

VIDEO SURVEILLANCE

POLICY:

The Lake Stevens School District is committed to maintaining a safe and positive environment for students, staff, and visitors. To that end, the board authorizes the use of video surveillance on district property for the purpose of maintaining the health, welfare, and safety of students, staff, and visitors, to aid in the enforcement of district policies and procedures, and to protect district equipment and facilities.

In certain instances, 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 record maintenance, retention, and disclosure.

In accordance with the Washington Public Records Act (RCW 42.56), copies of retained video recordings may be accessed through a public records request. Video recordings that qualify as education records or that contain depictions that would be highly offensive to a reasonable person and are not of a legitimate concern to the public are exempt from disclosure (Family Education Rights and Privacy Act (FERPA), RCW 42.56.050). Video recordings that qualify as education records may be inspected or viewed by individuals authorized to do so under FERPA.

The superintendent or designee shall consult with the building administrators in matters involving students and with the Assistant Superintendent of Human Resources in matters involving employees. Collective bargaining agreements should be reviewed, and any use of video security cameras shall follow such agreements.

The district makes no assurance that any cameras are being monitored, that any video is being recorded, or that any recorded video is of any specified quality or condition. When cameras are recording, the content may be limited by motion detection, pre-programmed schedules, environmental conditions that affect the quality of the recording, and operational or technical conditions that may interfere with recording.

Body cameras may be worn and used by law enforcement officers visiting, working, or responding to district facilities. Law enforcement officers' use of body cameras is under the guidance of their agency policy and state law. The district does not have access to, manage, retain, or restrict police body camera video. Requests for police body camera video recordings made in relation to the school district must be directed to the appropriate law enforcement agency.

Cross Reference: 1325 - Public Access to District Records

Legal References: 42 U.S.C. 1232g Family Educational Rights and
Privacy Act, RCW 42.56

VIDEO SURVEILLANCE

PROCEDURES:

Camera Location, Operation, and Control

- A. School district grounds, buildings, and property including buses used for district purposes may be equipped with video security cameras. Equipment may be placed in areas where there is not a reasonable expectation of privacy, such as parking lots, entrances, exits, hallways, front offices, gymnasiums, cafeterias, libraries, and other public shared, or common spaces.
- B. Video security cameras shall not be placed to monitor areas where there is a reasonable expectation of privacy, including inside locker rooms and restrooms.
- C. Only personnel authorized by the superintendent or designee shall install or adjust video security cameras or related equipment.
- D. Only individuals authorized by the superintendent or designee shall have access to video security cameras, monitors, or monitoring tools and be permitted to operate the controls.
- E. Video security cameras shall monitor and/or record only video images. In accordance with federal and/or state laws, audio shall not be monitored or recorded by video security cameras except on school buses.

Use of Video and Video Recordings

The district may use video security cameras and the resulting recordings for:

- 1. The promotion of a safe school environment;
- 2. To actively monitor video for the security of students, staff, and district properties;
- 3. Emergency management;
- 4. Student discipline proceedings;
- 5. Parent/guardian engagement when, at the discretion of the building administrator or a district administrator, the review of video is appropriate for the circumstances;
- 6. Staff discipline when evaluating or as evidence for disciplinary action in the case of unlawful acts or alleged employee misconduct.
- 7. The protection of district property and the investigation/documentation of accidents, vandalism, trespass, disturbances, misuse of district property, and other similar incidents; discipline policies may be enacted.
- 8. Adherence to all district legal and administrative directives; and

9. Inquiries and proceedings relating to investigations by law enforcement.

The district shall not use video security cameras for monitoring teaching practices or other purposes unless expressly authorized by the superintendent or designee while still adhering to any collective bargaining agreements.

Protection of Information

Video Monitoring and Viewing:

- a. Only the district or school administration, campus security staff, information technology staff, the transportation supervisor, specified individuals with a “need-to-use” as authorized and approved by the district superintendent, and members of law enforcement shall have access to video monitoring devices while they are in operation.
- b. Video monitoring should be in controlled access areas wherever possible.
- c. Recordings shall be viewed on a need-to-know basis only, and in such a manner as to avoid public viewing.

