SURVEILLANCE AND OTHER AUDIO OR VIDEO RECORDING BY THE DISTRICT OR DISTRICT PERSONNEL

A. **GENERAL POLICY, SCOPE & DEFINITIONS**

The Board authorizes the use of video and/or audio recording, and technological surveillance by District personnel on school property only as provided in this policy, or as otherwise required by law.

As used in this policy:

"*District personnel*" means and includes all employees, volunteers, coaches, and any contracted personnel or companies operating on school property.

"*Open to the general public*" means an event that is generally open to parents, guardians, family, and members of the community, including events for which attendance may require registration, ticketing, or invitation for admission due to space, security, or other concerns.

"*Required assessment*" means any standardized assessment that is required by state or federal statute or regulation, such as the "ACCESS" English language proficiency assessment.

"*School property*" means all real property and all physical plant and equipment used for school purposes, including school buses or other vehicles used to transport students on behalf of the District. School property shall also include non-district-owned property when that property is used for school-sponsored educational or co/extracurricular programs or activities.

"*Surveillance*" means using cameras or other technology to observe, monitor or record areas, or the actions or communications of one or more people. "Surveillance" shall not include technology used to locate equipment when there is reason to believe the equipment is about to be or has been stolen or damaged.

B. **PARENTAL CONSENT REQUIRED & PERMITTED EXCEPTIONS**

1. **Audio and Video Recordings (Other than Surveillance).**

a. *Consent required.* Except as provided in Section B.1.b. below and consistent with the New Hampshire Parental Bill of Rights, **this policy prohibits all video and/or audio recording in classrooms or on other school property** by District personnel **without the prior written consent of the parent/guardian** of any student before that student's video image or voice is to be recorded.

Video or audio recordings that require parental consent include, but are not limited to:

i. Class/course instructional activities, including, without limitation, world language classes;

ii. Extracurricular/co-curricular activities unless open to the general public;

iii. Drama, band, chorus, instrumental, practices unless open to the general public; or

iv. Club and other co/extracurricular activities unless open to the general public.

NOTE: audio or video recording that may be included as part of a student's IEP (individualized education program) or accommodation plan, **is only permitted** if the student's parent or guardian has consented to the IEP/accommodation program.

b. *Exceptions - When Prior Consent is not Required*. Parent/guardian consent is not required when a recording by District personnel is:

i. part of a court proceeding or investigation by child protective services - video and/or audio;

ii. part of a safety demonstration - video and/or audio;

iii. intended to maintain order and discipline in a common area or on student transportation vehicles - **video only** other than on school buses, *see* Section C.1 and C.2, below;

iv. made as a component of the administration of a required assessment - video and/or audio as required for the assessment; OR

v. made during a District or school-sponsored event that is open to the general public - video and/or audio.

2. **Form of Consent**. Consent required under this policy may be obtained either as part of the start of year/enrollment documentation, or for specific classes, events or activities.

C. **SURVEILLANCE**

1. **Video Surveillance Without Audio**.

Video surveillance is authorized on District property, including, without limitation, school buses and other district provided transportation, to ensure the health, welfare, and safety of all students, staff, and visitors to District property and to safeguard District buildings, grounds, and equipment.

The Superintendent or his/her designee will approve appropriate locations for surveillance cameras. Placement of cameras will be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy in areas or at events that occur in plain view. However, such devices are not to be placed in bathrooms, or dressing or locker rooms.

2. **Audio Surveillance with or without Audio.**

Although video surveillance is permitted under state law, under RSA 570-A:2, II(k), surveillance with audio recording without the consent of all parties (or their parent/guardian) is only specifically permitted on school buses (subject to further conditions as provided in Sections D.2 and E.3, below).

D. **ACCESS, USE & RETENTION of RECORDINGS**

Subject to specific provisions in Paragraph C.1, below, relating to access, use and retention of recordings constituting student education records, and C.2.relating to bus surveillance recordings that include audio, and subject to the terms of any other applicable Board policies, laws or regulations, or recording provisions included in written agreements or MOUs with local law enforcement, recordings may only be used, disclosed, retained or destroyed as provided in Board policies EH and EHB, and corresponding administrative regulations EH-R.

1. **Recordings as Student Education Records.**

   Any recording, with or without audio, that is used or is intended to be used in connection with one or more specific students will likely constitute a student record under FERPA, and may only be accessed and viewed as permitted under FERPA (see Board policy JRA). Examples of recordings that will constitute student records, include, but are not limited to, (i)surveillance recordings that capture suspected violations of student conduct rules, Board policies, or state or federal laws, or (ii) recordings that are created as part of a student's IEP/accommodation plan.

2. **Recordings from School Buses that Include Audio.**

   Recordings which include audio that are made on school buses by District personnel (including, without limitation, owners or operators of school buses) must also comply with the limitations of RSA 570-A:2, II (k)(2). Accordingly, no such recording may be retained for "longer than 10 school days unless the school district [first] determines that the recording is relevant to a disciplinary proceeding, or a court orders that it be retained for a longer period of time. An audio recording shall only be reviewed if there has been a report of an incident or a complaint relative to conduct on the school bus, and only that portion of the audio recording which is relevant to the incident or complaint shall be reviewed." RSA 570-A:2, II (k)(2).

E. **NOTIFICATION REQUIREMENTS**

1. The Superintendent will ensure that parents and students are notified of the consent requirements/exceptions through the Student/Parent(Family) Handbook and/or the school websites.

2. Signs will be posted on school property to notify students, staff, and visitors that surveillance recording devices may be in use. (More specific notice is required for audio recordings on school buses as provided in Paragraph E.3, below).

3. The Superintendent or his/her designee shall ensure that there is a sign prominently displayed on the school buses informing the occupants of the school buses that such audio recordings may be occurring. Notification that audio recordings may be made on school buses will also be included in the Student/Parent(Family) and/or the school websites.

F. **ADDITIONAL ADMINISTRATIVE REQUIREMENTS**

In addition to procedures relating to access, use and retention of recordings, and location of surveillance cameras on school property, the Superintendent/designee is authorized to establish and distribute such other

regulations, procedures and consent forms as the Superintendent/designee deems necessary or appropriate in order to implement this policy.

The Superintendent is also directed to ensure that District personnel are aware of the prohibitions and limitations included in this policy through training and/or information provided at the beginning of each school year and upon the beginning of employment/service.

Legal References:
RSA 570-A:2, Capture of Audio Recordings on School Buses Allowed
34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations

Legal References Disclaimer*: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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