

SECURITY CAMERAS IN SCHOOLS

The School Committee works to maintain a safe and secure environment for its students, staff, visitors, and facilities. Security means more than having locks and making certain that doors are locked at the proper times. Security also means minimizing fire hazards, reducing the possibility of faulty equipment, keeping records and valuables in a safe place, protection against vandalism and burglary, the prosecution of vandals, and developing crisis plans.

School facilities and their contents, constitute one of the greatest investments of the community. The School Committee believes it to be in the best interest of students and taxpayers for the district to exert every reasonable means to protect the investment adequately.

In pursuit of this objective, the School Committee authorizes the use of security cameras in school district buildings and on its property to ensure the health, welfare and safety of all students, staff and visitors, to deter theft, vandalism and other negative behavior, to safeguard district buildings, grounds and equipment, and to monitor unauthorized individuals in or on school property. Security cameras may be used in locations as deemed appropriate by the Superintendent of Schools in consultation with school officials as well as local law enforcement and emergency response agencies. They may be used in any area, inside or outside of school buildings where there is no reasonable expectation of privacy.

The district shall notify students and staff through student and employee handbooks and appropriate signage that security cameras have been installed and may be used at any time. Students or staff identified on security cameras in violation of School Committee policies will be subject to disciplinary action.

The Superintendent shall ensure that proper procedures are in place and are followed regarding use, viewing, disclosure, retention, disposal and security of video recordings or photographs from security cameras in accordance with applicable laws and regulations. A video recording used for security purposes in school district buildings and/or on school property shall be the sole property of the school district. All video recordings will be stored in their original format and secured to avoid tampering and to ensure confidentiality in accordance with applicable laws and regulations. Access to video recordings from security cameras shall be limited to school administrators (Superintendent/designee, School Principal/designee). Law enforcement and emergency response officials shall be granted access to video recordings or the security system after giving prior notice to the School Superintendent/designee.

The Superintendent may, from time to time, issue further guidance that is consistent with current laws and this policy.

SOURCE: MASC

Adopted: August 2015

WELLESLEY PUBLIC SCHOOLS SECURITY CAMERA SYSTEM POLICY

I. PURPOSE

The Wellesley School Committee supports the use of video cameras throughout the Wellesley Public School District for the purpose of enhancing school safety and security. Our goals are to promote and foster a safe and secure teaching and learning environment for students and staff, to ensure public safety for community members who visit or use our school property, and diminish the potential for personal and district loss or destruction of property. Security camera recordings will be viewable in each building by authorized designees only.

II. GENERAL STATEMENT OF POLICY

A. Signage and Notification:

1. Appropriate signage will be posted at major entrances to school buildings and on school buses that notify students, staff and the general public of the District's use of security cameras. Students and staff will receive additional notification at the beginning of the school year regarding the use of security cameras in the schools, on school buses and on school grounds. Such notification will include, but not be limited to, employee handbooks and student handbooks.

Signs will be posted in public entryways to the buildings and other conspicuous locations informing persons that the buildings and grounds may be under video surveillance. The posted signs will read: **Surveillance Cameras in Use for Security Purposes.** School buses will have a posting of **Video Surveillance on This Bus** in plain sight for all riders to see.

B. Camera Placement:

1. The security camera system is installed in public areas only. These areas include school buses, grounds, athletic areas, exterior entrances or exits to school buildings and large gathering spaces such as classroom corridors, cafeteria, lobby and main entries.
2. Restrooms, changing rooms, private offices, nurse's offices and locker rooms are excluded from security camera use.
- 3 Security camera usage is prohibited in any space where there is a reasonable expectation for privacy.

C. Use of Video Recordings

1. The Superintendent or his/her expressly authorized designee shall oversee video surveillance.
2. The Wellesley Public School Security Camera System will be in operation and may be monitored by school personnel throughout the year.
3. In compliance with the law, recorded information will be available for use as necessary by appropriate school officials, and/or law enforcement personnel.

D. Data Storage:

1. All video recordings are stored in a secure place to avoid tampering and ensure confidentiality in accordance with applicable laws and regulations. Recordings will be saved for no less than 30 days and appropriately destroyed/deleted.
2. Information obtained through video surveillance may only be used for disciplinary investigations, security or law enforcement purposes. No sound is to be monitored or recorded in connection with the video surveillance system.
3. Any video recordings used for security purposes on school buses, in school buildings or grounds are the sole property of the Wellesley Public Schools. Release of such videos will be made only as permissible pursuant to applicable law and with the permission of the Superintendent or his/her designee.

Legal References:

- US Department of Justice, Office of Justice Programs Published Research Report
- Family Educational Rights and Privacy Act

Voted by School Committee: January 10, 2012

Facilities and Bus Video Surveillance Guidelines

Camera Placement:

- Camera installations will only be located in public areas such as hallways, athletic areas, large public gathering spaces, parking lots and public walkways and buses. The purpose of these installations is to monitor public areas where the potential for criminal activity or violations of the Code of Conduct is greatest (false fire alarm pulls, graffiti, vandalism, behavioral issues and in some cases personal belonging theft, etc.).
- The cameras shall not be placed in areas where there may be a reasonable expectation of privacy by staff and students (e.g. rest rooms, locker rooms, private offices, department offices, conference rooms, staff lounges).
- Exception would be that as part of an investigation a camera may be placed in any location to investigate suspected or alleged criminal activity or serious violations of the Code of Conduct.

Signage and Notification:

- Signs will be posted in public entryways to the buildings and at other conspicuous locations informing persons that the building and grounds may be under video surveillance. The posted signs will read: Surveillance Cameras in Use.
- The District shall notify students, staff and the general public that video surveillance will occur on school property through use of the signage and other appropriate notifications including a notice in the student handbook.

Limited Access to Recordings:

- The Superintendent or his/her expressly authorized designee shall oversee video surveillance.
- Only individuals authorized by the Superintendent or his/her designee may view the surveillance recordings.
- There will be no monitoring of live video images, except as directed by the Superintendent or his/her designee in the case of an emergency, safety concern or in the course of an investigation. Information Systems and/or Maintenance staff will periodically view live and recorded video for system testing and maintenance. Review of the recordings will occur only in support of an active investigation.
- The intent is not to use the surveillance system to recover missing items such as cell phones, clothing, and other personal items.
- Viewing the data is to be performed by authorized personnel that have been expressly designated by the Superintendent of Schools or his/her designee.
- A request form for viewing will be completed by the requesting party. It will include, but may not be limited to, the following details: the person(s) requesting viewing the data, reason for the request, and the date, time and location(s) to be reviewed. All requests will be authorized by the building Principal, Human Resource Director or Superintendent of Schools.
- No sound is to be monitored or recorded in connection with the building video surveillance system.
- Sound is recorded on the School Bus surveillance system.
- Surveillance system misuse shall be addressed on a case-by-case basis by the Superintendent of Schools.
- Information obtained through video surveillance may be used for disciplinary investigations, security or law enforcement purposes, troubleshooting and training.

Short Term Data Storage:

- Video recordings (with the exception of those segments that evidence a crime being committed) will be maintained for approximately a maximum of thirty (30) consecutive days and then deleted. All recordings shall be treated as confidential and the property of the Amherst-Pelham Regional Schools. Recordings, or copies of the recordings, shall not be released to individuals or agencies outside of the District except through subpoena or other court order requiring such release except as noted below.
- Any law enforcement agency may be provided with a duplicate of the recorded materials in conjunction with an ongoing investigation by that agency. Notification to the Superintendent's office shall take place for duplication of data.

concussion/head injury history. The Athletic Director shall establish a procedure for a medical or nursing review of all pre-participation forms indicating a history of head injury.

The procedures will discuss and outline what a concussion is, the mechanism of injury, signs and symptoms, management and return to play requirements, as well as information on Second Impact Syndrome and past concussion syndrome. Lastly, these procedures will discuss the importance of education for our athletes, coaches and parents and other persons required by law.

These procedures will be reviewed on a yearly basis with all staff. An accurate synopsis of this policy shall be placed in the student and faculty handbooks.

The Superintendent designates the school nurse as the person responsible for ensuring appropriate medical documentation of the annual physical examination (performed within the last 13 months), as required by the MIAA. Students may not participate in any sport, including practices, without current documentation.

LEGAL REFS: M.G.L. 111:222; 105 CMR 201.000

¹ *Extracurricular Athletic Activity means an organized school sponsored athletic activity generally occurring outside of school instructional hours under the direction of a coach, athletic director or marching band leader including, but not limited to, Alpine and Nordic skiing and snowboarding, baseball, basketball, cheer leading, cross country track, fencing, field hockey, football, golf, gymnastics, horseback riding, ice hockey, lacrosse, marching band, rifle, rugby, soccer, skating, softball, squash, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling. All interscholastic athletics are deemed to be extracurricular athletic activities.*

LEGAL REFS: M.G.L. 111:222; 105 CMR 201.000

7-9 Monitoring Devices on School Property Video Surveillance (Video Cameras) CCTV (Closed Circuit Television)

The Minuteman School Committee agrees to allow the use of video surveillance to promote the safety and security of students and staff, the protection of school property, deterrence and the prevention of criminal activities and the enforcement of school rules.

DEFINITIONS:

Video surveillance is a term that refers to video audio-digital components of multi-media.

Guidelines:

Video Monitoring on School Property

Camera Location, Operation and Control:

- School buildings and grounds may be equipped with video monitoring devices.
- Video surveillance may be placed in areas where surveillance is necessary, as a result of threats, prior property damage, security incidents or security recommendations made by public safety officials or school administrators.
- Cameras shall not be used to monitor inside change rooms, locker rooms, and washrooms.
- Only individuals authorized by the Superintendent of Schools in accordance with policy, shall have access to video monitors, or be permitted to operate the controls.
- The Superintendent of Schools or designees shall be responsible to manage and audit the use and security of monitoring cameras; monitors; hard drive storage; VCR Storage; computers used to store images; computer diskettes and all other video and electronic records.

