

### **AR 3515: Use of Surveillance Cameras**

The Governing Board is committed to providing a school environment that promotes the safety of students, employees, and visitors to school grounds. The Board also recognizes the importance of protecting District property, facilities, and equipment from vandalism and theft.

Accordingly, the Superintendent or designee shall develop campus security procedures which are consistent with the goals and objectives of the District's comprehensive safety plan and site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

The Board believes that reasonable use of surveillance cameras will help the District achieve its goals for campus security. In consultation with industry experts, staff, and relevant public agencies, the Superintendent or designee will identify appropriate locations for the placement of surveillance cameras. Cameras will not be placed in areas where students, staff, or visitors have a reasonable expectation of privacy. Cameras may be used to monitor buildings, exterior campus areas, including but not limited to; parking lots, perimeters, walkways, stairwells, entrance and exit doors, interior hallways, large open interior spaces, cafeterias, picnic areas, foyers, lobbies, gymnasiums, school buses, athletic fields, stadiums, and other areas the Superintendent or designee deems appropriate. The Superintendent shall notify the board if the Superintendent designates locations for cameras in areas deemed appropriate other than those specifically identified in this paragraph.

Concealed or non-working cameras will not be used on school grounds. Any audio capability on the District's surveillance equipment will be disabled so that sounds are not recorded.

Prior to the operation of the surveillance system, the Superintendent or designee will ensure that signs are posted in conspicuous areas so that students, staff and visitors are reasonably informed that the facility uses video surveillance equipment. These signs will state that the facility uses video surveillance equipment for security purposes and that the equipment may or may not be actively monitored at any time.

The Superintendent or designee shall also provide prior written notice annually to students and parents/guardians about the District's surveillance system, including the sites where surveillance may occur, explaining that the recordings may be used in disciplinary proceedings, and that matters captured by the surveillance camera(s) may be referred to local law enforcement, as appropriate under Board policy or required law.

Students and staff shall not tamper or interfere with surveillance equipment.

## **Student Records**

Recorded images of an identifiable student that are not maintained by the District will not be considered student records and may be released to law enforcement for any reason. To the extent that any image from the District's surveillance system creates a student record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy and administrative regulation.

Recorded images obtained by the District will be viewed by the Superintendent or designee as necessary. The District may rely on the images obtained by the surveillance cameras in connection with the enforcement of Board policy, administrative regulations, building rules and other applicable law including but not limited to student and staff disciplinary proceedings and matters referred to local law enforcement agencies in accordance with Board policy and applicable law. Recorded images may become part of a student's educational record.

A recorded image of an identifiable student that is directly related to a student and maintained by the District is considered a pupil record under the Education Code and an education record under FERPA for the specific student for whom it is being maintained.

Accordingly, these images may be shared with parents/guardians or students whose images are on the recording and with outside law enforcement authorities, as required by law and deemed appropriate by the Superintendent or designee.

The Superintendent or Designee(s) may show security surveillance recordings to the following entities *without* prior parental consent, subpoena, or court order under the following conditions:

1. The Superintendent, or designee, at the request of a school principal or District administrator;
2. A judge, probation officer, or district attorney who is participating in or conducting a truancy mediation program, or is participating in the presentation of evidence in a truancy petition;
3. The district attorney's office for consideration against a parent or guardian for failure to comply with the Compulsory Education Law;
4. A probation officer, district attorney, or counsel of record for a minor for purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation;
5. Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other person;

6. An image depicting an identifiable pupil, after determination by the Superintendent, or designee as appropriate for disclosure, may be also shown to a peace officer who has been identified by the officer's agency in writing in connection with an active investigation because of probable cause the pupil has been kidnapped and that the pupil's abductor may have enrolled the pupil in a school or if there is reason to believe that there is an emergency which requires that this information be provided to the peace officer in order to protect the health or safety of the pupil or other individuals; and

7. School Resource Officers assigned to a particular school may view recorded images with expressed approval from the Superintendent and/or designee, when there is a reasonable suspicion that the image depicts an event or action related to a crime or violation of school rules, or the image depicts a situation constituting a health or safety emergency requiring immediate action to protect the pupil or other individuals.

### **Personnel Records**

To the extent that any image from the District's surveillance system creates a personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

Recordings of District employees maintained by Law Enforcement shall not be deemed "personnel records" within the meaning of the California Public Records Act. However, where copies of recordings that directly relate to a District employee (e.g. they show an employee engaging in conduct relevant to a disciplinary investigation) are released to District officials authorized to receive such records, the copies will be treated by District officials as "personnel records" within the meaning of the California Public Records Act, to the extent required by law.

Video recordings that directly relate to an identifiable District employee that are deemed worthy of preservation by the District for a specific purpose, such as an employee disciplinary proceeding, shall be deemed a "personnel record" and shall be maintained as such in accordance with District policies. District Employees shall have access to these records in accordance with District policies.

### **Request for Records and Viewing Requests**

The recordings and images from surveillance video are not designated by MVWSD as "directory" information and should not be treated as such (5125.1 AR - Release of Directory Information). Any request to view District's recorded surveillance that is considered an educational record or personnel record shall be made as follows:

1. All requests must be submitted in writing. Requests must be limited to those parents/guardians, students, and/or District officials with a direct interest in potential disciplinary issues as authorized by the site administrator. Only the portion of the security video recording related to the specific incident will be made available for viewing.
2. Approval/denial for all requests will be made within a reasonable amount of time of receipt of the request and communicated to the requesting individual relative.
3. A written log will be maintained for those viewing security video recordings, including the date and time of the viewing, reason for viewing, date the recording was made of the incident, location of the camera that made the recording, and signature of the viewer. All viewing of video recordings will take place with an administrator.
4. Security video recordings will remain the property of the District and may be reproduced only in accordance with the law and applicable Board policy

### **Destruction of Records**

Surveillance recordings not saved for student or personnel records, or for law enforcement proceedings, will be destroyed every thirty (30) days.

### **Monitoring Live of Surveillance Feed**

The Superintendent, or designee, may authorize monitoring of live feeds from District surveillance cameras if:

1. A dire emergency is present. A “dire emergency” shall mean a violent attack, crippling natural or human-made disaster, mass destruction, terrorist activity, or threatened terrorist act that poses immediate and significant peril.
2. The incident creates a clear and present danger of psychological harm or injury to students, staff, or site visitors
3. The incident or threat is on-going and continuing in nature.
4. The nature of the incident is of such magnitude that an immediate call for law enforcement or other public safety personnel presence is warranted.

Such monitoring of live video shall be only in the presence of the Superintendent, or designee(s), and public safety personnel.

Legal Reference:

## EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

32250-32254 Safe Schools

32280-32288 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

49050-49051 Searches by school employees

49060-49079 Student records

51512 Prohibited Use of Electronic Listening or Recording Device

## PENAL CODE

626-626.10 Disruption of schools

632, 635, 647(k), 653 Eavesdropping On or Recording Confidential Communications

## CASE LAW:

Evens v. Superior Court (1999) 77 Cal.App.4th 320 [91 Cal.Rptr.2d 497]

## CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

## UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

## COURT DECISIONS

New Jersey v. T.L.O. (1985) 469 U.S. 325

## Management Resources:

## CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

approved: \_\_\_\_\_