
BUSINESS & NON-INSTRUCTIONAL OPERATIONS

POLICY

NO. 3900.03

USE OF ELECTRONIC RECORDING DEVICES & SYSTEMS

The District approves the lawful use of District-authorized video and electronic monitoring systems on school property, vehicles, and buses for the primary purpose of orderly operation of schools and facilities, law enforcement procedures, and ensuring school safety and security for students, employees and visitors, for minimizing theft and vandalism, to protect District property and building security, and for enforcing district/school policies, procedures and rules.

This policy is not intended to grant or create any expectation of privacy as to any time or location where a person would not already have legally enforceable expectation of privacy to be free from such surveillance or monitoring.

The electronic monitoring systems shall not be continuously or routinely monitored except as approved by the Superintendent for safety or security reasons.

The District reserves the right to use electronic monitoring systems at the discretion of the Superintendent or the Superintendent's designee.

The electronic monitoring equipment that the District uses on an ongoing and regular basis:

If citizens or students wish to record on campus, permission must be obtained in advance from a district administrator or principal or as approved as part of assistive technology or a 504 Plan. Permission may be denied at the discretion of the District.

Parents and citizens may record public events without District consent (e.g. play, music performance, athletic event, graduation, or Board meeting) subject to any applicable copyright restrictions. The District reserves the right to request removal of videos or pictures published online that were captured at school or during school events that are of a sensitive nature. Such recordings may be made by the individual, subject to any applicable copyright restrictions, provided they are for the individual's personal use and are not retransmitted or broadcast without the express consent of the District.

Retention and Access

The Superintendent or administrative-level designee shall establish protocols for the proper retention of media captured by or from District-controlled video surveillance/electronic monitoring equipment. The protocols shall be consistent with the District's records retention obligations and schedules. The protocols shall also differentiate between (1) recordings that are not accessed or reviewed for a specific purpose, which shall be retained for at least 30 days prior to being deleted or purged, and (2) recordings that are accessed or reviewed for a specific purpose or that otherwise become subject to a litigation hold, specific records request, subpoena, or similar situation. Until such recorded media is deleted or purged at an appropriate time, the District shall maintain at least one copy of the media that remains unaltered and unedited.

The Superintendent or administrative level designee(s) shall be the primary individuals who have authority to access and view images or other media captured by the District's video surveillance/electronic monitoring equipment. These primary authorized individuals may approve other staff members or persons who are performing an institutional function on behalf of the District to

access/view such media, with any restrictions/limitations that are appropriate to the specific circumstance. No person may access or view such media unless they have obtained approval and have a legitimate purpose for doing so.

All third-party requests to view, access, or obtain copies of images or other media captured by video surveillance/electronic monitoring equipment, including requests from law enforcement personnel, shall be handled via established procedures for responding to requests for access to District records, including (but not limited to) procedures for requests related to personally-identifiable student records, personnel records, and general public records.

Disciplinary action may be taken based on the basis of electronic recordings.

Policy Applicability

This policy is not intended to directly address the use of video surveillance or electronic monitoring equipment on any contracted vehicles that are used to provide student transportation. The terms and conditions of the operation of such equipment on contracted vehicles by the contractor, if any, shall be addressed in the relevant contract or in an addendum thereto.

Notification of this policy shall be communicated through student and employee handbooks, district website, and by other reasonable means. As authorized or directed by the Superintendent, acting in consultation with applicable site-based administrators, the District may post notices or take other steps to inform people that their conduct may be monitored and/or recorded.

At its discretion, the District may limit and/or prohibit the use of electronic recording devices by students or citizens on school district property.

PROPOSED:	August 9, 1999
ADOPTED:	August 16, 1999
REVIEWED:	November 22, 2004, February 14, 2005, May 9, 2011; June 23, 2014; February 11, 2019; February 12, 2024

Wisconsin Statutes

Subchapter II of Ch. 19 [public records and official property, including information on retention schedules and contractor records]

Section 118.125 [state student records law]

Section 118.13

Section 120.13 (1)

Section 121.52 (2)

Section 175.22 [privacy in locker room policy]

Section 942.08 [invasion of privacy]

Section 995.50 [right of privacy]

Federal Laws and Regulations

Family and Educational Rights and Privacy Act (FERPA) Regulations [federal regulations governing confidentiality of student records]

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PROCEDURES

District-Electronic Monitoring

Parents/guardians, students, and employees shall be notified annually that video cameras are being used on District premises and in school transportation.

The Superintendent or designee is responsible for determining where to install and operate electronic monitoring equipment in the District. Electronic monitoring equipment shall not be used in areas where persons have a legally enforceable reasonable expectation of privacy, such as restrooms, locker rooms, or changing areas. Electronic monitoring equipment, pursuant to the terms contained within this policy, may be placed in common/public areas in school buildings (e.g. school hallways, entryways, the front office where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries), classrooms, school buses and school vehicles, school parking lots and other outside areas where persons do not have a legally enforceable reasonable expectation of privacy. School administration and authorized school staff are permitted to carry and use portable video recording devices when responding to incidents.

Electronic monitoring equipment shall not be set to record audio or to detect audio for the purpose of audio transmission. If there is a request or proposal to record or transmit audio in connection with any special and limited safety-related, security-related, or misconduct-related operation in the District, such use must be expressly approved in advance by the Superintendent, who shall first take steps to verify that the proposed activity is consistent with applicable legal restrictions.

Any person who (1) takes action to block, move, or alter the location and/or viewing angle of a video recording device or (2) uses electronic monitoring equipment, recordings, or transmissions without authorization or in a manner that is inconsistent with applicable law, this policy, or any other Board policy or regulation shall be subject to disciplinary and/or legal action.

This policy/procedure does not address or cover instances where school officials record a specific event (e.g. a play, music performance, athletic contest, graduation, or Board meeting), or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping, filming or photography for educational, instructional and/or research purposes is permitted and is addressed below.

Use of District Electronic Files

Video files from District authorized electronic monitoring shall not be available for viewing by the public in general, the media, or other individuals unless disclosure is required by law or it falls under the exception noted in Procedures for Policy 3900.01 regarding specific public events with District consent (e.g. a play, music performance, athletic event, graduation, or Board meeting).

Only individuals authorized by the Superintendent or designee or the building principal(s) may view recordings, unless otherwise required by law.

The Superintendent or his/her designee may have select teachers and/or school or bus company employees view the video file for the purpose of identifying individuals and/or documenting a problem. If deemed helpful to the student, the Superintendent and his/her designee may authorize that individuals

such as a guidance counselor or school psychologist view segments of the video file if such individuals are working with the student to assist with a behavioral, emotional, or learning problem. Isolated segments of the video file that document the incident may be viewed by the identified employee, student(s) or the student's parent(s)/guardian(s) as identified by state statute.

The Superintendent may authorize law enforcement to view and/or monitor electronic monitoring files. The Superintendent authorizes law enforcement and/or school resource officer to view and/or monitor electronic monitoring to protect the health and/or safety of any individual. Recordings obtained through the use of electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceeding or criminal proceeding, subject to District policy and procedures. Further, such recordings may become a part of a student's education record or staff member's personnel file.

Recordings of students may not be subject to release depending upon the content of the recording. Copies of video recordings containing personal identifiable information about students shall not be released except to school officials with legitimate educational interests or in accordance with Wisconsin Pupil Records Statute 118.125 and the Family Educational Rights and Privacy Act (FERPA), Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e. the privacy rights of any other students whose images appear on the recording) or a staff person where an active investigation is underway. Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the Superintendent, provided that viewing the recording does not violate State and/or Federal law (i.e. the privacy rights of any students whose images appear on the recordings).

Such confidential recordings shall only be released through subpoena or court order.

The District shall maintain electronic monitoring recordings for a limited period. Such period shall not be for less than thirty (30) days for recordings that are not accessed or reviewed for a specific purpose and such retention schedule shall be approved by the State's Public Records Board pursuant to Wisconsin Statute 19.21. Recordings that are accessed or reviewed for a specific purpose or that otherwise become subject to a litigation hold, specific records request, subpoena, or similar situation shall be retained in accordance with state and federal law. Until such recorded media is deleted or purged at an appropriate time, the District shall maintain at least one copy of the media that remains unaltered and unedited.

Electronic monitoring recordings that are a pupil's behavioral record, employee disciplinary record or for other reasons as established by state or federal law shall be retained in accordance with such record retention requirements. Electronic monitoring recordings that are a pupil's behavioral record shall be digitally segregated for confidentiality and authenticated approved access.

School administrator(s) shall be present when any video file is viewed by a student, or parent and shall document the date and names of all individuals viewing the video file. A copy of such documentation shall be sent to the Assistant Superintendent of Business Services.

Final release of any video file used in an investigation of an incident shall be authorized by the Superintendent or Director of Business Services and/or designee.

Citizen/Student Use of Electronic Recording Devices

Students do not need to obtain permission to record on campus if it is for school- or extracurricular-related purposes and is deemed to be under the supervision of a teacher or coach. Such recordings may be made by the individual provided they are for the individual's personal use and are not retransmitted or broadcast without the expressed consent of the District.

Whenever the Board or a committee meeting is held in open session, the Board or Committee shall make a reasonable effort to accommodate any person requesting to record, film or photograph the meeting. The above does not permit the recording, filming or photographing of a meeting in a manner that interferes with the conduct of the meeting or the rights of the participants.

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LEGAL REFERENCE:	19.31 - 19.39, 19.90, 118.125 118.13, 120.13(1), 121.52(2), 175.22, 942.08, 995.50 Wis. Stats. FERPA 20 U.S.C. 1232g 34 C.F.R. 99.1-99.67 Title I of the Electronic Communication Privacy Act of 1986 18 U.S.C. 2510-2521