



Boulder Valley School District

File: ECA-R

Adopted: November 29, 2001

Revised: October 17, 2012, June 5, 2013, May 8, 2018 and July 12, 2018

VIDEO SURVEILLANCE PROCEDURES

Permissible Locations

The Board authorizes video surveillance cameras to be used or placed in the following locations on District property:

1. Outdoor facilities: parking lots, walkways, playgrounds, athletic fields, stadiums and points of ingress and egress.
2. Indoor facilities: entrances, exits, lobbies, hallways, administrative office areas, stairwells, cafeterias and other common areas.
3. School buses, both regular and activity buses.

The specific location of video cameras within the above permissible areas will be determined by the Superintendent or designee, in coordination with site administrators.

Impermissible Locations

Video surveillance cameras will not be used or placed in the following locations on District property:

1. Individual offices or individual classrooms or laboratories.
2. Gymnasiums or auditoriums.
3. Locker rooms, restrooms, dressing rooms, or any other location in a school where students or staff could be in a state of undress or have a reasonable expectation of privacy.

District officials will not activate cameras on District-owned devices (e.g., laptops, tablets, etc.) for surveillance purposes.

Video surveillance cameras will not be concealed in any manner.

Audio Surveillance

With the exception of surveillance on buses, under no circumstances will the District's video surveillance cameras be equipped to record audio or other sound(s) and any audio capability will be permanently deactivated prior to use by the District.

Data Base

Video surveillance camera recordings will not be created or maintained with the intent of creating a data base, and such recordings will not be shared with law enforcement without suspicion that such a recording may provide evidence related to a violation of law.

Biometric and Other Systems of Surveillance

Under no circumstances will students or staff be subjected to infrared monitoring, facial recognition, location tracking or biometric surveillance systems of any kind.

Notice

Prior to operation of cameras, signs will be posted in conspicuous locations in affected school buildings and grounds (including all facility entrances) to remind staff, students and parents, and to inform visitors and invitees, that video surveillance may occur on District property.

Notice of surveillance will also be included in school and district newsletters, student, parent and staff handbooks, and posted on the District website.

Prior to use of video surveillance cameras, the Superintendent or designee will notify students, parents/legal guardians and staff, that:

- video surveillance may occur on District property and on vehicles used for District-provided transportation;
- video cameras may be placed in locations deemed appropriate by designated school administrators, including exterior and interior locations (list permissible and impermissible locations);
- video monitoring may occur before, during or after school hours;
- video recordings may be used in connection with the enforcement of Board policy, administrative regulations, building rules and other applicable laws, including student and staff disciplinary proceedings and matters referred to local law enforcement agencies;
- video recordings may become a part of a student's educational record or a staff member's personnel record;
- the District will comply with all applicable state and federal laws related to student data privacy and record maintenance and retention;
- the District will make a copy of this policy available for review.

Student and/or Personnel Records

Video images may become part of a student's educational record or a staff member's personnel record in accordance with applicable law and collective bargaining agreements. To the extent video images create student records or personnel records, the District will afford all privacy protections required by law for such records, including all applicable state and federal laws related to record maintenance, retention, disclosure, access and destruction of records, including the Colorado Student Data Transparency Act and the Family Educational Rights and Privacy Act.

Video Monitoring

Video monitors are permitted in an administrative office at the school and in the District's central security office. Video monitors will not be located in an area that enables public viewing.

The Superintendent or designee will review the use and operations of the video surveillance system with each school on a periodic basis.

Non-Discrimination

Video surveillance equipment will be used in accordance with all District Board Policies including the District's Nondiscrimination Policy AC and corresponding Regulation AC-R and the District's Searches Policy JFGA.

Training and Orientation

District regulations related to video surveillance, and associated District policies, will be incorporated into staff training and orientation programs.

Storage, Security and Access

A. Storage

Video recordings will be stored for a minimum of ten school days and a maximum of fifteen days after initial recording, after which they will be routinely erased, providing no incidents involving injury to students, staff or members of the public or property, or potential violations of the law or District policies, procedures, or rules of conduct are revealed on the recordings.

If an event takes place or a request has been made for a recording, the District will take steps to immediately preserve the recording and isolate it from any routine deletion process until a disclosure determination is made.

In the event of any accident involving injury to persons or loss of property, a copy the video surveillance recording will be placed in any accident report files maintained pursuant to the District's policy regarding the preparation of school accident reports.

Video recordings retained as part of an individual student's disciplinary record will be maintained in accordance with applicable law and Board policy and in their original form, pending resolution. Recordings will then be released for erasure, copied for authorized law enforcement agencies, or retained as necessary as part of the student education records and/or personnel records in accordance with established district procedures and applicable law.

All recordings or other storage devices that are not in use will be stored securely in a locked receptacle located in a controlled access area. Access to the storage devices is limited to the Superintendent and designee. All storage devices that have been used will be numbered and dated, and a written log will be maintained of those viewing the recordings, including the date of viewing, reasons for viewing, date the recording was made, location at school or central office, and signature of the viewer.

B. Security

The video surveillance system and all resulting recordings will be located in a secure area and access to the system and recordings will be strictly limited by the Superintendent and designee.

