

1 Great Falls School District

2
3 **STUDENTS**

3235

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5 Video Surveillance

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7 Statement of Intent

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9 In accordance with applicable Montana laws, the operations of Great Falls Public Schools are
10 open to the public, and records related to district operations are subject to public disclosure.
11 There are limited exceptions to this requirement for transparent operations. One of those
12 exceptions is the protection of student privacy as required by federal law. This policy is intended
13 to honor the public's right to know while preserving student privacy rights when the two rights
14 intersect by providing procedures on handling matters related to video surveillance.
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16 Purposes of Video Surveillance

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18 The Board authorizes the use of video surveillance systems on District property or areas subject
19 to District policy and supervision to:

- 20
- 21 • Ensure the health, welfare, and safety of all staff, students, and visitors to District
 - 22 property,
 - 23 • Enhance educational opportunities for students,
 - 24 • Safeguard District facilities and equipment,
 - 25 • Deter and prevent unacceptable or unlawful activities, and
 - 26 • Document violations of Board policies, administrative regulations, District or building
 - 27 rules or law, and provide a historical record to assist in investigations as authorized or
 - 28 permitted by law.

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30 Video surveillance is only one of several investigatory techniques utilized by Great Falls Public
31 Schools. Its presence or absence does not in and of itself constitute a complete investigation.
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33 Definitions

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- 35 1. "Video surveillance system" means video digital components of a multi-media
36 surveillance system, including but not limited to cameras, recording units, DVDs, etc. on
37 District property for the purposes indicated above. Except as provided by law, audio shall
38 not be part of the video recordings made, reviewed, or stored by the District.
39
 - 40 2. "District property" is any property owned or operated by the District including inside any
41 District building, on District grounds and District vehicles.
42
 - 43 3. "Areas subject to District policy and supervision" are those areas, vehicles or objects
44 adjacent to school property or used by those subject to District policy to travel to or from
45 District property as authorized by Section 20-5-201(1)(d), MCA.

- 1 4. “Common areas” include, but are not limited to, hallways, meeting rooms, parking lots,
2 and other District property subject to District security or policy. Common areas do not
3 include restrooms, locker rooms and other school areas where persons may be in a state
4 of undress.
5
- 6 5. “Instructional areas” include classrooms, gymnasiums or multipurpose rooms when used
7 for instruction or education services.
8
- 9 6. “Staff development” is training for the purpose of improving the knowledge and skills of
10 staff members.
11
- 12 7. “Authorized personnel” at the school level include principals, associate principals, lead
13 administrative assistants, school resource officers, and student advocates. At the District
14 level, authorized personnel include superintendent, superintendent’s cabinet,
15 administrative assistants to the superintendent and cabinet members, the supervisors of
16 building and grounds, others as dispatched to the Incident Command Center and other
17 designees as appropriate.
18
- 19 8. “Education record” is a document, image, footage or other record that is created,
20 maintained and preserved by the school district for purposes of discipline, investigation
21 or other academic or special education purposes as identified and defined by the Family
22 Educational Rights and Privacy Act (FERPA) and associated statutes and regulations. In
23 the context of this policy, examples include but are not limited to:
24
- 25 • Images and footage related to individual student grades, test scores, courses taken,
26 academic specializations, activities or attendance;
 - 27 • Images and footage of supporting information related to special education services;
 - 28 • Images and footage of supporting information related to disciplinary records;
 - 29 • Images and footage of medical or health matters of a specific student;
 - 30 • Images and footage that disclose personal information such as a student's
31 identification code or social security number.
32
- 33 9. “Law enforcement record” is a document, image, footage or other record that is created,
34 maintained and preserved by a member of the District’s designated law enforcement unit
35 after collaboration with school administration to identify a matter of law enforcement
36 interest, criminal conduct or specific student enrolled in the District. Law enforcement
37 records are not subject to disclosure restrictions identified in FERPA.
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39 Uses of Video Surveillance

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41 General: Video Surveillance systems may be used for continuous or periodic video recording,
42 and/or for real-time observing or monitoring in common area locations as deemed appropriate by
43 the Superintendent or Designee by school staff in accordance with this policy.
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45 Staff Development: The District may use video at the request of a staff member or principal for
46 staff development purposes. In either case, the staff member must voluntarily give written

1 permission for this use. Video surveillance may not be used for formal teacher evaluation
2 purposes.

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4 Behavioral Monitoring: The District may use video as part of an individualized student plan to
5 determine the effectiveness of interventions. In all cases, parents/guardians will be part of the
6 planning process and indicate permission by signing the related plan documents.

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8 Discipline Proceedings: The District may use video as evidence in student and staff disciplinary
9 proceedings. The District will notify the student's parents/guardians or staff member that the
10 District intends to introduce a video in advance of a disciplinary proceeding and will provide
11 parents or staff a reasonable opportunity to view the video prior to the proceeding.

12
13 Legal Proceedings: A recording made via video surveillance of any action by a student, District
14 employee or other individual may be used by law enforcement or criminal prosecuting agencies
15 as evidence in any criminal proceeding brought against such person arising out of such person's
16 conduct on District property if disclosure is permitted by this policy and federal law. Disclosure
17 of video surveillance deemed a law enforcement record as defined by this policy to law
18 enforcement or criminal prosecuting agencies is permitted in accordance with 20 U.S. Code
19 §1232g (a)(4)(B)(ii) and 34 CFR §99.8(b). Disclosed law enforcement records shall be subject to
20 §44-5-303 M.C.A. upon transfer to the school resource officer as a part of the legal investigation.