Notification

- All staff shall be made aware of the Minuteman video surveillance guidelines and practices.
- At each site where video surveillance is employed, the school principal shall inform students, staff, and parents at the beginning of each school year that video surveillance will occur throughout the school year and explain the purpose for such monitoring practice. Appropriate signage will be posted at major public entrances.

Use of Video Recordings

- A video recording of actions by students may be used by the authorized Minuteman administrator as evidence in any disciplinary action brought against students arising out of the student's conduct in or about Minuteman property.
- Video surveillance recordings of students, staff, or others may be reviewed or audited for the purpose of determining adherence to Minuteman policy and school rules.
- Minuteman administrators may use video surveillance of students, staff, and others to detect or deter criminal offenses that occur in view of the camera.
- Minuteman administrators may use video surveillance and the resulting recordings for inquiries and proceedings related to law enforcement, deterrence, and student discipline.
- Protection of Information and Disclosure/ Security and Retention of Video Data -All video data must be securely stored.
- All video data that have been used for the purpose of this policy shall be numbered and dated and retained according to the camera site.
- The Superintendent of schools or designee must authorize access to all video electronic data.

- Documentation shall be maintained of all episodes of access to, or use of recorded materials.
- Video electronic data normally will be erased on a bi-monthly basis. Video data that contain personal information used to make a decision directly affecting an individual or a discipline case, however, may be retained for a longer period of time, as needed.

Disposal or Destruction of Video Data

- All recordings shall be disposed of in a secure manner.

Video Monitors and Viewing

- Only individuals authorized by the Superintendent of Schools shall have access to video monitors while they are in operation.
- Video monitors should be in controlled access areas wherever possible.
- Records should be viewed on a need-to-know basis only, in such a manner as to avoid public view. Video data that constitutes part of a student record shall be maintained and disseminated in accordance with federal and state laws addressing student records.

Legal References: FERPA, 20 U.S.C. §1232g, 34 CFR Part 99; PPRA, 20 U.S.C. §1232h, 34 CFR Part 98; M.G.L. c. 66, §10; M.G.L. c. 71, §34; 603 CMR 23.00 et seq.

SECURITY CAMERAS POLICIES AND PROCEDURES

SECTION 301-007

SECURITY CAMERAS POLICIES AND PROCEDURES

1. Purpose

The purpose of this policy is to regulate the use of security cameras to protect the legal and privacy interests of the Town of Walpole, the community at large and Town employees while concurrently assisting in the protection of safety in and property of municipal buildings owned by the Town of Walpole not under the jurisdiction of the Walpole School Committee.

The primary use of security cameras will be to record images for future identification, investigation, and possible prosecution related to and illegal and/or criminal activity and actions.

2. General Policy

The Town of Walpole is committed to establishing and maintaining a workplace that is secure and safe for both employees, Town officials and the community at large. To enhance this commitment, the Town of Walpole shall install and utilize security cameras. The cameras will be used in a professional, ethical, and legal manner consistent with all existing Town of Walpole policies, as well as State and Federal laws. Camera use will be limited to situations that do not violate the reasonable expectation of privacy as defined by law.

3. Policy Guidelines/Procedures

- A. Security cameras shall only be installed under the authority of the Town Administrator, after final approval by the Board of Selectmen. Camera installation will be coordinated with Building Maintenance Department and Information Technology. Departments shall not install cameras for security purposes on their own.
- B. The Town Administrator and/or his/her designee shall coordinate installation of security cameras with Building Maintenance, Information Technology and the Police Department to determine type and location of security camera.
- C. Placement of cameras shall only be considered for the security and safety of employees and customers or for legally mandated reasons. Cameras shall never be placed in areas where privacy would normally be expected. Camera placement must take into consideration any confidential material that could be visible.
- D. No cameras shall record voice or audio.
- E. Any building where cameras are to be located upon or in shall have the following statement placed conspicuously at each entrance to the building:

“This property is protected by video security cameras.”

- F. Display of live streaming video from security cameras shall be limited to the Walpole Police Dispatch Center, and in addition the Chief of Police and/or his/her designee(s), the Town Administrator and/or his/her designee(s), and the IT Director shall have access to the IP feed & video. Cameras showing live video from the Police Station Clock Tower,

the East Walpole CBD, and the Town Hall cupola may be displayed as live streaming video via the Town of Walpole web site.

- G. Viewing of recorded video shall be limited to the Town Administrator and/or his/her designee(s), IT Director, Legal Counsel, Chief of Police and/or his/her designee(s), and other Law Enforcement personnel involved as part of any investigation and/or prosecution effort.
- H. Video recordings shall be maintained and retained by the Information Technology Department according to the following schedule:
 - External Building Cameras: 30 Days
 - Internal Building Transaction Cameras: 120 Days

It shall be the responsibility of the IT Director to ensure that all recordings are kept secure, and shall permit no individual unless those stipulated herein to view recorded material.

In the event of a law enforcement investigation, or in the event of an active claims investigation for insurance purposes, video recordings may be retained for periods of time longer than time limits specified herein.

- I. When an incident is suspected to have occurred, designated personnel herein may review the images from security camera data/recordings. Any suspicion of illegal or criminal activity shall immediately referred to the Walpole Police Department.
- J. Expense and maintenance of the camera shall be the responsibility of the Information Technology Department with maintenance assistance from the Building Maintenance Department as needed.
- K. Security Cameras in use per this policy shall not be utilized to enforce routine personnel time and attendance matters, however may be used to investigate and/or prosecute any criminal activity by any person.

4. Violations & Penalties

- A. Any person who may violate the terms and conditions of this policy may be subject to disciplinary action, up to and possibly including termination.

Privacy vs. Security

Are you prepared for the thorny issues surrounding student surveillance?

By David Rapp

Source: Administrator Magazine: Technology

A lot of school administrators are looking into installing security cameras in their districts. They want to keep their students safe. They want to keep tabs on people entering and leaving their schools. They want to cut down on vandalism and theft, and they want to do it now.

What's the urgency? Look at these numbers: During the 2005–06 school year, according to the most recent statistics available from the U.S. Department of Education, 86 percent of public schools nationwide reported that one or more serious violent incidents, thefts, or other crimes had occurred at their school, for a total of roughly 2.2 million crimes. That works out to about one crime reported for every 20 students. And that doesn't include vandalism and graffiti: Nearly 100,000 incidents of vandalism are reported in the United States public school system every year.

Cameras are expensive, with some high-end systems costing \$500,000 or more, plus annual maintenance fees. But some administrators seem to think that installing security cameras will solve their problems. Even administrators in low-crime districts want the cameras, if only to deter potential crime. Anecdotally, cameras appear to be effective at detecting and deterring crime, though hard numbers are difficult to come by.

Installing cameras, however, can be controversial. There have been protests and legal action surrounding camera installation at schools nationwide, and there are a number of issues to consider before signing off on surveillance. What problems are you trying to solve with cameras? If you do install cameras, what kind of atmosphere will it create at your school? Most importantly, what do parents and students think?

When word got out that administrators at the Seaholm and Groves high schools in Oakland County, Michigan, were considering installing security cameras, it led students to organize the group Students Against Security Cameras (SASC). Its members have attended school board meetings to protest the plan, which they feel would be an unnecessary expense and would promote an atmosphere of distrust in the schools. SASC students even have a Facebook page spelling out their concerns, with more than 850 members so far. At press time, the school board had yet to make a decision about security cameras.

Terry Piper, the principal at Seaholm High School in Birmingham, Michigan, feels the time is right for security cameras at his school. After all, dozens of schools in their county have already done it, and with some success. "There are 30 high schools in Oakland County, and every single one of them has security cameras except Seaholm and Groves," Piper says. "They've seen thefts go down. They've been able to solve instances of vandalism on occasion, and there have been student altercations where they've been helpful. They also serve as a deterrent, so you never know how many things might have happened if you hadn't had them."

Some of the student group's arguments, Piper maintains, rest on incorrect assumptions—for example, that the cameras will be prohibitively expensive. "We haven't taken any bids yet," he says. "They don't know much about school funding, so they don't know that it's not going to take away from instructional programs. There's a separate budget for

that kind of capital outlay.”

Piper is convinced that security cameras are a valuable tool for combatting petty theft. Many such thefts take place in locker rooms; though cameras are barred from locker rooms and bathrooms, Piper plans to install cameras outside Seaholm’s locker rooms, as well as in the main hallway, and outside at the main entrance. The question is: How do you determine whom you’re going to question if you’ve got video of 50 kids walking out of a locker room following a theft? Do you interview them all?

Shelli Weisberg, the legislative director at the American Civil Liberties Union of Michigan, asked a Michigan principal that same question, and she found that it all boiled down to profiling. “He actually said, ‘We know who the bad kids are,’” she says. This made her wonder: Well, then, why do you need the camera?

Weisberg, with the Michigan ACLU, has worked with students across the state to fight security cameras in schools, and she doubts the necessity of cameras in many schools. She points out that many of the schools that install the cameras tend to be in well-to-do districts, with some of the lowest crime rates. Ann Arbor Pioneer High School, which plans to install 53 cameras on its campus, is a prime example. “Ann Arbor does not have a high crime rate,” Weisberg says. “They’re a very affluent district, so there’s a lot of eyes in the hall. [Administrators] did say, anecdotally, that they thought [cameras] made people feel safer. But students said it made them feel like they were being watched.”

So the ACLU assisted the students in their fight, and provided them with academic studies in the US and UK that argued that surveillance cameras had little effect on crime. (You can read about these studies at the ACLU site.) “The students did a good job of using the research we gave them to develop their arguments—a lot of Big Brother-type arguments, asserting their due-process rights as students—because they are in schools to learn how to be adults,” Weisberg says.

The students’ “Big Brother” fears may not be completely off the mark. At a high school in Novi, Michigan, for example, administrators don’t only monitor the cameras themselves—they also allow police access to the footage. And public schools in Demarest, New Jersey, have gone a step further: In 2007, they began allowing police to monitor live feeds from school security cameras. “It concerns me that schools would, without thinking about due process, simply turn over access to the police,” Weisberg says. “I think it’s a matter of schools looking very myopically at how they think their students are safe, and not really thinking about the consequences of it.”

