



LINCOLN PUBLIC SCHOOLS  
Lincoln, Massachusetts

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**PROCEDURE ON BROADCASTING AND TAPING OF  
STUDENTS AND CLASSROOMS**

In order to preserve the decorum of the schools as well as to protect the privacy of the students in the school, the procedure for taping and broadcasting of school activities is as follows:

Upon receipt of a request, the Superintendent will confer with the School Committee Chairman and/or Vice-Chairman. The Chairman will at his/her discretion bring the matter to the full Committee for discussion. Parents will be notified in advance of such taping and broadcasting.

Approved at School Committee Meeting of April 9, 1984  
Reaffirmed at School Committee Meeting of May 6, 1985

To: School Committee

From: Tim Christenfeld

Re: Taping and photographing students and teachers

Date: November 15, 2018

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One of the policies slated for review at our next meeting is JRE-R, Procedure on Broadcasting and Taping of Students and Classrooms (attached below). The School Committee has been eliminating all procedures (anything in the policy manual designated by -R), though in some cases we have incorporated some of the language into other policies. This specific procedure also seems somewhat irrelevant, and, to the extent that it might be relevant, it is not followed. In the normal course of events, then, we would eliminate this policy.

However, we do not really have any policy that addresses the creation and use of photo and video in the school. We have the policy on fixed-location security cameras. We have policies on the use of instructional technology by both students and faculty. We do not have policies that govern when we might take pictures or video of students and teachers for internal use during school or during school activities. We are, of course, specifically governed by FERPA (and tangentially by COPPA), but we might still want to think about adding some policy that clarifies when we can take pictures or video, that clarifies the limits on the use of any resulting materials, and that addresses areas that might not be covered clearly by FERPA.

There are many legitimate reasons to film classrooms and school activities – for teacher observations, to support the provision of services to children on IEPs, to preserve musical and dramatic performances, as a teaching tool. We are allowed to do all these things, sometimes contingent on permission from the subjects, sometimes without. We should nevertheless discuss whether it would be helpful to have a policy that spells out the circumstances in which we may take photographs or video in school and that spells out how those may be used.

# Cultivating Trust in Video Observations

Successful implementation of video observations requires a safe environment for teachers and students—one in which the right privacy processes and policies are in place and communicated to all involved parties.

In this section, we use the findings of the [Best Foot Forward project](#), a study of video technology in classroom observations, to provide an overview of common concerns around video observations, strategies to address

concerns from teachers and parents, and tips on how to create a trustworthy environment with video.

Please note that you will need to work with your own legal team to assess the policies and requirements in your own state or district. The content here is based on our experience in the Best Foot Forward project from 2012-2015 and may not apply to you, as laws around videotaping in schools are constantly being revised and updated.

## IN THIS SECTION:

- What are the concerns that teachers may have about video observations, and what can I do to alleviate those concerns?
- What steps do I need to take in order to be ready to implement video observations in my district or school?
- What should I communicate to parents about the use of video in their child's classroom?

**STEP 1:**  
CREATE A SAFE  
ENVIRONMENT FOR  
TEACHERS

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**STEP 2:**  
COMMUNICATE WITH  
PARENTS AND MANAGE  
STUDENT PRIVACY  
CONCERNS

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“I’m very shy, I guess. I don’t like people in my classroom. It’s very awkward. After a while I can get over it, but I’m still aware that they’re there, and it’s very uncomfortable for me.”

*Best Foot Forward teacher, California (2014)*

## Step 1: Create a Safe Environment for Teachers

▶ **With the proliferation** of high-stakes in-person observations, it is understandable that teachers may be more nervous than ever to open their doors to administrators or external observers, even when an observation is not for evaluative purposes. Teachers may be even more apprehensive about taping their instruction and sharing a video with others. Who will see it? How will it be stored? Could it be used against me? Is it a permanent record? Some teachers may be concerned about security and access to their videos. For other teachers, it may be the first time that they watch themselves teach, and they may feel exposed and vulnerable. For these reasons, creating an environment where teachers can feel safe sharing instruction is critical.

