transportation of Pupils

RSA 189:8, Limitations and Additions

RSA 189:9, Pupils in Private Schools

~~RSA 189:9-a, Pupils Prohibited for Disciplinary Reasons~~

~~RSA 200:40, Emergency Care~~

Also see Dover School District Policies EEA, EEAE-R, EEAE, EEAEC, and EEAEC Addendum 1