The danger, she says, is that with cameras recording every student infraction, more and more activities in schools will become criminalized. A scuffle between two kids in a hallway, which once would have been solved with detention or suspension, could now be seen as criminal activity—especially if the police are involved. “Kids are not only getting kicked out of school, but also sent to the police,” Weisberg says. “There’s this tendency, with all of this stuff on tape, to send more kids to jail.”

Schools need to have a compelling reason for the cameras before installing them, Weisberg says, or they may be abused. “I think schools are worried—they have to keep their student body safe, and they have to keep parents assured that their children are safe,” she says. “The general public seems to think that a camera means safety. It does bring in a slippery slope, because there is going to be a tendency to use the camera tapes to look at every little thing.”

Seaholm’s Piper points out that there have been cameras in his schools’ parking lots for a decade, without protest or problems. “I’ve asked students, ‘Do you know of anybody

whose rights or privacy has been violated by those cameras watching you come in and out of the building?" he says. "They said no. I said, 'So what makes you think that having cameras inside the doorways, when we already have them outside the doorways, is going to make us change the way we do business?' Their arguments were more emotional than logical."

Weisberg grants that security cameras can be useful tools, if used sensibly. "I think the ACLU and the students agree that there may be room at schools to have cameras at entrance doors," she says. "I think everyone's concerned about who has access to schools, especially elementary schools. But it's worth thinking about what you're trying to achieve."

When administrators consider installing security cameras, it's crucial to involve parents and students in the process.

Administrators who don't involve them can create huge problems for themselves down the road. A few examples:

During a 2003 girls' basketball game at Livingston Middle School in Overton County, Tennessee, visiting team members noticed a security camera in the girls' locker room. It turned out the camera had recorded images of the team members in their undergarments when they changed their clothes. Several other students had been similarly videotaped over the previous months. The scandal led to *Brannum v. Overton County School Board*, a lawsuit on behalf of 24 students. In a key legal decision last year, the U.S. Sixth Circuit Court of Appeals ruled that a school may not install security cameras inside locker rooms, where students have an expectation of privacy.

In late 2007, student newspaper reporters uncovered the fact that the principal at Newton South High School in Newton Centre, Massachusetts, had installed five security cameras outside a locker room without informing faculty, the school committee, or the rest of the community. It caused an uproar among committee members, teachers, students, and parents—a situation that any administrator would rather avoid.

Kenneth Trump, the president of National School Safety and Security Services, a Cleveland, Ohio-based consulting firm, stresses the need for open communication. "There has to be an education process by the administration, to explain the purpose of the technology to parents and students and staff, and how it fits into the overall school-safety program," he says. "The communication piece is one that can easily turn around and bite school administrators, if they haven't done a good job at informing people on the front end."

Trump tells administrators that an effective safety program is less about technology than it is about people. "Technology is an extra tool, and technology is only as good as the human element behind it," he says. "The first and best line of defense is always a well-trained, highly alert staff and student body who will recognize strangers on campus, or report rumors, or report a student having a weapon on campus, and so on." If you don't have the school community in your corner as part of a comprehensive safety and security policy, then even the most sophisticated security camera system won't be effective.

Administrators also need to address the idea that security cameras bring up a lot of hot-button emotional issues, such as child safety and privacy. "You tend to find people are on one extreme or the other on this issue," says Trump. "Either they're totally anti-equipment, or they believe totally that equipment is the solution and cure-all for everything. Neither is necessarily the right position."

In any case, parents should be kept well informed about every step of the process. In Trump's experience, he says, "a majority of parents tend to support it, and like the presence of those cameras, because it provides a clear indicator that there's some additional measures to protect their children."

Michigan ACLU's Weisberg agrees that parents tend to go along with a decision to install cameras, but she isn't sure that's a good thing. "You know, most people trust their schools, and they trust that they're doing the right things by their students—so there's great leeway given to an administrator's request," she says. "Parents don't like to fight that. So I'm particularly proud of the students who take on that fight—and, hopefully, it helps enlighten the school boards and administrators in terms of what they're doing and what they're spending their money on."

As you weigh whether to install security cameras, it pays to listen to students, parents, and faculty. If you engage people one-on-one and address their concerns about safety and privacy, you may be able to make everyone in the community a part of your security plan. You may find that you only need a few cameras—or none at all. In the end, it's all about keeping students safe. And that's something everyone can agree on.

A Question of Trust

Ronald D. Stephens is the executive director of the National School Safety Center, an independent nonprofit that focuses on school crime prevention and safe-school planning. As a former teacher and assistant superintendent, he shared his views on security cameras with Scholastic Administrator.

First and foremost, schools have to ask hard questions about what kind of climate they want to create, Stephens says. "When they put a four-way camera in the intersection I go through on my way to work every day, I wasn't pleased about that. It tends to say, 'Hey, we don't trust you.'" Many students, he adds, feel the same way about cameras in schools.

"How do we create a climate that's conducive to education without making the place look like a juvenile detention facility?" Stephens says it has to be a decision that is well thought through and that involves students, parents, and the community.

Stephens also cautions against seeing cameras as a quick fix. Cameras don't stop all crimes, he warns, and he uses the example of Red Lake, Minnesota, where a 16-year-old high school student shot and killed five students, a teacher, and an unarmed security guard in 2005. "They had camera surveillance, they had a safe-school plan, they had metal [detectors]," he says. "They had two security officers at the front door. But the student still came in, overpowered them, and still committed those heinous acts." But he understands why cameras are so appealing, especially when high-profile school violence hits the news. "People want to do something after a crisis, and sometimes they pick the thing that is tangible, visible and easy to measure."

Cameras work best, notes Stephens, when they are deployed to take on a specific, here-and-now problem. "I was working with a school district in a midwestern state," he says. "These kids would come up to the school's double-entry doors with their Jeeps, run a chain through the door handles, hook it up to the back bumper, and pull the doors off. We told the district, 'Put in a surveillance camera. Do it until you find your culprit, and then you can pull it out.' What they found was that when they put the surveillance cameras in, vandalism at the school went down by 95 percent."

Students do not shed their rights at the schoolhouse doors, Stephens warns. "If the school does something that does not use common sense or good judgment, they will ultimately have to answer for that in the courts," he says. "Let's be thoughtful about what

we do and how we do it.”

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FEATURE

The Legal Implications of Surveillance Cameras

District administrators need to know the law and make these policies clear.

Amy M. Steketee

District Administration, February 2012

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The nature of school security has changed dramatically over the last decade. Schools employ various measures, from metal detectors to identification badges to drug testing, to promote the safety and security of staff and students. One of the increasingly prevalent measures is the use of security cameras. In fact, the U.S. Department of Education reported that more than half of all public schools used security cameras during the 2007-2008 school year to monitor students, a 30 percent increase over eight years prior.

While security cameras can be useful in addressing and deterring violence and other misconduct, they also raise several legal issues that can leave school administrators in a quandary. Does the use of surveillance cameras to capture images violate a student or staff member's right of privacy? If the images captured on a surveillance recording are of a student violating school rules, may district administrators use the recording in a disciplinary proceeding? If so, are parents of the accused student entitled to review the footage?

What about parents of other students whose images are captured on the recording? How should schools handle inquiries from media about surveillance footage? Can administrators use surveillance

cameras to monitor staff? I outline the overriding legal principles, common traps for the unwary and practical considerations.

Legal Principles

Fourth Amendment to the U.S. Constitution. The Fourth Amendment prohibits the government, including public schools, from conducting unreasonable searches or seizures. Courts have generally held, however, that what an individual knowingly exposes in plain view to the public will not trigger Fourth Amendment protection because no search has occurred. Someone who is videotaped in public has no expectation of privacy and, therefore, hasn't been searched by having his or her image recorded. Courts have also upheld suspicionless searches—such as random drug testing of students who participate in extracurricular activities—in which an individual's expectation of privacy is low and the government can demonstrate a legitimate interest in conducting the search.

Family Educational Rights and Privacy Act. FERPA requires educational institutions that receive federal funding, including public schools, to protect the confidentiality of student education records and the personally identifiable information contained in them. FERPA also provides parents and eligible students access to these records. Images recorded by cameras can under some circumstances constitute education records under FERPA.

Open-records laws. All states have adopted laws similar to the federal Freedom of Information Act providing individuals access to public records of state and local governmental agencies. While the breadth of these laws varies across states, the definition of a public record in many states encompasses video images. As a result, the images recorded by surveillance cameras may be subject to disclosure to third parties, including media, seeking access through state open-records laws.

Deterring Student Misconduct, Violence

Many school administrators believe the use of surveillance cameras deters student misconduct and improves security and the overall school climate. Some students and families, on the other hand, believe that the use of cameras intrudes upon one's expectation of privacy and that recordings are unreasonable seizures of one's images. However, courts have generally held that when cameras are placed in public locations in which individuals do not have a reasonable expectation of privacy, there is no Fourth Amendment violation. But when a camera is placed in an area in which a student may have a reasonable expectation of privacy, such as a restroom or locker room, a court may likely find an invasion of privacy. School administrators should be particularly cautious about using surveillance cameras that collect audio recordings in addition to video recordings. The recording of audio conversations is likely to violate Title I of the federal Electronic Communications Privacy Act of 1986 as well as state wiretapping laws.

Administrators considering the use of surveillance cameras should:

- develop policies that set out the purpose for using surveillance cameras and outline the parameters for use;

- place cameras only in common areas, like stairwells, and avoid placing cameras in areas where students and staff would have an expectation of privacy;
- notify the school community—by including statements in student handbooks and posting signs—that surveillance cameras are located throughout school buildings and that anyone on school property may be videotaped;
- and, avoid the use of cameras that record audio conversations.

