

VIDEO AND AUDIO SURVEILLANCE ON SCHOOL PROPERTY AND STUDENT TRANSPORTATION

A. General Surveillance Authorization.

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

Although video surveillance is permitted, surveillance with audio recording is only permitted on school buses – whether such buses are operated by the District or by a private contractor - in accordance with RSA 570-A:2, II (k). Audio recordings are also authorized in classrooms per Section D below.

The Board authorizes the use of video and/or audio devices consistent with applicable law and School Board policies. Notwithstanding other Board policies, the Superintendent is authorized to allow video and/or audio recordings on school property and school buses to the extent allowed by applicable law.

B. General Video Surveillance Guidance.

The Superintendent or 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.

Signs will be posted on school property to notify students, staff, and visitors that video recording devices may be in use. More specific notice is required for audio recordings on school buses as provided. All persons will be responsible for any violations of school rules recorded by cameras.

The District will retain copies of video recordings until they are erased, which may be accomplished by either deletion or copying over with a new recording, per policy EHB-R.

C. Video and Audio Recordings Used for Student Discipline Matters.

Video/audio recordings in District possession, whether or not recorded by District equipment, that contain evidence of a violation of student conduct rules, school board policy, and/or state or federal law, will be retained until the issue of the misconduct is no longer subject to review or appeal, as determined by board policy or applicable law.

Any release or viewing of the recording will be in accordance with the law.

Notwithstanding this paragraph, use of video/audio surveillance on school buses shall be in accordance with this policy and applicable New Hampshire law.

Board policy JICK also addresses the use of video and audio surveillance on school buses in alleged bullying incidents

In the event any audio or video recording (from any source) is used as part of a student

discipline proceeding, such audio or video may become part of a student's education record. If

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recording does become part of a student's education record, the provisions of Policy JRA shall apply.

D. Video and Audio Recordings Used for Special Education Purposes.

Video and audio recordings may be used for special education or Section 504 purposes, when a student's individualized education program or accommodation plan includes audio or video recording as part of the child's education. All such recordings will be maintained in accordance with the Family Education Rights and Privacy Act, 20 U.S.C. section 1232g, and other applicable law(s).

E. Additional Video and Audio Recordings Authorized.

The School Board permits the video and audio recording of the following school-related activities as is permitted by law. The Superintendent or designee shall determine if video or audio recording of any of the activities listed below would infringe on established copyright laws.

Extracurricular/co-curricular activities could, but are not limited to:

Musical performances, band, concert band, ensemble, orchestra, choir

Drama activities

Club events

Sporting events, including both inter and intra-scholastic

Other activities that promote school climate and culture

Ceremonies, orientation, presentations, school assemblies or meetings, or any school events which occur outside of the physical classroom.

F. General Video/Audio Surveillance Authorization for Student Transportation.

The Superintendent or designee will work with the private student transportation contractor to ensure that appropriate surveillance video cameras are placed on school buses to monitor student behavior. Audio recordings, in conjunction with video recordings may also be captured on school buses, in accordance with the provisions of RSA 570-A:2.

NOTE CONCERNING AUDIO RECORDINGS: Recordings that include audio must also comply with the limitations of RSA 570-A:2, II (k)(2), which provides in pertinent part: *"In no event, however, shall the recording be retained for longer than 10 school days unless the school district 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."*

1. Notification of use of Audio and Video Surveillance on Student Transportation.

As stated in policy EEA, the Superintendent is authorized to work with the private contractor around the appropriate use of video and audio surveillance.

This policy constitutes notification that audio and video recordings may be made on school buses

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used in the district.

The Superintendent or designee shall ensure that there is a sign prominently displayed on the school buses informing the occupants of the school buses that such video and audio recordings are occurring.

2. Procedures Concerning Usage and Retention of Audio Recordings.

The Superintendent is charged with establishing additional administrative procedures consistent with this policy to address the length of time which any audio recording is retained, ownership of the recording, limitations on who may view and listen to the recording, and provisions for erasing or destroying the recordings.

Video recordings without audio may be used, retained or destroyed as provided in sections B and C of this policy.

Recordings may be viewed/heard only by the following persons and only after expressly authorized by the Superintendent:

- Superintendent or designees
- Transportation Coordinator of the Private Contractor
- Investigators or attorneys retained by district
- Law Enforcement Officers
- Parent/guardian of any student involved in disciplinary proceedings and present on the recording.

The Superintendent is authorized to consult with the district's attorney relative to the use and retention of an audio and video recording either generally or in reference to a particular occurrence.

3. Student Records.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. See section C of this policy for additional information.

G. Consultation with Counsel.

The Superintendent or designee is specifically authorized to seek and obtain legal advice from the district's attorney with respect to any new use of surveillance or audio recordings, and/or relative to the use, sharing, ownership, retention and/or destruction of video or audio recordings.

Legal References:

RSA 189:65, Definitions

RSA 189:68, Student Privacy

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RSA 570-A:2

20 U.S.C. §1232g, Family Educational Rights and Privacy Act (FERPA)

34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations

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