

BOARD OF EDUCATION OF HARFORD COUNTY

INFORMATIONAL REPORT

DECISION ON REVISIONS AND RENAMING OF

POLICY NO. 08-0005-000 VIDEO SURVEILLANCE

DECEMBER 5, 2022

Background Information:

The Board maintains a manual which sets forth the various policies of the Harford County Public Schools. The manual contains policies which are either required by federal and state law and regulation or which are, in the Board's judgment, necessary and appropriate for the school system to operate in a lawful, appropriate and effective manner. Included among such policies is that entitled:

08-0005-000 Video Surveillance

Discussion:

The Board's current Video Surveillance policy was adopted in November of 2004. Since 2004, the use of video surveillance has increased and there have been changes to laws and regulations regarding the retention and disclosure of video records.

Questions surrounding the length of time videos must be preserved, when videos may be shared with parents or other third parties in various situations, the protection of personally identifiable information included in a video, and when it is necessary for a video to be retained or shared are just some of the myriad concerns regarding the use of video support. Of concern also is the determination of if and when it is appropriate for a video to become a part of a student's educational record. As a result, Kimberly Neal, General Counsel, and Julie Uehlein, Supervisor of Risk Management, formed a workgroup consisting of executive directors, directors, supervisors and principals, to review the current policy, establish a procedure, and propose a revised version of the Video Surveillance policy based upon applicable laws and best practices.

At the Board's business meeting held on October 24, 2022, the Board received the Superintendent's recommendation through a presentation by Ms. Neal and Ms. Uehlein. The procedure, while it does not require Board approval, was outlined for the Board's understanding in conjunction with the policy.

This policy has been reviewed in order to streamline and standardize the process for school administrators to utilize regarding the preservation and sharing of videos with parents or third parties. Board members sought clarification on the current process utilized. School administrators have been reviewing each instance on a case-by-case basis, often seeking legal review and opinion regarding sharing of videos.

This policy was posted for public comment for a 30-day period. Two (2) comments were received, both in favor of the revisions as posted.

Attachments:

1. Current Board Policy 08-0005-000 Video Surveillance.
2. Proposed, Revised, Re-titled Policy 08-0005-000 Retention and Disclosure of Harford County Public Schools ("HCPS") Video Records.

Superintendent's Recommendation:

For the foregoing reasons, the Superintendent recommends that the Board approve the proposed revisions and retitling of policy 08-0005-000 Video Surveillance.

POLICY TITLE: Video Surveillance		
ADOPTION/EFFECTIVE DATE: 11/22/2004	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Safety and Security		

The Board authorizes the use of video cameras on or about the school property including but not limited to schools and school buses to ensure the health, welfare and safety of all employees, students and visitors and to safeguard board facilities, vehicles and equipment. Such cameras may be used in locations as deemed appropriate by the Superintendent and staff but shall not be used in locations where there is a reasonable expectation of privacy.

The Superintendent shall cause notification to be forwarded to employees, parents and students through handbooks, information guides and/or other means of communication that the video surveillance described above may occur.

All video recordings and/or surveillance shall be without an audio component.

Board Approval Acknowledged By:

Patricia L. Skebeck, Secretary and Treasurer
Board of Education of Harford County

Policy Action Dates					
ACTION		DATE		ACTION	
Adopted		11/22/2004			

Responsibility for Policy Maintenance & References					
LAST EDITOR/DRAFTER NAME: Unknown			JOB POSITION OF LAST EDITOR/DRAFTER: Unknown		
PERSON RESPONSIBLE:			JOB POSITION OF PERSON RESPONSIBLE:		
DESIGNEE NAME: N/A			JOB POSITION OF DESIGNEE: N/A		
REFERENCE 1 TYPE:	REFERENCE 1 NO.		REFERENCE 1 DESCRIPTION:		
REFERENCE 2 TYPE:	REFERENCE 2 NO.		REFERENCE 2 DESCRIPTION:		
REFERENCE 3 TYPE:	REFERENCE 3 NO.		REFERENCE 3 DESCRIPTION:		
REFERENCE 4 TYPE:	REFERENCE 4 NO.		REFERENCE 4 DESCRIPTION:		
REFERENCE 5 TYPE:	REFERENCE 5 NO.		REFERENCE 5 DESCRIPTION:		
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005: School Administration - .02.08.038					

POLICY TITLE: RETENTION AND DISCLOSURE OF HARFORD COUNTY PUBLIC SCHOOLS ("HCPS") VIDEO RECORDS		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY:		

I. Statement of Purpose

The Board recognizes that the use of surveillance cameras on school grounds and on school buses is an important tool in the management of student safety. Protecting the privacy of students is paramount and must be maintained in accordance with federal, state, and local laws and regulations.