Evaluating and Monitoring Employees

In addition to using surveillance cameras to address and deter student misconduct, some school districts have chosen to use surveillance cameras to monitor and evaluate staff in classrooms, in workrooms and in break rooms. Although school employees have challenged the use of surveillance cameras for these purposes as an infringement on their Fourth Amendment right to be free from an unconstitutional search or seizure, courts have generally held that school employees do not have a reasonable expectation of privacy in classrooms, workrooms, break rooms or other areas that are readily accessible to other employees. Before using surveillance cameras to monitor staff, school administrators are smart to consult with legal counsel about defining the purpose for obtaining the footage, establishing guidelines for implementing a surveillance system, and communicating with staff about the program.

Access to Recordings

Most of the time, surveillance recordings capture nothing other than images of students and staff traveling to and from their destinations. There is little reason for districts to preserve the images. But when recordings capture misconduct, such as a student fight or theft, school administrators may wish to maintain the recordings as part of their investigation and may wish to use the recordings in disciplinary proceedings against the student.

When the recording is maintained by the school for disciplinary purposes such as these, the recording will likely qualify as an education record under FERPA. If so, the parents of the students who are subject to discipline are entitled to view the recording. Likewise, school administrators are obligated to protect the confidentiality of the recording from third parties.

But if local media become aware of an incident and request to view the recording, is the recording a public record that must be disclosed to the media? Are school officials required to obtain consent from the parents of all the students in the recording?

Whether the recording is subject to disclosure will depend on several factors:

- the events and images recorded;
- the purpose for which the recording has been maintained;
- whether the recording is maintained by school officials or by a law enforcement unit of the school;
- the requirements of the state's open-records laws, specifically whether a recording constitutes a public record;
- if the recording qualifies as a FERPA-protected education record; and

- whether the district has the technology to redact images, such as blurring faces, of students who may be identified.

Typically, FERPA-protected education records are excepted from the disclosure requirements of open-records laws. So if the recording is maintained by school officials as an education record because, for instance, it contains images of a student in an altercation, the district's obligations under FERPA to protect the confidentiality of the recording will, in most cases, override its open-records obligations.

Sometimes a district would like to disclose a surveillance tape, but is prohibited from doing so, and sometimes a district would prefer not to disclose a tape, but is obligated to do so. Whether or not a recording qualifies as an education record and to whom it may or must be disclosed should be reviewed on an individualized basis, taking into account all the factors.

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Video Camera Surveillance in Public School Settings: Emerging Technologies, Privacy, and the Role of the Fourth Amendment

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Descriptive Context

Introduction

In the area of electronic security, video surveillance has become one of the fastest-growing industries with an estimated \$9.2 billion in sales in 2005 and projected sales of up to \$21 billion by 2010.¹ One of the more recent and controversial trends being used to safeguard school safety has been the installation of video camera surveillance systems throughout our nation's schools.² The origins of video camera use by school officials can be traced back to the late 1980's when school buses were equipped with video cameras as a means to improve student discipline, prevent vandalism, and avoid potential litigation with parents.³ Recent evidence reveals that the installation of video camera surveillance in public schools has become noticeably more commonplace. In 2002, for instance, nearly 1,000 new public schools were opened and approximately three-fourths of them were equipped with some form of video camera surveillance.⁴ In 2003, the Biloxi Public School District in Biloxi, Mississippi received national media attention by becoming the first public school district in the nation to install video surveillance cameras in every classroom.⁵

In a modern, technological society where surveillance technologies, including video cameras, can effectively monitor any individual's locations and movements, the basic legal question arises: Does the widespread use of surveillance technologies run counter to the unrestricted house-to-house searches and unfounded "fishing expeditions" that the Fourth Amendment was originally intended to prevent?⁶ The Fourth Amendment does protect individuals against unreasonable searches and seizures as well as invasions of privacy.⁷ In the public school environment, the Supreme Court in *New Jersey v. T.L.O.* held a search is deemed reasonable only if that search is justified both at its inception and reasonably related in scope to the circumstances that originally justified the search.⁸ In the twenty-first century, legal scholars predict that many Fourth Amendment challenges will inevitably need to balance the use of

¹ Jessica Bennett, *Tech: Surveillance Cameras Become Big Business*, *Newsweek On-Line* (March 15, 2006) <http://www.msnbc.msn.com/id/11832024/site/newsweek> [hereinafter referred to as Big Business].

² Crystal Garcia, *School Safety Technology in America: Current Use and Perceived Effectiveness*, *Criminal Justice Policy Review*, 14, (March 2003).

³ Kevin P. Brady, *Video Surveillance in Public Schools: The Delicate Balance Between Security and Privacy*, *SCH BUS AFF*, November 2005.

⁴ Sam Dillon, *Cameras watching students, especially in Biloxi*, September 24, 2003, *New York Times On-Line* <http://www.nytimes.com>.

⁵ *Id.*

⁶ See Marc Jonathan Blitz, *Video Surveillance and the Constitution of Public Space: Fitting the Fourth Amendment to a World that Tracks Image and Identity*, 82 TEX. L. REV. 1349 (2004).

⁷ U.S. Constitution, Fourth Amendment.

⁸ *New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985).

evolving and constantly changing surveillance technologies with the issues of individual and workplace privacy and security.⁹

Recent and Differing Perspectives

While some school officials and parents contend that the use of video camera surveillance systems significantly reduce incidents of school violence and improve overall school safety, there is no empirical evidence to date detailing the effectiveness of video cameras towards significantly decreasing levels of school violence.¹⁰ During the 2005-06 school year, there were a total of 27 school-related deaths.¹¹ Since the beginning of this school year, August 2006, there have been a total of 15 reported, school-related violent deaths during 2006-07.¹² In 2005, when the Spotsylvania School Board, located in northern Virginia country, decided to install high-tech, video surveillance cameras throughout the county's 28 public schools, community opinion seemed to minimize potential concerns regarding violations of civil liberties; instead, many community residents viewed video cameras in schools as a way to make students and staff feel safer.¹³ Despite the national media attention given to school-related deaths, shootings, and incidents of violence, research indicates the nation's schools are relatively safe places.¹⁴ Nevertheless, the general public's overall perception of school violence, vandalism, and theft has significantly influenced many legislators and educators to make safer schools a national priority.¹⁵ While statistics reveal that public schools, on the whole, are relatively safe havens for children, public perception paints a much darker picture of school safety. The public's perception of unsafe schools serves as a catalyst for surveillance trends, including the increased placement nationwide of video cameras in public schools.

Snapshots of Legal Research and Court Decisions

The Supreme Court's Analysis of Surveillance Technologies

Based on the following Supreme Court decisions: *Katz v. United States*, *Kyllo v. United States*, and *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, three distinct legal tests have been developed for analyzing emerging surveillance technologies under the Fourth Amendment.¹⁶ Unfortunately, however, the applicability of these three legal standards to the constantly changing nature of surveillance technologies is questionable.¹⁷ Yet, however, one common theme among these three legal tests is that they attempt to analyze the reasonableness of new emerging surveillance technologies under the

⁹ Andrew Taslitz, *The Fourth Amendment In the Twenty-First Century: Technology, Privacy, and Human Emotions*, *LAW & CONTEMP. PROBS.*, 125 (Spring 2002), at 133.

¹⁰ Tod Schneider, *Newer Technologies for School Security*, ERIC Digest, 145. Eugene: OR. Available at <http://eric.oregon.edu/publications/digests/digest145.html>.

¹¹ This data is reported annually by the National School Safety and Security Services, Inc. based in Cleveland, Ohio. This organization collects information on school-related deaths, school shootings and school crisis incidents reported through print and electronic news sources, professional contacts, and other nationwide sources.

¹² The 2006-07 school year runs from August 1, 2006 through July 31, 2007.

¹³ Big Business, *supra* note 1.

¹⁴ Margaret Small & Kellie Dressler Terrick, *School Violence: An Overview*, 8(1) *Juvenile Justice* (June 2001).

¹⁵ Crystal Garcia, *School Safety Technology in America: Current Use and Perceived Effectiveness*, *Criminal Justice Policy Review*, 14, (March 2003).

¹⁶ The three legal tests are drawn from the following U.S. Supreme Court cases: *Katz v. United States*, 389 U.S. 347, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967); *Kyllo v. United States*, 533 U.S. 27, 121 S.Ct. 2038, 150 L.Ed.2d 94 (2001); and *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 515 U.S. 646, 115 S.Ct. 2386, 132 L.Ed.2d 564 (1995).

¹⁷ For a more detailed account of the need for clearer guidance on Fourth Amendment treatment of new surveillance technologies and the legal boundaries of individual privacy interests, see Orin S. Kerr, *The Fourth Amendment and New Technologies: Constitutional Myths and the Case for Caution*, 102 MICH. L. REV. 801 (March, 2004).

Fourth Amendment, which is exceedingly difficult in a post-9/11 world. It is important to note that the vast majority of legal cases involving video and electronic surveillance have occurred outside public school settings.

The “Reasonable Expectation of Privacy” Test

The first legal standard for analyzing the legality of surveillance technologies was drawn from the 1967 landmark case, *Katz v. United States*, where the Supreme Court held that the Fourth Amendment requires a warrant when “a person exhibited an actual expectation of privacy and, second, that the expectation be one that society is prepared to recognize as reasonable.”¹⁸ The *Katz* case involved an investigation into an illegal betting scheme. The FBI taped a microphone to the roof of a public phone booth used by the defendant, Charles Katz.¹⁹ When Katz used the public phone booth, the FBI turned on the microphone and recorded Katz’s conversations. The government used these recordings as evidence that Katz placed illegal bets at his trial.²⁰ The *Katz* ruling emphasized that “what a person knowingly exposes to the public is not a subject of Fourth Amendment protection.”²¹ Writing for the majority, Justice Potter Stewart stated, “One who occupies [a telephone booth], shuts the door behind him, and pays the toll that permits him to place a call is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world.”²² In essence, the *Katz* ruling expanded the overall scope of protection under the Fourth Amendment because it protects an individual’s “reasonable expectation of privacy” in any location where circumstances give rise to such an expectation.²³ Unfortunately, a major shortcoming of the *Katz* “reasonable expectation of privacy test” is that it provides little guidance concerning whether the Fourth Amendment directly applies to investigative techniques employed by video camera surveillance.²⁴

“The General-Public Use” Test

In the 2001 decision, *Kyllo v. United States*, the Court developed a second test, the “general-public use test” for analyzing surveillance technologies under the Fourth Amendment.²⁵ The *Kyllo* case involved the use of a thermal imaging device to observe large heat lamps used in a private home to grow marijuana.²⁶ In *Kyllo*, the Court held that when surveillance technology used is “not in general public use, the surveillance is a search and is presumptively unreasonable without a warrant.”²⁷ However, a major limitation of the *Kyllo* ruling is that the test applies exclusively to searches conducted in the home.²⁸ So far, courts have steadfastly refused to apply the *Kyllo* “general-public use test” outside of the private home environment.²⁹ Clearly, this restriction has limited the influence of the *Kyllo* ruling involving surveillance technologies outside the personal home environment.