The district will implement reasonable safeguards, including but not limited to password protection, well-managed firewalls and controlled physical access to protect the surveillance system from hackers, unauthorized users and unauthorized use.

Staff and students are prohibited from unauthorized use, tampering with or otherwise interfering with video recordings and/or video camera equipment and will be subject to appropriate disciplinary action. Disciplinary action may include, but is not limited to written reprimand, suspension, demotion or dismissal depending upon the nature and severity of the situation.

C. Access

1. Employee Access

The District may rely on the images obtained by the video 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 applicable law.

Video images obtained by the District will be viewed by authorized District personnel only. Upon knowledge of an event, authorized staff will direct access to and preserve all data in a "hold" status. Password protected access to information will be limited to specific school staff, District Safety and Security staff, and top administrators.

Video recordings should only be reviewed where there is a need to do so, either because an incident has been reported or is suspected to have occurred. Examples of such include, but are not limited to, incidents of property damage, theft, trespassing, personal injury, etc.

The District will distribute, collect, and maintain "Video Surveillance Use Guidelines for Employees" for all employees involved in the video surveillance process.

Specific District staff will be designated to:

- a) issue passwords to employees who are authorized to have access to school video surveillance viewing;
- b) install the necessary software for viewing on administrative computers; and
- c) train administrators on the use of video surveillance software.

All District personnel who have been provided with access to the District's video recordings, including principals and other District administrators and technical staff pertinent to the implementation of the video surveillance procedures, will sign the "Video Surveillance Use Guidelines for Employees."

2. Access by Third Parties or Entities

Requests for access to surveillance recordings may come from students and/or their families, civil or criminal subpoena, search warrant, a Colorado Open Records Act request, a request of a current or former employee, court order, or other form.

Requests for copies of any audio or video surveillance recording received by the District from any person or entity (including current or former District employees) who has not been authorized by the Superintendent or designee to access to such recordings, will be immediately forwarded to the Superintendent or designee.

a. Students, Parents, Guardians

School-based video surveillance recordings involving students may be considered education records protected by the Family Educational Rights and Privacy Act (FERPA). FERPA affords parents the right to access their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records.

A recording that meets the standards for a student record may be viewed by the parents/legal guardians of the student for whom the record is directly related and school officials or employees whose duties and responsibilities require access to the student record.

When student misconduct is revealed as a result of video surveillance, or reported to the Superintendent by a student, staff member or parent/legal guardian, students

directly involved in the incident and their parents/guardians may view the video recording.

- i. Requests for viewing must be made within five school days of receiving notification that misconduct occurred.
- ii. A viewing will be provided or denied within five school days of the request.
- iii. Video recordings will be made available for viewing within three school days after a request has been approved.
- iv. Viewing will be limited to those frames containing the incident of misconduct.
- v. Viewing will occur only at a school-related site and in the presence of the principal or the administrative designee.
- vi. All persons who view a recording will be identified in a written log, including the date of viewing, reasons for viewing, date the recording was made, location at school or central office, and signature of the viewer.

Requests to review video recordings will comply with all applicable state and federal laws, including FERPA, and with Board Policy JO, Student Records and Regulation JO-R, Student Records Regulation KDB-R, Guidelines for Responding to Public Requests for Information.

Law Enforcement

Law enforcement officials, including School Resource Officers, may monitor or review video recordings only with the permission of District officials. In the event of a health or safety emergency, law enforcement officials may access live video camera feeds of District property and may review audio and video recordings related to that event only, including those classified as education records. In all other circumstances, law enforcement officials must produce a court order or subpoena, or procure consent from the parent/guardian, to access video recordings classified as education records; and in that case the District is usually required by law to make a reasonable effort to notify the parent/guardian in advance of compliance with the subpoena or court order.

As the District may be required by law to provide the requested recording, and there may be restrictions regarding what can and cannot be provided due to student privacy or other legal reasons, the Superintendent or designee will consult with the District's legal counsel to determine whether and how to respond to any such request.

If, after consultation with the District's legal counsel, the Superintendent or designee authorizes a recording to be provided to the requesting person or entity, the District will ensure that the recording is retained in the District's files and that a duplicate of the recording is delivered to the requesting person or entity.

In the event the recording is part of a routine deletion cycle, immediate steps will be taken to preserve the recording, until disclosure rights are determined.

Requests for video or audio surveillance recordings that involve or are related to potential employee misconduct, including those requested by current or former employees or law enforcement, will also be forwarded to the District's Human Resource Department for review.

A recording or image of a staff member that may be used in a personnel action is subject to the laws and regulations regarding school personnel actions, including an employee's right to comment on derogatory information placed in his/her file.

Video recordings will remain the property of the district and may be reproduced only in accordance with law and applicable Board policy and regulations.

Exclusions

Recording of teacher instruction for purposes of completing a licensed personnel performance evaluation is not intended to be covered by this regulation and will not be permitted except as provided by state law.

Recording of students for purposes of their educational programming is also not intended to be covered by this regulation.

LEGAL REFS.:

20 U.S.C. §1232g
C.R.S. 24-72-201

CROSS REF.:

ECA, Buildings and Grounds Security
JO, Student Records
JO-R, Student Records
AC, Nondiscrimination
AC-R, Nondiscrimination
JFGA, Searches
KDB-R, Guidelines for Responding to Public Requests for Information