

Bigfork School District #38

SCHOOL BUS VIDEO RECORDS

3236/8126

Statement of Policy

It is the policy of the Board of Trustees of Bigfork School District #38 to authorize the installation and use of video cameras to create a record of conduct on its buses. Recorded information from these cameras ("bus videos") showing students shall be treated as an "education record" and shall not be produced outside of School District except pursuant to a subpoena, court order, or release in accord with the Family Educational rights and Privacy Act ["FERPA," 20 United States Code 1232 (g), 34 CFR Part 99]. Bus videos showing employees shall be treated as a confidential personnel record. A bus video shall be maintained as an education or personnel record when the video is to be used at a disciplinary or other proceeding authorized by law.

Installation and Operation of Cameras

Any School District bus or private contractor may be equipped with a video camera capable of recording video and audio of the passengers, driver, and staff on the bus.

Cameras shall be activated and operated at the discretion of the Transportation Supervisor and need not be in operation at all times. Cameras shall not be activated or deactivated by the driver of a bus or staff member during the transport of students. However, a driver may request that the Transportation Supervisor insure that the events of a particular route be recorded.

No Expectation of Privacy

All speech and conduct on a School District bus is subject to being recorded, preserved, and examined by means of a bus video. No person on a School District bus shall have a legitimate expectation of privacy with respect to his or her conduct or speech on a School District bus.

Notice

The district will provide notice to students, parents, staff members, and approved volunteers, that video cameras with audio capabilities may be used on school transportation while transporting students to and from curricular and extracurricular activities.

No Guarantee of Recording

By this Policy, the School District does not guarantee that every bus will be equipped with a video camera, that the video camera on a specific bus will be in operation at a specific time, or that a video camera will record specific conduct or expression.

Collection and Preservation of Bus Videos

Bus videos shall be collected and maintained under the supervision of the Superintendent or designee and may be released for re-use if a written request to preserve a specific bus video is not received by the Superintendent or designee within ten (10) calendar days of the day the

bus video is made. For purposes of calculating this ten (10) day period, the day on which the bus video is taken shall not be counted. The ten (10) day period expires at 3:00 p.m. on the tenth day.

If the Superintendent or designee receives a written request to preserve a bus video, the bus video shall be preserved for an additional (30) thirty calendar days. If a request for the bus video is not received in the (30) thirty day period following the initial written request, the Superintendent may release the bus video for re-use or destruction.

District Use of Bus Video

A bus video made pursuant to this Policy may be used in support of the discipline of a student or employee without a release from the persons recorded on the bus video.

Viewing of a Bus Video

A parent/guardian of a student pictured on a bus video may be permitted by the Superintendent or designee to view a bus video if it has been preserved pursuant to the guidelines of this policy.

Production of Bus Video Outside of the School District

A person requesting production of a bus video where the video constitutes a student record under FERPA or a confidential personnel record shall file a written request with the Superintendent. The request shall contain a written release from each person in the video age 18 and over, and the parent/guardian of each minor pictured or heard on the bus video requested. If the only student recorded on a bus video is the child of a parent/guardian, a copy of a bus video may be provided to the parent/guardian. In lieu of written release, digital cameras with capabilities of obscuring identifying personal features may be used to protect the identity of other students when necessary.

The Superintendent is authorized to develop forms and administrative guidelines to implement this Policy.

Cross Reference: 3235 Video Surveillance

Legal Reference: 45-8-213(1) MCA
USC 1232(g), 34 CFR Part 99 – FERPA

Adoption Date: April 1, 2004