¹⁸ 389 U.S. 347, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967).

¹⁹ *Id.* at 354.

²⁰ *Id.* at 350.

²¹ *Id.* at 351.

²² *Id.* at 352.

²³ See Edmund W. Kitch, *Katz v. United States: The Limits of the Fourth Amendment*, SUP. CT. REV. 133 (1968).

²⁴ 389 U.S. at 351.

²⁵ 533 U.S. 27, 121 S.Ct. 2038, 150 L.Ed.2d 94 (2001).

²⁶ *Id.* at 29.

²⁷ *Id.* at 30.

²⁸ *Id.* at 34.

²⁹ See Nelson B. Lasson, *The History and Development of the Fourth Amendment in the United States Constitution*, (De Capo Press 1970).

The "Legitimate Governmental Interests Test"

The third test, or "legitimate governmental interests test," was formulated in the Supreme Court's *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls* decision.³⁰ The *Earls* standard balances "the nature of the intrusion on the individual's privacy against the promotion of legitimate governmental interests beyond the normal need for law enforcement."³¹ The *Earls* case has already been applied to numerous drug-testing and roadblock searches.³² It is important to note that the *Earls* decision involved a public school setting and followed two significant Fourth Amendment cases involving public schools; *Vernonia School District 47J v. Acton*³³ and *New Jersey v. T.L.O.*,³⁴ where the Court defined the public school environment as a special place for Fourth Amendment analysis purposes. The *Earls* legal standard balances "the nature of the intrusion on the individual's privacy against the promotion of legitimate governmental interests" beyond the "normal need for law enforcement."³⁵

Basically, the *Earls*'s "legitimate governmental interests test" provides an exception to the usual Fourth Amendment warrant requirement for searches when they are conducted, not for law enforcement purposes, but for other, special governmental reasons. According to the "legitimate governmental interests test," these searches do not need to be supported by a warrant, probable cause, or even reasonable suspicion, but can be completely suspicionless. Three modern-day examples of search and seizure cases that reflect the "legitimate governmental interests test" are random drug testing, checkpoints on public highways, and searches of closely regulated spaces.³⁶

In another Supreme Court case, *O'Connor v. Ortega*, the Court held that public employees do have an expectation of privacy in their personal work space areas, including their desk and file cabinets.³⁷ However, this determination needs to be made on a case-by-case basis. More recently, in *Cramer v. Consolidated Freightways*, the Ninth Circuit held employees do have the right to be free of surreptitious electronic surveillance.³⁸

Video Surveillance in Public School Settings: A Review of Relevant Case Law

The initial justification for installing video camera surveillance in public schools was to significantly reduce school violence, vandalism, and theft. Increasingly, however, an examination of the limited court cases involving video surveillance in public school settings reveal that video cameras are routinely used in school environments to assist in evaluating teacher and school staff job performance. In *Roberts v. Houston Independent School District*, for example, a Texas court of appeals held that a terminated teacher's reasonable expectation of privacy was not violated by the videotaping of her classroom teaching performance.³⁹ In this particular case, the school district set up an assessment team that evaluated teaching performance by both written assessment and videotaping a teacher's classroom performance.⁴⁰ The significance of the *Roberts* decision is that the video surveillance of teaching in a public school classroom is an

³⁰ 536 U.S. 822, 122 S.Ct. 2559, 153 L.Ed.2d 735 (2002).

³¹ *Id.* at 825.

³² *Id.* at 824.

³³ 515 U.S. 646, 115 S.Ct. 2386, 132 L.Ed.2d 564 (1995).

³⁴ 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985).

³⁵ 536 U.S. at 829.

³⁶ In the public school environment, the Court has initially upheld the random drug testing of student participants in extracurricular sports in *Vernonia School District 47J v. Acton*, 515 U.S. 646 (1995); In *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002), the Court further expanded the legality of randomized drug testing to include not only student athletes but all student participants in extracurricular activities.

³⁷ 480 U.S. 709, 107 S.Ct. 1492, 94 L.Ed.2d 714 (1987).

³⁸ 255 F.3d 683 (9th Cir. 2001), *cert. denied*, 122 S.Ct. 806 (2002).

³⁹ 788 S.W.2d 107 (Tex. Ct. App. 1990).

⁴⁰ *Id.* at 109.

activity that is legally permissible because teaching is an activity that does not fall within a protected "zone of privacy."⁴¹

In another case involving the video surveillance of school employees, *Crist v. Alpine Union School District*, a California court of appeals held that there was no invasion of school employee privacy when a school district placed hidden video cameras in a shared office space shared by three employees in an effort to gain evidence to support that one of the employees was suspected of unauthorized computer access after-school hours.⁴² The employees argued that they suffered severe emotional distress after they discovered the school district secretly videotaped them. The court held that the school district had a legitimate reason for engaging in the video camera surveillance that outweighed the invasion into the employees' privacy rights. The court reasoned that the videotaping was confined to after-school hours when the employees were not scheduled to be working.

In *Brannen v. Kings Local School District Board of Education*, an Ohio court of appeals held that a school district's installation of a hidden video camera in an employee break room did not violate the employees' right to be free from unlawful searches guaranteed by both the Fourth and Fourteenth Amendments and that the employees did not have a reasonable expectation of privacy in the staff break room.⁴³ A school custodian supervisor suspected that a group of custodians were not working during a majority of their assigned shift. The custodian supervisor received permission from the school superintendent to secretly install a video camera in the custodian break room for a one week period.

Location, Location, Location!: The Placement of Video Cameras in Public School Settings

At Livingston Middle School (LMS) in Overton County, Tennessee, local school board members and the school principal decided to install video cameras in multiple locations throughout the school. One of the video camera locations included the doorway of the gym's locker rooms. Originally, the intent of this specific video camera location was to capture evidence of students sneaking out of gym classes. Unfortunately, however, the wide-angle lens of the camera also filmed students in various stages of undress adjacent to the gym's locker rooms. According to court records, between July 2002 and January 2003, male and female students, aged 10 to 14 years old, were recorded undressing in the Livingston Middle School dressing room. Additionally, video evidence shows images of naked students were assessed over the Internet 98 times from June 2002 through January 2003. In addition to placing a camera in a very inappropriate location, the school district's lack of computer security protections failed to restrict access to the images of the children on the school's website. Both the inappropriate camera location and lack of computer security protections were cited as violations of the children's privacy rights. The United States District Court for the Middle District of Tennessee recently ruled against the Overton County Public School District and awarded the students' parents more than \$4 million in damages based on the children's loss of privacy.⁴⁴

Video Surveillance with Audio Capabilities: Legal Implications

Public school officials interested in equipping their video cameras with video as well as audio capabilities information need to exercise extreme caution. Generally, collecting audio data is prohibited under Title I of the Electronic Communications Privacy Act of 1986.⁴⁵ Under Title I, for instance, law enforcement officials must obtain warrants prior to intercepting oral

⁴¹ *Id.* at 108.

⁴² Cal.Rptr.3d, 2005 WL 2362729 (Cal.App. 4 Dist.).

⁴³ 761 N.E.2d 84 (Ohio 2001).

⁴⁴ Claudette Riley, Overton County schools sued over locker room filming, July 1, 2003, *Tennessean On-Line*: <http://www.tennessean.com/education/archives/03/07/35281568.html>; *Brannum, et al. v. Overton County School Board*, No. 2:03-0065, (Tenn. 2006).

⁴⁵ 18 U.S.C. §§ 2510-2521 (1988).

communications. In contrast, so-called "silent video surveillance," which does not record sounds, does not need to comply with Title I regulations because the Act is solely concerned with devices that record audio signals. Given technological advances, it can be reasonably argued that the zoom function of most modern video cameras can be used as a substitute to audio communications since an observer can more readily determine what is being communicated by analyzing close-up shots, slow motion, and replay features of the video.

Is Video Surveillance Data An Educational Record? Implications from the Family Educational Rights and Privacy Act (FERPA)

The primary purpose of the Family Educational Rights and Privacy Act (FERPA) is for parents to have the legal right to "inspect and review the educational records of their children."⁴⁶ FERPA defines an educational record as "those records, files, documents, and other material which contain information directly related to a student; and are maintained by an educational agency or institution or person acting for such agency or institution."⁴⁷ For instance, student information based on disciplinary actions may be viewed as appropriate data in an educational record if a student poses "a significant risk to the safety or well-being of that student, other students, or other members of the school community."⁴⁸ Based on FERPA's definition of an educational record, parents are usually legally entitled access to videotapes of their children taken in a school setting.⁴⁹ FERPA, however, identifies five exceptions to the definition of educational records. These five exceptions include:

- (1.) records maintained by supervisory personnel;
- (2.) records maintained by administrative personnel;
- (3.) records maintained by instructional personnel;
- (4.) records maintained by a physician, psychiatrist, psychologist, or other recognized professionals;
- (5.) records maintained by law enforcement officers, including community police officers assigned to schools if videotaping was conducted exclusively for law enforcement purposes.

Therefore, when collecting, viewing, or retaining any video or audio data of student behavior, local public school officials need to consider whether "educational records" were created.⁵⁰ If educational records were created, FERPA regulations directly apply.

CEPI SUMMARY

Public opinion polls taken since September 11, 2001, suggest that the American public is strongly divided on the issue of individual and group monitoring through video surveillance technologies.⁵¹ In this era of constantly evolving, high-tech surveillance technologies, what legal standard constitutes as a "reasonable expectation of privacy" under the Fourth Amendment is

⁴⁶ 20 U.S.C. § 1232g.

⁴⁷ 20 U.S.C. § 1232g (a)(1)(D)(4)(A).

⁴⁸ 20 U.S.C. § 1232g (b)(6)(C)(h).

⁴⁹ Kevin P. Brady, *Video Surveillance in Public Schools: The Delicate Balance between Security and Privacy*, School Business Affairs (November 2005).

⁵⁰ For an excellent discussion of FERPA implications associated with video surveillance in public schools, see Sheila D. Conway's conference paper, *Video Surveillance in Public Schools: Safety vs. Student Privacy and Workplace Privacy* presented at the Third Virginia Commonwealth Education Law Conference, April 28-30, 2005, Norfolk, Virginia.

⁵¹ See Homeland Security: American Public Continues to Endorse a Broad Range of Proposals for Stronger Surveillance Powers, but Support Has Declined Somewhat, The Harris Poll #14, March 10, 2003 (available at www.harrisinteractive.com/harris_poll/index.asp?PID=362). In particular, this Harris Poll reveals that approximately 60% of the American public supports expanded secret video surveillance by the government, about 55% of the American public favor more law enforcement monitoring of Internet chat rooms, and about 45% of the American public favor increased governmental monitoring of cell phones and e-mail.

currently quite nebulous. Thus far, courts have been extremely reluctant to expand the legal boundaries of the Fourth Amendment, especially as applied to surveillance technologies in public locations. Some legal scholars even suggest that legislatures are better suited than the courts to protect privacy issues in the area of emerging surveillance technologies.⁵² As George Washington University law professor, Orin Kerr stated, "...traditional cases with stable technologies tend to be regulated by the Fourth Amendment, but cases with developing technologies tend to be regulated by statute."⁵³

Due to the special nature of the public school environment, however, schools are not public places in the traditional sense. Instead, the majority of individuals being monitored using video surveillance in public schools are children, whose safety is entrusted to teacher and administrative staff. While the privacy interests of students and staff exist in the public school environment, they are limited, even compared to other traditional public places, such as the workplace. Undoubtedly, these legal limitations in the privacy interests of teachers, students, and staff explain the legal permissibility, in most instances, of video camera surveillance in the public school environment.

In public school settings, the use of video camera surveillance without audio capability in public places generally does not violate any constitutional principles or laws since there are no federal regulations, state statutes, or labor laws that expressly prohibit it. Nevertheless, the public school setting constitutes a special and unique environment when it comes to video surveillance purposes.

The following six guidelines are critical for public school officials to consider when implementing a legally compliant video camera surveillance system. When seriously considering the implementation of a video surveillance system, local school officials, at a minimum, need to adhere to the following six legal guidelines.

These six guidelines include:

1. Determine the reasons, costs and limitations of a video camera surveillance system at your specific school.

At a minimum, school officials need to justify the implementation of a video surveillance system based on school-level data demonstrating high levels of violence, thefts, and vandalism.

2. Video cameras must be placed in "public places" in the school environment.

Video surveillance cameras may not be used in areas of the school where there is a "reasonable expectation of privacy." In public schools, video surveillance cameras may not be placed in school bathrooms, gym locker rooms, student or staff lockers, or private offices (unless express consent is given by the occupant). Video surveillance cameras may be placed in "common areas" of the school, including school hallways, front offices, school parking lots, gymnasiums, cafeterias, and libraries.

⁵² Orin S. Kerr, *The Fourth Amendment and New Technologies: Constitutional Myths and the Case for Caution*, 102 MICH. L. REV. 801 (March, 2004).

⁵³ *Id.* at 805.

3. **If you use video camera surveillance, strongly consider not recording audio conservations.**

Given the prevailing legal climate and current laws, school officials should strongly consider forgoing recording audio conversations in conjunction with video camera surveillance due to the increased possibility of violating an individual's Fourth Amendment right to privacy as well as existing federal laws.

4. **Comply with FERPA (Family Educational Rights and Privacy Act)**

School officials need to be aware of FERPA and the implications of this federal law in relation to video camera surveillance. Under FERPA, an education record is defined to include any document, photograph, data, or image-processed document maintained by an educational agency or individual acting on behalf of the educational agency or institution. Parents are usually legally entitled access to videotapes of their children unless withholding these videotapes is necessary to protect the health and safety of a particular student or others in the school community.

5. **Explicitly notify students and staff through prominent signage of the location(s) of video cameras as well as the fact that they are being videotaped.**

School officials need to notify the general public of video cameras, located in the schools. This can be easily accomplished through clearly legible and prominent signs placed near the video cameras

6. **If a school district does decide to implement a video camera surveillance system, you must develop a detailed, video surveillance privacy policy for the district.**

The creation of a formal written policy detailing your school district's video surveillance policy is necessary. In Virginia, for example, the Richmond Public Schools has adopted the following language for their video surveillance policy in the pupil search and seizure section of their bylaws. The policy states:

Surveillance cameras are in use in school facilities and on school buses to promote safety and to encourage reasonable orderliness in school, on school property, at school functions, and on school buses. Any person entering a school facility, on school property, at a school function, or riding a school bus is subject to being videotaped.⁵⁴

Sources/References

Federal Authority

U.S. Constitution, Fourth Amendment

Electronic Communications Privacy Act of 1986, 18 U.S.C. §§ 2510-2521 (1988)

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

⁵⁴ Richmond Public School Pupil Policies (available at <http://www.richmond.k12.va.us/schoolbaordnew/Bylaws/Section8.pdf>). The legal guidelines for student searches conducted in the Commonwealth of Virginia are the Code of Virginia, Section 22.1-277.01:2.

Judicial Authority

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, 536 U.S. 822, 122 S.Ct. 2559, 153 L.Ed.2d 735 (2002)

Brannen v. Kings Local School District Board of Education, 761 N.E.2d 84 (Ohio 2001)

Brannum, et al. v. Overton County School Board, No. 2:03-0065, (Tenn. 2006).

Cramer v. Consolidated Freightways, 255 F.3d 683 (9th Cir. 2001), *cert denied*, 122 S.Ct. 806 (2002)

Crist v. Alpine Union School District, Cal.Rptr.3d, 2005 WL 2362729 (Cal.App. 4 Dist.)

Katz v. United States, 389 U.S. 347, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967)

Kyllo v. United States, 533 U.S. 27, 121 S.Ct. 2038, 150 L.Ed.2d 94 (2001)

New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)

O'Conner v. Ortega, 480 U.S. 709, 107 S.Ct. 1492, 94 L.Ed.2d 714 (1987)

Roberts v. Houston Independent School District, 788 S.W.2d 107 (Tex. Ct. App. 1990)

Book(s)

Nelson B. Lasson, *The History and Development of the Fourth Amendment in the United States Constitution*, (De Capo Press 1970)

Journal Articles

Marc Jonathan Blitz, *Video Surveillance and the Constitution of Public Space: Fitting the Fourth Amendment to a World that Tracks Image and Identity*, 82 TEX. L. REV. 1349 (2004)

Kevin P. Brady, *Video Surveillance in Public Schools: The Delicate Balance between Security and Privacy*, SCH. BUS. AFF., (November 2005)

Sheila D. Conway, *Video Surveillance in Public Schools: Safety vs. Student Privacy and Workplace Privacy*. Conference paper presented at the Third Virginia Commonwealth Education Law Conference, April 28-30, 2005, Norfolk, Virginia

Crystal Garcia, *School Safety Technology in America: Current Use and Perceived Effectiveness*, Criminal Justice Policy Review, 14 (March 2003)

Orin S. Kerr, *The Fourth Amendment and New Technologies: Constitutional Myths and the Case for Caution*, 102 MICH. L.REV. 801 (March, 2004)

Edmund W. Kitch, *Katz v. United States: The Limits of the Fourth Amendment*, SUP. CT. REV. 133 (1968)

Tod Schneider, *Newer Technologies for School Security*. ERIC Digest, 145. Eugene: OR. Available at <http://eric.oregon.edu/publications/digests/digest145.html>.

Margaret Small & Kellie Dressler Terrick, *School Violence: An Overview*, 8(1) *Juvenile Justice* (June 2001)

Andrew Taslitz, *The Fourth Amendment In the Twenty-First Century: Technology, Privacy, and Human Emotions*. LAW & CONTEMP PROBS. 125 (Spring 2002)

Other

The Harris Poll, "Homeland Security: American Public Continues to Endorse a Broad Range of Proposals for Stronger Surveillance Powers, but Support Has Declined Somewhat," March 10, 2003, <www.harrisinteractive.com/harris_poll/index.asp?PID=362>

Newsweek On-Line. Bennett, J. "Tech: Surveillance Cameras Become Big Business March 15, 2006, <<http://www.msnbc.msn.com/id/11832024/site/newsweek>>

New York Times On-Line, Dillon, S. "Cameras watching students, especially in Biloxi," September 24, 2003, <<http://www.nytimes.com>>

National School Safety and Security Services, "School deaths, school shootings, and high-profile incidents of school violence." <http://www.schoolsecurity.org/trends/school_violence.html>

Richmond Public Schools Video Surveillance Camera Policy, <<http://www.richmond.k12.va.us/schoolboardnew/Bylaws/SECTION.8.pdf>>

