

Video Surveillance Cameras in Schools

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Security remains a huge issue for schools. Protecting the health and safety of students and staff should be a focus for board members and reflected in district policy. New technological devices now available can help to improve security.

Protecting the investment of the district's building and grounds is the board's responsibility. An electronic monitoring system using video surveillance equipment can help to provide protection from fire, water damage and vandalism. Video surveillance is important in corridors, hallways, stairwells, common areas and building points of entry and around the property of a school, including parking lots. Schools are increasingly installing video surveillance cameras in order to increase safety and security for students and staff.

Equipment costs have decreased resulting in a proliferation of surveillance cameras. The question for board members given the risk and liability issues, is whether the district can afford to make the investment. Before installing such equipment, a thorough inventory or risk assessment of the district's needs and security concerns should be conducted to address the security threats the cameras could address and how the system will be maintained and staffed.

School officials must weigh the benefits and costs of their decision. Most school districts believe that installing video surveillance equipment will help students focus on their studies and not worry about outside violence. Other benefits include deterring crime and savings on insurance premiums.

The district must also consider initial set-up costs, maintenance and personnel costs, which can be prohibitive for some districts. Whether the cameras will be monitored "real-time" by trained personnel or whether the images will be recorded and later used as "evidence" must be determined. A growing number of districts are installing cameras that are linked over the Internet with local police departments, giving law enforcement real-time access to various school locations thereby improving security.

The public should be informed when security cameras are present. The presence of such equipment has a deterrent effect. Also, a notice of security cameras will blunt any argument about an expectation of privacy. Cameras don't violate any laws unless they invade the private space of an individual. Courts are in general agreement about the legal principle that students in schools have fewer privacy rights than when they are on their own time, out-of-school. The notice of the system's presence should be placed in student and parent handbooks, on the district's web site and other public places where the equipment is being used.

Although the courts have not ruled on the use of surveillance systems in a school setting, generally the use of cameras (i.e. a "search" within the meaning of the Fourth Amendment) must be reasonable and the cameras should not be located where there is a "reasonable expectation of privacy." Therefore, cameras should not be located in areas such as bathrooms, locker rooms, or

private offices. Cameras may generally be used in hallways, stairwells, parking lots, cafeterias and school buses. If the district's equipment has audio capability, it should be disabled because audio surveillance usually requires a warrant.

Student Record Issues

The images of students captured on security videotapes contain personally identifiable student information and are considered confidential in accordance with the Family Educational Rights and Privacy Act (FERPA). The status of school videotape footage under FERPA has been the subject of considerable uncertainty in the courts.

The U.S. Department of Education's guidance on this issue indicated "images of students captured on security videotapes that a maintained by the school's law enforcement unit are not considered records under FERPA. Accordingly, these videotapes may be shared with parents of students whose images are on the video and with outside law enforcement authorities, as appropriate. Schools that do not have a designated law enforcement unit might consider designating an employee to serve as the 'law enforcement unit' in order to maintain the security cameras and determine the appropriate circumstances in which the school should disclose recorded images." The guidance also indicated that K-12 educators may disclose any educational records, including personally identifiable information, to protect the health or safety of a student or other individuals.

It is considered in the district's best interests to indicate that the videotapes retain their status as educational records subject to FERPA's restrictions on their release. They should not be destroyed as long as there is an outstanding request to inspect and review them. The right to inspect should be provided only for those parents whose students are the cause of the retention of the video recordings. Parents of students "inadvertently" caught in the video would not have the right to inspect them, nor is their permission required to have the video viewed by the parents of the involved students.

The FERPA Compliance Office has provided "informal advice" that in the case of a video or other picture image of one or more students and where there are students in the background, the video is "directly related" to, and thus the educational record of the student or students who are the subject of the video and not the students merely in the background,

With regard to parents of those students that are the focal point of the being permitted to view the video, a school need to obtain the consent of the parents of the two students involved and may show both sets of parents the video, because this would typically be the education record of both students especially in situations involving altercation.

In this case however, where there is more than one student that is the focus of the video, while the school may provide a parent with access to the video without the prior consent of the other parent the school may not give a copy of the video to any of the parents without the consent of the other student's parents.

Regardless of whether a district utilizes video surveillance equipment, remember that regarding security and safety, the first and best line of the defense is a well-trained and highly alert school staff and student body.

Policy#5131.111, "Video Surveillance," and its accompanying administrative regulations pertain to this topic.

ADDED NOTE:

Please also refer to Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools (USDOE)

<http://www2.ed.gov/policy/gen/guid/fpco/brochures/elsec.html>