

# 1 3235 STUDENTS

## 2 Video Surveillance

### 3 **Statement of Intent**

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

### 10 **Purposes of Video Surveillance**

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

- 13 • Ensure the health, welfare, and safety of all staff, students, and visitors to District property,
- 14 • Enhance educational opportunities for students,
- 15 • Safeguard District facilities and equipment,
- 16 • Deter and prevent unacceptable or unlawful activities, and
- 17 • Document violations of Board policies, administrative regulations, District or building rules or law,  
18 and provide a historical record to assist in investigations as authorized or permitted by law.

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

### 21 **Definitions**

- 22 1. "Video surveillance system" means video digital components of a multi-media surveillance  
23 system, including but not limited to cameras, recording units, DVDs, etc. on District property for  
24 the purposes indicated above. Except as provided by law, audio shall not be part of the video  
25 recordings made, reviewed, or stored by the District.
- 26 2. "District property" is any property owned or operated by the District including inside any District  
27 building, on District grounds and District vehicles.
- 28 3. "Areas subject to District policy and supervision" are those areas, vehicles or objects adjacent to  
29 school property or used by those subject to District policy to travel to or from District property as  
30 authorized by Section 20-5-201(1)(d), MCA.
- 31 4. "Common areas" include, but are not limited to, hallways, meeting rooms, parking lots, and other  
32 District property subject to District security or policy. Common areas do not include restrooms,  
33 locker rooms and other school areas where persons may be in a state of undress.

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

## 27 **Uses of Video Surveillance**

28 General: Video Surveillance systems may be used for continuous or periodic video recording, and/or for  
29 real-time observing or monitoring in common area locations as deemed appropriate by the  
30 Superintendent or Designee by school staff in accordance with this policy.

31 Staff Development: The District may use video at the request of a staff member or principal for staff  
32 development purposes. In either case, the staff member must voluntarily give written permission for this  
33 use. Video surveillance may not be used for formal teacher evaluation purposes.

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

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

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

13 Bad Faith: Frivolous, deceitful, retaliatory or unauthorized uses of video surveillance will be regarded as a  
14 serious offense and will result in disciplinary action or other appropriate sanctions. Disabling or tampering  
15 with video surveillance equipment will also be regarded as a serious offense and will result in disciplinary  
16 action or other appropriate sanctions.

#### 17 **Custody of Information and Retention of Recordings**

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

#### 31 **Confidentiality**

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

## 1 **Viewing of Recordings and Required Consent**

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

## 21 **School Resource Officers (SRO) and Video Surveillance**

22 The viewing and use of video surveillance by SROs for safety and legal purposes, are allowed. If the video  
23 surveillance information is accessed by a school official or is provided by a school official to the SRO, the  
24 information is an educational record and subject to FERPA. The SRO may not disclose education records  
25 or surveillance materials that contain personally identifiable information absent a court order which  
26 complies with FERPA. A law enforcement record as defined above that meets the law enforcement record  
27 exception in FERPA may be disclosed to law enforcement or a criminal prosecuting agency in accordance  
28 with this policy and U.S. Code § 1232g (a)(4)(B)(ii) and 34 CFR §99.8(b) and subject to § 44-5-303, MCA.

## 29 **Emergency Disclosure**

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

## 34 **Notification**

35 Students, parents and employees must be notified annually that students, employees and visitors are  
36 subject to video recording in common areas at any time. Additionally, notices must be conspicuously  
37 posted on school property at all regular entrances and other access points to school grounds. These  
38 notices should advise individuals that they are subject to video recording. Students and parents will be

1 notified of the law enforcement records exception to student confidentiality as part of the annual FERPA  
2 notification in the student handbook and in accordance with District Policy 3600.

3 Cross-Reference:

4 Family Educational Rights and Privacy Act (FERPA)

5 Policy 3600 Student Records

6 Policy 1401 Records Available to Public

7 Policy 4340 Public Access to District Records

8 2-6-1006 MCA—Public information requests – fees

9 44-5-303 MCA—Dissemination of confidential criminal justice information

10 Policy History:

11 Adopted on: July 1, 2000

12 Revised on: March 28, 2016