Viewing and Release of Recorded Video

A. Viewing Education Records (FERPA)

Video recordings that directly relate to a student (rather than just incidentally relate to a student or students) may qualify as an education record under the Family Education Rights and Privacy Act (FERPA). In determining if the video is an education record, the district will consider if the video:

1. Was used for disciplinary action or depicts activity that would reasonably result in use of the video for disciplinary action;
2. Shows a student in violation of local, state, or federal law; or
3. Shows a student getting injured, attacked, victimized, ill, or having a health emergency.

Video identified as an educational record may, upon request of a parent, legal guardian, or eligible student, be inspected and reviewed by the parent, legal guardian, or eligible student. If it does not destroy the meaning of the record the video will be segregated and, when reasonably possible, redacted to remove portions of video directly related to other students whose parent, legal guardian, or eligible student were not the requestor. A video recording that qualifies as an educational record for multiple students may be viewed by all qualified parties requesting to inspect or view the video.

Requests to view educational record video shall be submitted to the building administrator or safety, security & health specialist for review and approval. The request to view video from such equipment should be set forth in writing and explain:

1. What is the legitimate interest to view the video, including supporting data;
2. The time period of the video to be viewed;

3. The date of the request; and
4. The name, title, and signature of the requester.

B. Requesting copies of recorded video (public records request)

Requests to obtain copies of recorded video will be submitted as a Public Records Request. The request for video should be submitted to the district's public records officer consistent with the provisions of the Washington State Public Records Act, RCW 42.56. For response efficiency and expediency, the request for identifiable records may include:

1. The start date and time and the end date and time of the video requested;
2. The specific area (physical location) requested;
3. If specific to an incident or event, a description of the incident or event; and
4. If specific to an individual(s), a description of the individual(s) and, when applicable, a description of the relationship the requestor has to the individual (in order to establish eligibility for education records (FERPA) and provide clarification for redactions, if any are required).

The request must include the date and time the request is being made. The requestor may also provide the name, address, and phone contact for the requestor for further clarification and mailing of the completed request.

C. Third Party Notice

If the district determines that a video recording would otherwise be subject to disclosure, but that there is a likelihood that an individual or entity has a reasonable basis for obtaining a court order to exempt the video from disclosure, the district will provide third-party notice to that individual or entity. The notice will state the district's intent to disclose the video recording, but that the district will provide 30 days prior to the release for the party to seek a court order related to the planned disclosure.

D. Costs for Copies

When the district elects to provide a parent or eligible student a copy of recorded educational record video, or when providing a copy of recorded video requested as a public record, the copy will be provided on an electronic storage device provided by the district. The requestor will be charged the cost of the electronic storage device. Costs for locating, copying, and redacting the recording will not be charged.

Notice of Use of Video Systems

- A. Signs advising users of the presence of video security equipment will be posted at the primary entrance to the school or facility.
- B. Students and their parents shall be informed in writing by the district each year that the district may monitor activity at designated monitoring points.
- C. All staff shall be informed of the district's video security policy and procedures by district or school administration.

Custody, Control, Retention, and Disposal of Video Records/Recordings

Video recordings are transitory records. The recording medium shall be reused, and the camera and recording medium are subject to third-party technological specifications and limitations. Video recordings, when made, may be erased or written over after a time period as determined by the district and specific to the needs of the district for each location being recorded. The district will retain custody and control of all original available video recordings not provided to law enforcement, to the extent they are available. With the exception of records retained for the purposes described in this policy (including but not limited to criminal, safety, or security investigations or evidentiary purposes), the district will not maintain recordings for more than thirty (30) days. The district will make reasonable efforts to ensure the security of recordings in its custody and ensure their safe and secure disposal.

If the district becomes aware of recorded video that would be highly offensive to a reasonable person, and that is necessary to retain for uses described in this policy, the district will make reasonable effort to archive the video in such a manner that restricts viewing to only those individuals with a need for viewing. Once successfully archived if needed, the district will make reasonable effort to remove any original video recording of highly offensive material from any storage locations that allow “common” access to authorized users.

Police Body Camera Video

Should the district need to obtain body camera video from a law enforcement agency for district use, the district will request the video from the law enforcement agency through a public records request. Once in the possession of the video, subsequent retention and dissemination will be governed by this policy.