When you first introduce the idea of using video to support teacher learning and development, you will want to be prepared to address the benefits and risks of using video with teachers. It is important to share that teacher-controlled video observations can actually help increase the feelings of safety and trust that teachers have in being observed. For example, if video observations are used for evaluative purposes, school districts can audit the quality of classroom observations against master raters’ scores and ensure that teachers are getting the fairest possible evaluation. Teachers in the Best Foot Forward project found the video observation process significantly fairer than an in-person observation process.

Furthermore, video can help improve the conditions for discussing professional practice with a manager. In the Best Foot Forward project, researchers found that video observations created the conditions for less adversarial feedback following an observation. As one teacher from California described:

It became an actual conversation. It wasn’t them going through a checklist and saying, ‘We saw this, this, this, do you agree? Okay.’ It was more of, ‘I noticed that...,’ and then we had the video to support it. It didn’t feel personal. It wasn’t an attack.

As such, video observations can help foster a culture of collaboration and improve relationships among teachers and observers.

After learning the benefits of video observations, teachers will also want to know whether videos can be used beyond the intended purpose. Here we describe some steps you can take to address those concerns.

## GUIDELINES FOR CREATING A SAFE ENVIRONMENT FOR VIDEO OBSERVATIONS

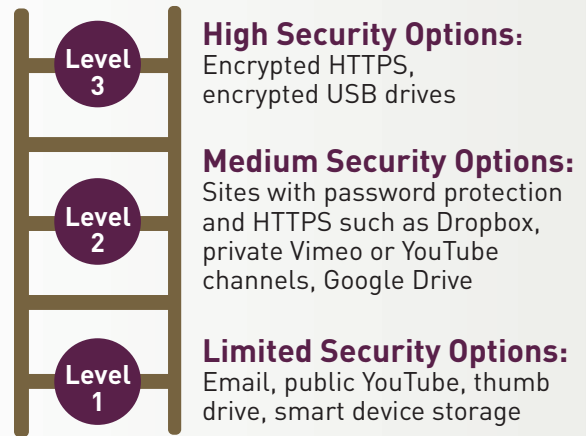
**Investigate what privacy policies and practices exist in your district.** Most schools and districts have a policy around video use. Local collective bargaining laws may also exist and, if so, must be taken into consideration. A clear understanding of your district's policy environment will allow you to communicate more effectively with both parents and teachers.

**Communicate!** Share your privacy plan with teachers and parents. Teachers need to be assured that the recorded video will be handled and stored in a secure manner. You may need to create consent forms for teachers if the video will be used for purposes outside of evaluation and professional development. Parents will also need to be informed about video use and what it means for their child and be provided an opportunity to opt out. Consider how teachers will be involved in parent outreach.

**Discuss the purpose of video observations with teachers and highlight the benefits.** Be clear about the intended use of the video in your school/district, whether it's for evaluation, peer-to-peer collaboration, self-reflection, etc. Think through the messages that you convey about the use of video as teachers may feel apprehensive about the idea of recording themselves and sharing their video with an observer. Emphasize the goal of growth and learning as a standard for evaluation, as this Delaware administrator from the Best Foot Forward project describes: "We really try to stay away from 'gotchas' as this is always an opportunity for us to grow... [We tell our teachers] it's not about you being in trouble or not getting it right." Remind teachers of the benefits of recording their classroom practice, especially as it relates to giving their students a great education.

**Allow teachers to record the lesson of their choice and choose what observers see.** In traditional in-person observations, evidence is collected and owned by the observer. This

## Climbing the Security Ladder



creates the conditions for dispute over what happened during an observed lesson. However, when teachers are co-owners of evidence, taping and choosing what gets seen, they become much more engaged in the process. By shifting the locus of ownership, the teacher became the primary investigator. Having agency in one's own learning process creates the conditions for safety and learning.