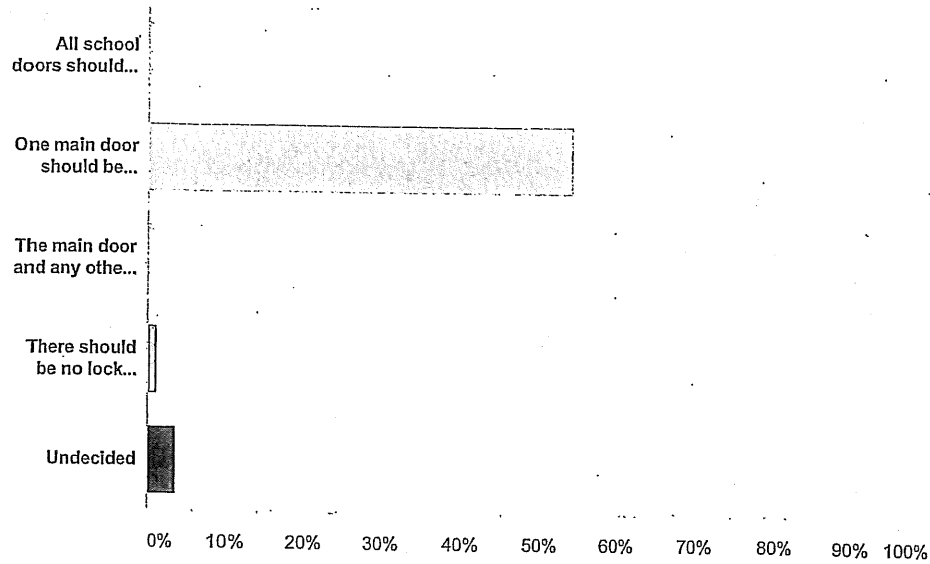
Tennessean On-Line, Riley, C. "Overton County schools sued over locker room filming," July 1, 2003, <<http://www.tennessean.com/education/archives/03/07/35281568.html>>

December 2006

Smith

Q12 How do you feel about building security when school is in session?

Answered: 162 Skipped: 34



Answer Choices	Responses
All school doors should be locked when school is in session, and visitors should use an intercom to gain access.	31.48% 51
One main door should be unlocked for visitors, and all other doors should be locked, with attendants as needed to open doors children need to pass through (e.g., for playground and gym access).	54.32% 88
The main door and any other doors the children need to pass through (e.g., for playground and gym access) should be unlocked and unattended.	9.26% 15
There should be no lock requirement for any door, and visitors should not be required to check in at the office.	1.23% 2
Undecided	3.70% 6
Total	162

#	Comments:	Date
1	I do know that there are parents who visit the school often who are not required to sign in at the office. I think all visitors --even familiar visitors -- need to sign in, so there is a record of who is in the building.	4/17/2015 4:25 PM

Smith School Community Survey - Spring 2015

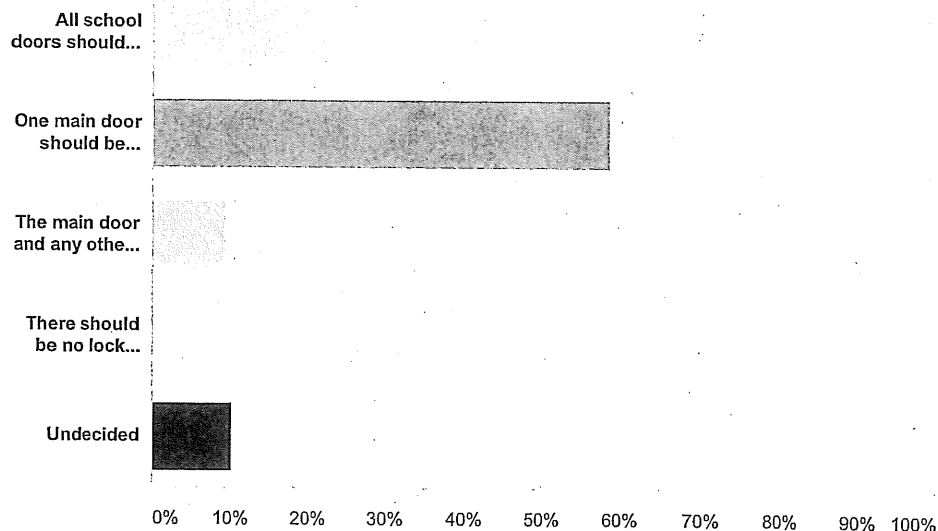
SurveyMonkey

2	It is impossible to predict the need for all doors to be locked at all times. It is not until tragedy strikes that the need becomes urgent. It is a question of how much risk do you want to take by leaving doors open for convenience. It's a tough question. The answer to lock all doors changes the overall atmosphere of the school for visitors and for students. I think that leaving one main door unlocked during school is fine, but there should be better enforcement of visitors checking in and out.	4/17/2015 10:36 AM
3	I feel doors should be locked. However, if all doors are locked, what happens in the event of an outdoor emergency when children and Educators need to get inside quickly? How would locked doors impact the regular school day? Flow of traffic in and out from recess, to and from the Brooks gym? Teacher / Staff access as they travel from one school building to the next? What is the sensible balance for having both security and access for appropriate parties?	4/16/2015 11:37 PM
4	There should be a better way to monitor who is going in and out of the school. When you walk in there is nothing to stop a person from going in any direction.	4/16/2015 8:51 PM
5	What is the current policy regarding locking doors? I always enter through the front entrance so not sure if other doors are open. I would only want the main entrances to be open but not locked.	4/15/2015 3:00 PM
6	Unfortunately, this seems to be the world we live in.	4/15/2015 2:53 PM
7	I think that having all doors but main entrance locked from outside - with visitors having to check in at front desk - is appropriate.	4/15/2015 2:31 PM
8	hate to say this, but given all the gun violence, i would like it to be locked, not that this will necessarily keep a crazy out.	4/15/2015 2:27 PM
9	It doesn't make sense to devote resources to security when there are academic goals yet to be achieved. Lincoln is not a dangerous town. Other than bureaucrats wanting to cover their asses there is no reason to have children be as secure in the school as if they were in a federal prison and then, a couple of hours later, roaming around neighborhoods only lightly supervised.	4/15/2015 1:53 PM
10	I like that folks check in and need a pass and that the doors except for main are locked.	4/15/2015 1:38 PM
11	This is an important issue, and I hope the community can have a robust discussion about it. I am not in favor of locking all doors, but I recognize the legitimate concerns that prompt this consideration. To those who believe all doors should be locked, and people buzzed in with an intercom, I would just ask the question--why is that likely to be so much safer than having just the main door unlocked? If someone intended to enter the school and do inappropriate things, presumably the person could present himself or herself favorably enough at the door to be buzzed in.	4/15/2015 1:29 PM
12	It's easy to think we are immune to violence in Lincoln, but of course that is not the case. I am inclined to choose option #2, but am also considering option #1.	4/15/2015 12:52 PM
13	I do feel that doors should be locked but at the same time we have seen that intruders are still able to gain access through windows/etc. not quite sure what the answer is.	4/14/2015 9:40 PM
14	I'm on the fence here. In this day and age, I would like to see all doors locked, as over 80% of MA schools now have this! But if the decision is made to keep one main door unlocked (to either preserve the open feel in Lincoln or because it's technologically not possible given our old building), then there should be written instructions on the door instructing all visitors to report to the office to check in. There should also be a camera at the one unlocked door logging in who comes and goes. More direct conversation with the parents about security issues and these decisions would be helpful and appreciated. I've heard that there's a committee studying these issues, but as a parent I have no idea how to get involved, how to register my thoughts, or when they meet. More parents voices need to be heard on this issue in my opinion!	4/14/2015 2:37 PM
15	I see where this question is going, but I don't think intercoms are the answer to safety. Dangerous people can gain access via an intercom. Everyone wants to keep bad things from happening, but the inconvenience of extra barriers (not to mention that all parents should be welcome in the school!) outweighs the risks, in my opinion.	4/14/2015 2:18 PM
16	Lock the doors!	4/14/2015 11:34 AM
17	The world is NOT less safe than it was a generation ago. There is no great danger to our children and I think we do them a disservice by letting them think that there is. Most abductions are from family members. If there is a 'school shooting' a locked door isn't going to stop a crazy person. We've traded a sense of security in for our anxieties and fears, which are fed by the media and out of proportion. I strongly dislike this direction of a society based in fear and not trust.	4/14/2015 8:55 AM

Smith School Community Survey - Spring 2015

SurveyMonkey

18	Visitors should be funneled through one door. All doors locked. Cameras and check in at front desk. Its a small school and that should be efficient. One face at morning entry parking lot side is beneficial to know faces and witness anything out of order. Mr. Mark was great and aware of who was who.	4/13/2015 12:22 PM
19	After school the outside bathroom door is open (off the gym and near the trees), which is great for kids at baseball and soccer practice and playing on playgrounds, but access to the rest of the school should be shut off. So the internal door that connects the bathrooms to the gym should be locked.	4/13/2015 9:13 AM
20	Sadly, safety of our schools is a concern I never imagined we'd have to worry about. Only the main door nearest the offices of the principals should be unlocked and they should be monitored by a person as well as cameras. No other doors should be unlocked during the school day. All visitors should be required to sign in.	4/12/2015 4:01 PM
21	visitors should certainly be asked to check in at front office but it is not necessary to lock all classroom doors as teachers should be taking advantage and full opportunity of the ease of access outdoors. the outdoors should be seamlessly incorporated into the execution of the curriculum	4/11/2015 1:03 PM
22	My response reflects the minimum standard I feel comfortable with. I would not object to a fully locked school.	4/10/2015 11:48 PM
23	The current system is fine.	4/10/2015 3:07 PM
24	I think how it is now is good - not too annoying but sufficiently cumbersome to make it feel safe. Beth ALWAYS asks for a badge and sees who is in and out. Having her eyes on the front door makes me feel good about it. I would not want all the doors to be locked all the time and have to pay for another person to constantly unlock - I'd rather spend those dollars on better education and trust that they will be safe.	4/10/2015 10:40 AM
25	I would also like to see a different entry for walkers... walking past the dumpster every day is at best unsightly and other times smelly. Just a bad way to see the school. I understand that the Kindergarten entry isn't ideal, but there must be a solution to using that entrance that would work.	4/10/2015 8:48 AM
26	follow Sudbury's lead!!!	4/9/2015 8:59 PM
27	I think if someof the crazy wants to get in they probably can	4/9/2015 8:47 PM