21
22 Bad Faith: Frivolous, deceitful, retaliatory, or unauthorized uses of video surveillance will be
23 regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.
24 Disabling or tampering with video surveillance equipment will also be regarded as a serious
25 offense and will result in disciplinary action or other appropriate sanctions.

26 27 Custody of Information and Retention of Recordings

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- 29 • Only authorized personnel shall have access to the video surveillance system.
 - 30 • Any recordings made via video surveillance shall be stored on a secured network
31 location. Copying to removable media (DVD, flash drive, etc.) should only be done if
32 legally required.
 - 33 • Any copies of video surveillance that has been used for a specific incident shall be
34 numbered, dated and retained in a locked receptacle.
 - 35 • All video surveillance records may be re-written or deleted, but not before fourteen (14)
36 days have elapsed. However, if an incident is reported or a request is made to view or
37 copy a video, a video copy is to be maintained as long as needed, including time for any
38 appeals resulting from disciplinary or other actions.
 - 39 • The District shall comply with all applicable state and federal laws related to record
40 maintenance and retention.
 - 41 • Video recordings may become a part of a student's educational record or a staff
42 member's personnel record.
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Confidentiality

The District will treat educational records with appropriate confidentiality pursuant in accordance with applicable District policies and handbooks, FERPA and other applicable federal and Montana laws. Accordingly, the District will release or allow viewing of video only in certain defined situations, consistent with federal and state law. Applicable exceptions to disclosure restrictions for emergencies, law enforcement, or program audits are permitted under this policy as authorized by law.

All surveillance capabilities shall be implemented in accordance with the Montana Pupil Online Personal Information Privacy Act as required by Policy 3650.

Viewing of Recordings and Required Consent

- Requests for viewing a video recording by anyone except authorized school personnel must be made in writing on the District form to the school principal and, if the request is granted, such viewing must occur in the presence of the principal or designee.
- Written requests for viewing a video recording made by a person not identified as authorized school personnel may be granted subject to District discretion pursuant to this policy and in accordance with §2-6-1006 M.C.A. Granted requests will be subject to a \$25 hourly fee (prorated accordingly) to offset the District's expense for compensating the principal or designee who is present for the viewing. Viewing, if granted, will be available within a reasonable amount of time.
- Footage may be copied and released in accordance with a public records request pursuant to the policy if permitted by law and in accordance with §2-6-1006 M.C.A. An educational record will only be copied and released in accordance with a court order and/or subpoena.
- A log shall be maintained of viewing or use of recorded materials by persons not identified as authorized school personnel in this policy.
- As recordings of video surveillance may be considered part of a student's educational record, and therefore subject to FERPA, only authorized individuals may view the contents. Consent must be obtained prior to disclosing the contents to unauthorized individuals. Consent must only be obtained from students involved in the specific purposes of the viewing. Other students are considered not relevant to the issue and are not covered by FERPA. Parents and guardians have the right to view educational records of their student as per the stipulations above.

School Resource Officers (SRO) and Video Surveillance

The viewing and use of video surveillance by SROs for safety and legal purposes, are allowed. If the video surveillance information is accessed by a school official or is provided by a school official to the SRO, the information is an educational record and subject to FERPA. The SRO may not disclose education records or surveillance materials that contain personally identifiable information absent a court order which complies with FERPA. A law enforcement record as defined above that meets the law enforcement record exception in FERPA may be disclosed to

1 law enforcement or a criminal prosecuting agency in accordance with this policy and U.S. Code
2 § 1232g (a)(4)(B)(ii) and 34 CFR §99.8(b) and subject to § 44-5-303, MCA.

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5 Emergency Disclosure

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7 The District may disclose footage in connection with an emergency to appropriate persons if the
8 Superintendent or their designee determines that the recipient’s knowledge of such information is
9 necessary to protect the health or safety of the student or other persons without parental
10 permission or court order in accordance with 20 U.S.C. § 1232g(b)(1)(I).

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12 Notification

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14 Students, parents, and employees must be notified annually that students, employees and visitors
15 are subject to video recording in common areas at any time. Additionally, notices must be
16 conspicuously posted on school property at all regular entrances and other access points to
17 school grounds. These notices should advise individuals that they are subject to video recording.
18 Students and parents will be notified of the law enforcement records exception to student
19 confidentiality as part of the annual FERPA notification in the student handbook and in
20 accordance with District Policy 3600.

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22 Cross-Reference:

23 Family Educational Rights and Privacy Act (FERPA)

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| 24 Policy 3600 | Student Records |
| 25 Policy 3650 | Student Online Personal Information Protection |
| 26 Policy 1401 | Records Available to Public |
| 27 Policy 4340 | Public Access to District Records |
| 28 2-6-1006 MCA | Public information requests – fees |
| 29 44-5-303 MCA | Dissemination of confidential criminal justice information |

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31 Policy History:

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| 32 Adopted on: | July 1, 2000 |
| 33 Revised on: | March 28, 2016 |
| 34 Reviewed on: | January 4, 2022 |
| 35 Revised on: | September 11, 2023 |