**Recognize that teachers might be nervous about the feedback process.** Teachers may be worried about being judged negatively by their peers or their administrator, so it is important to emphasize that the video observation process is not meant to be a form of monitoring or fodder for negative accountability. Allow teachers to identify areas for improvement on their own, and scaffold their learning process by asking guiding questions.

**Encourage teachers to regularly share their videos with other teachers.** If teachers feel uncomfortable sharing video of their classroom with externally appointed observers, start with low-stakes peer observations. You might let teachers choose a qualified friend or colleague to give them feedback. Teachers will learn from one another and become more comfortable in the process. ◻

## RECOMMENDATIONS

- 1. Take all steps necessary to ensure data privacy and security.** Read our [Video Privacy Questions](#) to ensure that you have covered all of the necessary steps.
- 2. Assess your existing school climate.** If trust between teachers and administrators is a challenge at a school, video can assist school staff in building their relationships, but start with using video for formative feedback to scaffold trust and feelings of safety.
- 3. Explain the process and its benefits to teachers.** Prepare consent forms for teachers and students as needed. Review our customizable sample forms if you need examples.
- 4. Give teachers a choice in what lesson is recorded and shared.** Remember that video observations should be optional.
- 5. Encourage teachers to build networks of support and feedback within schools.** The culture around video starts with the person implementing it. Create a culture of collaboration that shows that teachers are supported, valued, and heard.
- 6. Collect feedback.** Be sure to check in with teachers who are using video to learn what they like about the process and what is challenging or uncomfortable. Use this feedback to continuously improve your processes.

## SAFE ENVIRONMENT TOOLS

TOOL ID	RESOURCE	DESCRIPTION	INTENDED AUDIENCE
C1A	<a href="#">Teacher Letter: Benefits of Video Observations and Common Questions about Privacy and Video Use</a>	A template letter to teachers highlighting the benefits of using video for classroom observations and evaluation, as well as responses to possible concerns over privacy	Teachers (to be modified by district or school administrators)
C1B	<a href="#">Video Privacy Questions: A Timeline</a>	Checklist of the important steps to take when implementing video	District administrators, school administrators, instructional leaders
C1C	<a href="#">Sample Teacher Consent Form</a>	Sample teacher form that can be customized for use in your district and that allows teachers to select what level of video observation they would like to implement	Teachers (to be modified by district or school administrators)
C1D	<a href="#">Collective Bargaining Agreement (Sample)</a>	Sample agreement from a district using video; can be used as a reference when discussing video with your teachers' union	District administrators

Parents will have questions: How can teachers effectively harness the power of video observations while protecting student privacy?

## Step 2: Communicate with Parents and Manage Student Privacy Concerns

► **Maintaining student privacy** and clear communication with parents will be a vital part of implementing video observations in your school or district. Parents will have several questions about the role of video in the classroom, including the intended purpose of the video, what their child's participation involves, how the videos will be used, and the benefits and risks of their child appearing in the videos.

**You should be transparent in your communications to parents and inform parents that:**

- Students are not the subject of the observation;
- Video will be used for educational purposes only, not for commercial endeavors;
- Video will be used to support teachers' development, which will allow them to identify their strengths and areas for growth, in addition to making sure student needs are met;
- All video data collected will be handled in a secure manner;
- Student participation is always voluntary and dependent upon their parents' consent; and
- Students will not be penalized if parents do not allow students to be on tape.

Depending on your staff capacity, additional techniques to maintain student privacy may be used, such as face blurring. Certain software programs, such as Adobe Premiere, Final Cut Pro, iMovie, or Camtasia include features that allow you to blur a face on screen (or even track a specific pixel pattern, such as a face, depending on your tech savviness), and instructions can be found online. YouTube also provides a face blurring technology for videos shared through their platform.

### TYPES OF PARENTAL CONSENT FORMS

Is your media release form opt-in or opt-out?

#### Opt-out (passive) consent:

Parents only need to return the form if they do not allow their child to participate.