Answer Choices	Responses
All school doors should be locked when school is in session, and visitors should use an intercom to gain access.	22.22% 22
One main door should be unlocked for visitors, and all other doors should be locked, with attendants as needed to open doors children need to pass through (e.g., for playground and gym access).	58.59% 58
The main door and any other doors the children need to pass through (e.g., for playground and gym access) should be unlocked and unattended.	9.09% 9
There should be no lock requirement for any door, and visitors should not be required to check in at the office.	0.00% 0
Undecided	10.10% 10
Total	99

#	Comments:	Date
1	Though I understand it's been this way in Lincoln for years, it concerns me greatly that we have not only a front door unlocked but also an unattended side door unlocked and a gym door unlocked with open access to girls and boys locker rooms. It seems worth a parent forum to discuss the safety issues! Feels like in this situation we're letting our building constraints and our conveniences dictate our safety policy.	4/17/2015 12:18 PM
2	Whatever you are doing now seems about right to me.	4/17/2015 11:49 AM
3	Issue pass card to students and faculty to unlock necessary doors. Wear lanyard.	4/17/2015 11:04 AM
4	I am shocked that in light of recent school events in districts around the country that we are still having this conversation and pondering whether we should or we shouldn't have locked doors. I don't think as a community that we would ever regret locking the doors, but heaven forbid someday we have to look back and say, "if only we had locked the doors."	4/16/2015 9:06 PM
5	I trust the best decision would be made.	4/16/2015 8:52 AM
6	Around arrival and dismissal, there should be an attendant.	4/15/2015 4:07 PM
7	I am not an expert in security issues, so would look to advice from police and superintendent on these issues. Of course we want the children safe, but do not want to feel we live in lock down.	4/15/2015 4:05 PM
8	I am between options 1 & 2.	4/15/2015 1:01 PM

Brooks School Community Survey - Spring 2015

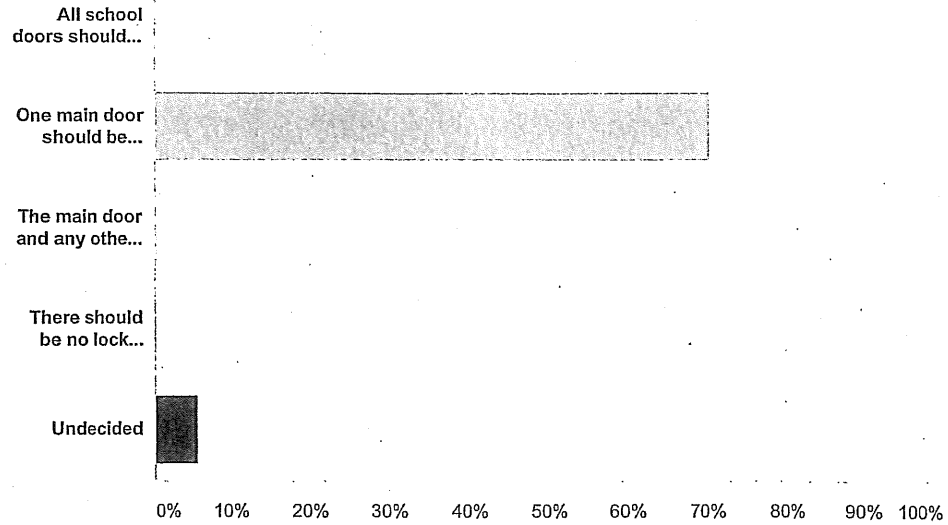
SurveyMonkey

9	I appreciate the presence of a police officer who visits the school from time to time during school hours. I think this is a great deterrent to any outside predators, even the police car parked out front when he/she is present. It is also a great way for the police officer to get to know the kids and for the kids to get to know him/her. Another option for safety - using dogs to sniff out guns - has been tested in Texas and is well received there. k9s4cops.org/kids/	4/15/2015 10:46 AM
10	All doors should be locked from the outside only. Students and staff should be able to get out of the building.	4/14/2015 2:23 PM
11	If someone has a bad intention it is pretty likely they would be able to gain access. That being said, I think kids should never ever be put in lock down. I would prefer my child be able to think as a situation demands.	4/14/2015 1:06 PM
12	It isn't hard to filter guests through main/front door with camera and check in at the desk. How does the person at the front door/office feel about this. She is very careful and I respect this.	4/13/2015 12:11 PM
13	The current school building is such a disaster that these questions do not even make sense. It would be impossible to control access to the school as it is now designed.	4/10/2015 8:23 PM
14	The current system is fine.	4/10/2015 3:10 PM
15	Doors should be able to be opened by children from the inside in case of an emergency. The office in Brooks is not ideally situated to see visitors arrive and I have not found the office staff at Brooks to be as welcoming as in Smith.	4/10/2015 2:20 PM
16	I feel that Brooks design is less than optimal. Anyone can enter by the Auditorium, and wander in unaccounted for. I strongly feel it should be addressed. Maybe at least a surveillance camera bare minimum. I know it is rare to have school tragedies, but Brooks Auditorium entrance is a liability.	4/10/2015 9:02 AM
17	It would definitely be better if the main door was visible from the office, and if the kids did not need to go outside for wellness and lunch because practicality demands that one of the auditorium foyer doors is unlocked at all times, without supervision.	4/10/2015 8:14 AM
18	This 2015. We are living too far in the past and it's strange and reckless.	4/9/2015 9:09 PM
19	But that one main door should be better attended.	4/9/2015 8:58 PM

HPS

Q11 How do you feel about building security when school is in session?

Answered: 54 Skipped: 12



Answer Choices	Responses
All school doors should be locked when school is in session, and visitors should use an intercom to gain access.	22.22% 12
One main door should be unlocked for visitors, and all other doors should be locked, with attendants as needed to open doors children need to pass through (e.g., for playground and gym access).	70.37% 38
The main door and any other doors the children need to pass through (e.g., for playground and gym access) should be unlocked and unattended.	1.85% 1
There should be no lock requirement for any door, and visitors should not be required to check in at the office.	0.00% 0
Undecided	5.56% 3

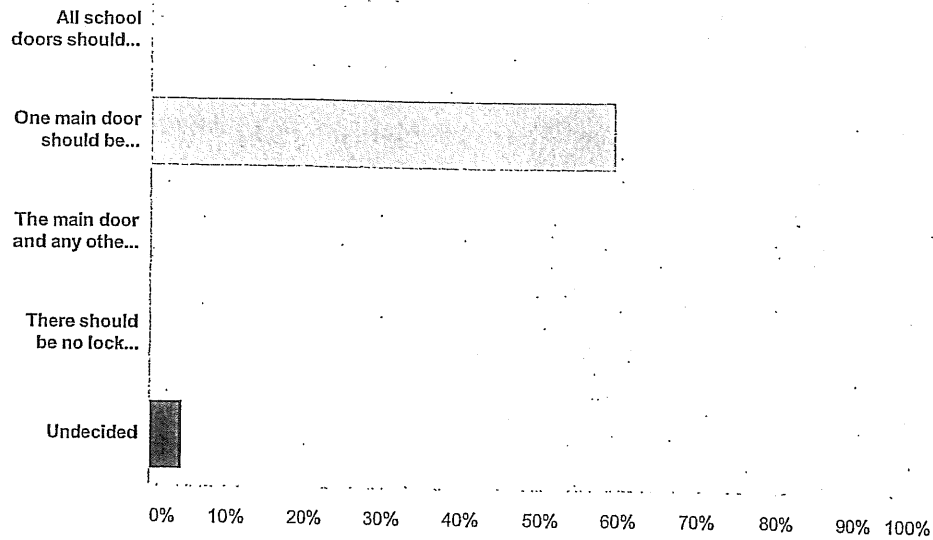
Hanscom Primary School Community Survey - Spring 2015

SurveyMonkey

Total		54
#	Comments:	Date
1	However, this school is located on a military base which greatly reduces the probability of perpetrators menacing the school.	4/17/2015 1:10 PM
2	Hanscom primary school is on a military base so just your average joe isn't going to be walking into the school.	4/17/2015 12:01 PM
3	I feel someone should always be at the front desk. There are many times when I've picked up my younger son from preschool that no one is at the front desk or even in the office.	4/14/2015 1:59 PM
4	our school being on a military base has a false sense of security. Security is very lax at this school. I have never been asked to produce an ID to prove who I am and I know the secretaries don't know me as they never speak to me.	4/14/2015 1:41 PM
5	All side doors never guarded and propped open for whoever to come in. During lunch hours Noone is at front desk and whoever can walk into school. Honor system for signing into computer. I feel as do many others that all staff is too relaxed because their on an air force base. They need more education on the what ifs!!!!	4/14/2015 9:05 AM

Hanscom Middle School Community Survey - Spring 2015

SurveyMonkey



Answer Choices		Responses	
All school doors should be locked when school is in session, and visitors should use an intercom to gain access.		34.04%	16
One main door should be unlocked for visitors, and all other doors should be locked, with attendants as needed to open doors children need to pass through (e.g., for playground and gym access).		59.57%	28
The main door and any other doors the children need to pass through (e.g., for playground and gym access) should be unlocked and unattended.		2.13%	1
There should be no lock requirement for any door, and visitors should not be required to check in at the office.		0.00%	0
Undecided		4.26%	2
Total			47

#	Comments:	Date
1	On-base security concerns are low.	4/17/2015 10:56 AM
2	Would like to see more police presence around the school to ensure traffic flow is ensuring student safety.	4/15/2015 2:10 PM
3	Once my son told me he had to walk from the middle school to see the nurse. It was something that got my attention because my son wasn't feeling good and he was asked to walk to the nurse in then primary school. No one walk with him. We are in a Military Base but a lot of other people around with access to base with criminally background. So, A kids shouldn't walk by himself to other school. The adult should go to the student, specially the nurse.	4/15/2015 1:51 PM
4	Im not sure any of these truly apply as this school islocated on a secure military installation.	4/13/2015 3:53 PM