II. Definitions

- A. *Authorized user* means HCPS staff members responsible for management and oversight of video recordings from HCPS surveillance cameras for legitimate safety and security reasons. These individuals include the following:
1. HCPS Office of Safety and Security (OSS) chief, including OSS staff designated by the chief and School Resource Officer (SRO).
 2. HCPS Office of General Counsel (OGC) or OGC designee
 3. HCPS Office of Transportation (OT) director and OT staff members authorized by the OT director to access and export footage of bus cameras
 4. HCPS Office of Risk Management (ORM) or ORM designee
 5. HCPS Office of Technology and Information Systems (OTIS) or OTIS designee, including third party technology vendors pursuant to contract.
 6. HCPS Office of Student Support Services (OSSS) or OSSS designee
 7. HCPS Office of Elementary and Secondary Education Services (OESSES)
 8. HCPS school principals or designee
 9. HCPS school-based staff authorized by the principal to access and export HCPS video footage from school security cameras

- B. *Authorized viewer* means an individual who has been granted permission to view specified videos, as set forth as set forth in HCPS Form, Request to View HCPS Security Camera Video.
1. HCPS Form, Request to View HCPS Security Camera Video must be completed by the principal/designee, OSS, or the OT at the request of the following individuals who seek to view security camera footage:
 - a) Eligible students or parents/guardians, as appropriate.
 - b) Law enforcement.
 - c) Other individuals who are not HCPS administrators.
 2. Review and approval of HCPS Form, Request to View HCPS Security Camera Video is the joint responsibility of OGC, OSS, OESES, and OSSS.
 3. Once a HCPS Form, Request to View HCPS Security Camera Video is completed, all pertinent video will be saved for review.
 4. Video recordings are the property of the HCPS and shall not be released without the express approval of the OGC.
 5. All requests for viewing shall be granted or denied within 10 business days of the written request.
- C. *Chain of custody* means a written record of the date and time an authorized user exports footage for an authorized viewer from an HCPS security camera and the manner in which possession of the exported video file transfers from the original source to any subsequent locations and viewers.
- D. *Video server folder* means the location on a school or OT electronic file server to which security camera footage is exported in response to a request to view security camera footage of an alleged incident.

III. Statement of Policy

1. The Board commits to the use of surveillance cameras on school grounds and on school buses in a manner that protects student, staff, and stakeholder safety while also balancing important privacy rights.
2. Review of surveillance camera footage shall be conducted only by Authorized users and, when eligible, Authorized viewers.
3. Viewings of surveillance camera footage by authorized viewers shall be documented with the Chain of Custody maintained securely by the OSS.

4. The OT shall ensure that any exported surveillance camera footage documented by the Chain of Custody is stored securely in a video server folder.
5. All Authorized users shall be trained on procedures relating to review and use of surveillance camera footage annually.
6. The Superintendent shall issue procedures required to implement this policy in accord with all applicable federal, state and local laws and regulations.

Board Approval Acknowledged By:

Sean W. Bulson, Ed.D.
Superintendent

Policy Action Dates					
ACTION		DATE		ACTION	

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME:	JOB POSITION OF LAST EDITOR/DRAFTER:
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DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

LEGAL REFERENCES¹

References are set forth in the Procedure.

Related Sources:

U.S. Department of Education, FAQs on Photos and Videos under FERPA.

In a publication titled FAQs on Photos and Videos under FERPA (available at <https://studentprivacy.ed.gov/faq/faqs-photos-and-videos-under-ferpa>)

34 CFR §99.12{a}

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.