#### Opt-in (active) consent:

Parents must return the form regardless of whether they choose to give permission.


There are a number of ways to inform parents about video observations, including webinars, back-to-school night sessions, sending letters home, or presenting at PTA meetings. It may be beneficial to speak with a few parent leaders and discuss the best way to reach parents with concerns. We have developed a few tools that can serve as a starting point in your efforts to communicate with them.

## STUDENT DATA PRIVACY

While many states and districts do not currently have policies or laws in place that govern the use of video technology in classrooms, it is important that you are aware of regulations that may exist in your district. It is also important that you review your district's policy on consent—every district has specific requirements.

Currently, the Children's Online Privacy Protection Act (COPPA) does not specifically cover the use of video observations for teachers because these video recordings are managed by teachers.

However, classroom video observations will be subject to regulations under the Family Educational Rights and Privacy Act (FERPA) when identifiable students appear on film. Even if the video is not maintained for the purpose of student record keeping, a video of students is treated as a student record. FERPA does not apply if students cannot be identified in the video. In all other cases, parental consent forms should describe the specific security features in place and grant permission for the videos to be shared on the Internet or any other medium. Because the video is considered to be a student record, parents have the right to request access to any video of their child. If this happens, it then becomes necessary to mask other students in the class because their records may not be disclosed. Also note that under FERPA, videos may only be used to share best practices when in the legitimate interest of the district, and then only within the district. We strongly recommend that you use active (opt-in) parental consent forms to receive permission to record students.

Please refer to your district or state department of education website or contact them directly to learn more about your area's policies and practices. When implementing policies that include minors, audio and/or video recordings, and the Internet, you should always consult with your legal team. In addition, there are a multitude of resources on the web that focus on this issue, and we have included some of these below. 

### WHAT IS FERPA?

The Family Educational Rights and Privacy Act is a federal law that was created to govern the protection of student records in all schools who receive funds from the U.S. Department of Education. Classroom observation videos are considered a student record and therefore will be governed by FERPA, so you should **always consult with your district's legal team** before enacting policy. You can learn more about FERPA on the [Department of Education website](#).

### WHAT IS COPPA?

The Children's Online Privacy Protection Act is a Federal Trade Commission regulation that prevents the online collection of personal information from children under 13. It regulates what a Web site operator must include in a privacy policy, dictates when and how to seek verifiable consent from a parent, and what responsibilities an operator has to protect children's privacy and safety online. Classroom observation videos are uploaded by teachers and therefore are not governed by COPPA, but you should **always consult with your district's legal team** before enacting policy. You can learn more about COPPA and schools on the [FTC website](#).



## RECOMMENDATIONS

1. **Review the current policies that may exist in your state or district around student data use.**
2. **Take all steps necessary to ensure data privacy and security.** Read our [privacy timeline](#) to ensure that you have covered all of the necessary steps, and verify that you are in compliance with local, state, and federal laws by reviewing your policies with a legal team.
3. **Communicate clearly and thoroughly with parents.** Review the [frequently asked questions](#) to ensure that you have addressed the most common questions and concerns.
4. **Engage in discussions.** The idea of videotaping can make parents uncomfortable, so be sure to open doorways for ongoing communication of concerns and feedback.



## PARENT COMMUNICATION TOOLS

TOOL ID	RESOURCE	DESCRIPTION	INTENDED AUDIENCE
C2A	<a href="#">Common Questions Around Privacy and Video Use: Parents</a>	A list of frequently asked questions that you can share with students' parents	Parents (to be modified by district or school administrators, instructional leaders, or teachers)
C2B	<a href="#">Student Privacy: What Parents Need to Know about Video</a>	Slides that can be customized to inform parents about video observations and what it means for the students involved	Parents (to be modified by district or school administrators, instructional leaders, or teachers)
C2C	<a href="#">Student Media Release Form: Opt-in</a>	Sample forms that can be customized for your context	Parents (to be modified by district or school administrators)
C2D	<a href="#">Student Media Release Form: Opt-out</a>		
C2E	<a href="#">Face Blurring: When Footage Requires Anonymity</a>	Tools from YouTube to conveniently blur faces in a video	District technology staff

## “Protecting Student Privacy,” FAQ, U.S. Department of Education

### 1. When is a photo or video of a student an education record under FERPA?

As with any other “education record,” a photo or video of a student is an education record, subject to specific exclusions, when the photo or video is: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. (20 U.S.C. 1232g(a)(4)(A); 34 CFR § 99.3 “Education Record”)[1]

#### Directly Related to a Student:

FERPA regulations do not define what it means for a record to be “directly related” to a student. In the context of photos and videos, determining if a visual representation of a student is *directly* related to a student (rather than just incidentally related to him or her) is often context-specific, and educational agencies and institutions should examine certain types of photos and videos on a case by case basis to determine if they directly relate to any of the students depicted therein. Among the factors that may help determine if a photo or video should be considered “directly related” to a student are the following:

- The educational agency or institution uses the photo or video for disciplinary action (or other official purposes) involving the student (including the victim of any such disciplinary incident);
- The photo or video contains a depiction of an activity:
  - that resulted in an educational agency or institution’s use of the photo or video for disciplinary action (or other official purposes) involving a student (or, if disciplinary action is pending or has not yet been taken, that would reasonably result in use of the photo or video for disciplinary action involving a student);
  - that shows a student in violation of local, state, or federal law;
  - that shows a student getting injured, attacked, victimized, ill, or having a health emergency;
- The person or entity taking the photo or video intends to make a specific student the focus of the photo or video (e.g., ID photos, or a recording of a student presentation); or
- The audio or visual content of the photo or video otherwise contains personally identifiable information contained in a student’s education record.

A photo or video should not be considered directly related to a student in the absence of these factors and if the student’s image is incidental or captured only as part of the background, or if a student is shown participating in school activities that are open to the public and without a specific focus on any individual.

Examples of situations that may cause a video to be an education record:

- A school surveillance video showing two students fighting in a hallway, used as part of a disciplinary action, is directly related to the students fighting.

- A classroom video that shows a student having a seizure is directly related to that student because the depicted health emergency becomes the focus of the video.
- If a school maintains a close-up photo of two or three students playing basketball with a general view of student spectators in the background, the photo is directly related to the basketball players because they are the focus of the photo, but it is not directly related to the students pictured in the background. Schools often designate photos or videos of students participating in public events (e.g., sporting events, concerts, theater performances, etc.) as directory information and/or obtain consent from the parents or eligible students to publicly disclose photos or videos from these events.
- A video recording of a faculty meeting during which a specific student's grades are being discussed is directly related to that student because the discussion contains PII from the student's education record.

Maintained by an educational agency or institution:

To be considered an education record under FERPA, an educational agency or institution, or a party acting for the agency or institution, also must maintain the record. Thus, a photo taken by a parent at a school football game would not be considered an education record, even if it is directly related to a particular student, because it is not being maintained by the school or on the school's behalf. If, however, the parent's photo shows two students fighting at the game, and the parent provides a copy of the photo to the school, which then maintains the photo in the students' disciplinary records, then the copy of the photo being maintained by the school is an education record.

Exclusion for Law Enforcement Unit Records

The FERPA statute and regulations (20 U.S.C. 1232g(a)(4)(B)(ii) and 34 CFR §§ 99.3 and 99.8) exclude from the definition of education records those records created and maintained by a law enforcement unit of an educational agency or institution for a law enforcement purpose. Thus, if a law enforcement unit of an educational agency or institution creates and maintains the school's surveillance videos for a law enforcement purpose, then any such videos would not be considered to be education records. If the law enforcement unit provides a copy of the video to another component within the educational agency or institution (for example, to maintain the record in connection with a disciplinary action), then the copy of the video may become an education record of the student(s) involved if the video is not subject to any other exclusion from the definition of "education records" and the video is: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution.