

POLICY GUIDE

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Electronic Surveillance In School Buildings
and On School Grounds

Dec 17

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[See POLICY ALERT Nos. 177 and 214]

7441 ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS

The Board of Education authorizes the use of electronic surveillance systems in school buildings and on school grounds to enhance the safety and security for school district staff, students, community members, and other building occupants and to protect the school district's buildings and grounds.

The content produced by the surveillance system under certain circumstances may be considered a student record, ~~and if so in which~~ it will be subject to the Board of Education policy and regulations regarding confidential student records. If the content of the surveillance system becomes the subject of a disciplinary proceeding, it shall be treated like other evidence in the proceeding, ~~and the district declares such use to be a legitimate educational interest.~~

In accordance with the provisions of N.J.S.A. 18A:41-9, if at least one school building of the school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board of Education shall enter into a Memorandum of Understanding (MOU) with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video. The MOU shall include the provisions of N.J.S.A. 18A:41-9 and any additional information required by law enforcement officials. In the event the parties to the MOU are unable to reach an agreement regarding any provision required to be included in the MOU as per N.J.S.A. 18A:41-9a, the County Prosecutor shall make the final determination regarding that provision. Nothing in N.J.S.A. 18A:41-9 shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site from a school building that does not have the ability to have live streaming video.

The Board of Education shall post signage following ~~statement shall be posted~~ in a prominent, public place in buildings and on school grounds where electronic surveillance equipment may be used.



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~~The Board of Education authorizes the use of electronic surveillance monitoring devices in school buildings and on school grounds. Therefore, all school buildings and school grounds within this school district may be monitored using such devices in accordance with Board Policy.~~

In addition to posting, the district shall notify school staff members, parent(s) or legal guardian(s), and students that electronic surveillance may be used in school buildings and on school grounds through publication in student and staff handbooks, school calendars, notice sent home with students, or any other effective means to publish the district's use of electronic surveillance equipment in school buildings and on school grounds.

N.J.S.A. 18A:41-9

Adopted:



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[See **POLICY ALERT Nos. 177 and 214**]

R 7441 ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS

In order to enhance a safe and secure environment, the Board authorizes electronic surveillance devices to be used on **in school district buildings** ~~property~~ and on school grounds.

A. Recording and Notice

1. Surveillance devices may include, but are not limited to, sound/video cameras, audio recording devices, and other appropriate devices.
2. Recordings may be used to monitor and observe the conduct of school district staff, students, community members, and other person(s) in school buildings or on school grounds.
3. **Signage** Notice ~~regarding the use of surveillance devices~~ will be posted in **a prominent public place in school buildings and** ~~or~~ on school grounds where **electronic surveillance equipment** ~~devices~~ may be used.

B. Student Records and Notice

School district personnel will comply with the provisions of applicable law regarding student record requirements including the Family Educational **Rights** and Privacy Act (**FERPA**) and the Individuals with Disabilities Education ~~Improvement~~ Act (**IDEA**). Recordings considered for retention, as a part of a student's behavioral record, will be maintained in accordance with established student record procedures governing access, review, and release of student records.

C. Staff Records and Notice

1. Recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations, applicable law, and any labor agreements governing access, review, and release of employee personnel records.



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2. The district will provide notice to students, parent(s) ~~or legal guardian(s)~~, and school staff members that surveillance devices may be used in school buildings and on school grounds.

D. Storage/Security

1. All recordings will be stored by the Superintendent or designee, and secured to ensure confidentiality.
2. Recordings will be **retained in accordance with the New Jersey Department of the Treasury – Records Management Services – Records Retention Schedules** and stored for _____ calendar days ~~after initial recording, whereupon such recordings will be erased or discarded, unless there is a legitimate reason for retaining such recording for review, upon receiving prior authorization from Records Management Services.~~

E. Use

1. The determination of the location of surveillance devices shall be made by the **Superintendent or designee** _____.
2. Tampering with or otherwise interfering with surveillance equipment is prohibited. Any individual found tampering with equipment shall be subject to discipline.

F. Viewing or Listening

1. Initial viewing or listening to recordings will be done by the Building Principal or designee.
2. Requests for viewing or listening will be limited to persons with a direct interest in any proceedings, disciplinary or otherwise, resulting from the recordings, as deemed appropriate by the Superintendent of Schools or designee.



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3. Only the portion of the recording concerning a specific incident will be made available for viewing.
4. Viewing or listening to the recording will be permitted on school property or as otherwise required by law.
5. All viewing will be in the presence of the Superintendent of Schools or designee.
6. A written log will be maintained by the Superintendent of Schools or designee of those viewing video recordings including date of viewing, reason for viewing, the date the recording was made, and the signature of the viewer.
7. Video recordings remain the property of the **school** district and may be reproduced only in accordance with law, including applicable district student records policy and procedures and district personnel records policy, procedures and applicable labor agreements.

G. Law Enforcement Memorandum of Understanding (MOU) (N.J.S.A. 18A:41-9)

1. **In accordance with the provisions of N.J.S.A. 18A:41-9, if at least one school building of the school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board of Education shall enter into a MOU with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video. The MOU shall include, but need not be limited to, the following:**
 - a. **The designation of individuals who shall be authorized to view live streaming video;**



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- b. The circumstances under which the designated individuals would view live streaming video; and**
 - c. A detailed plan for preventing and detecting unauthorized access to live streaming video.**
- 2. In the case of a school building that is located in a municipality in which there is no municipal police department, the Board shall enter into a MOU with an entity designated by the Superintendent of the State Police.**
- 3. In the event the district and law enforcement authority are unable to reach an agreement regarding any provision required to be included pursuant to G.1.a.-c. above, the County Prosecutor shall make the final determination.**
- 4. Nothing in N.J.S.A. 18A:41-9 shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site from a school building that is not equipped with such equipment.**

HG. Purchase, Maintenance, Replacement of Equipment/Supplies

- 1. The School Business Administrator/Board Secretary or designee will be responsible for the purchase, maintenance, and replacement of all electronic surveillance devices.**

Issued:

