

SECTION: OPERATIONS

TITLE: Use of Video and/or Audio Recording On School Vehicles

FIRST READING: April 28, 2014

SECOND READING: May 12, 2014

ADOPTED: May 12, 2014

REVISED:

<p>1. Purpose</p>	<p>The Wissahickon Board of School Directors recognizes the need to maintain proper standards of conduct in support of the safety, security and welfare of students who ride District school vehicles. The District has a responsibility to take reasonable steps to protect the safety, security and welfare of those students who ride school vehicles and to enforce District policies, rules and regulations, including but not limited to Board Policies 218, 218.1, 218.2, 249.1 and any applicable Student Code of Conduct and/or Student handbook requirement. The Board recognizes that the use of video and audio recording will aid in protecting the safety, security and welfare of students, staff and persons who are present in school vehicles.</p> <p>The use of video and audio recording is intended to assist the District administration, school principals and other applicable District employees and/or contractors in observing behavior and events which occur in school vehicles, preventing the violation of District policies, rules and regulations and in properly implementing discipline in accordance with state and/or federal law. Compliance with District policies, rules and regulations will help to ensure the safety, security and welfare of passengers in school vehicles, the prompt arrivals and departures of school vehicles, and proper student behavior. The use of video and audio recording does not assure the elimination of misconduct and cannot guarantee the absolute safety of students, staff or other persons. However, video and audio recording can serve as a deterrent to misconduct and can enhance the effectiveness of discipline by the District. If unacceptable behavior is recorded, timely and appropriate corrective and/or disciplinary action is more likely to support the safety, security and welfare of persons who ride in school vehicles.</p> <p>The violation of District policies, rules and/or regulations on school vehicles may result in the suspension of school vehicle riding privileges, as well as other appropriate discipline by the District.</p> <p>Audio recording is not intended to occur when a school vehicle is used for a purpose that is not school related.</p>
<p>2. Authority</p>	<p>This policy is approved in accordance with the authority of Wissahickon Board of School Directors pursuant to Sections 510, 511, 1317 and 1318 of the Pennsylvania School Code and as authorized by 18 Pa. C.S.A. § 5704, as amended by Pennsylvania Senate Bill 57 of 2013.</p>
<p>3. Definitions</p>	<p>“Video and audio recording equipment” is equipment with audio and video recording</p>

	<p>capabilities which is permanently or temporarily affixed to a particular location in a school vehicle pursuant to this policy and at the direction of the Superintendent or his/her designee.</p> <p>“School vehicle” means any motor vehicle used by the school district and/or a contractor of the school district to transport students to or from school or school-sponsored activities. The term “School vehicle” shall not include vehicles which are temporarily hired, rented or leased by the District for specific purposes which occur within three (3) days or less.</p>
<p>4. Policy Implementation</p>	<p>The Wissahickon Board of School Directors authorizes the use of video and/or audio recording equipment in school vehicles as determined solely by the District. School vehicles will be fitted with a housing that can hold video and audio recording equipment. If practicable, the housing will have a light or other device that will be activated regardless of whether actual video and/or audio recording equipment is currently being used on that school vehicle. The Board recognizes that at times such video and/or audio recording equipment may be temporarily non-functional if mechanical equipment problems exist. The use of audio recording on a school vehicle shall not occur when a school vehicle is used for a purpose that is not school related.</p> <p>Notification</p> <p>All District and non-public school students and their parents and/or guardians will be notified annually of this policy and the possible presence of video and/or audio recording equipment capability and the conducting of audio and/or video recording on District school vehicles. This annual notice shall be sent by a letter mailed to the students’ home addresses prior to commencement of each school year. This notice shall also be promptly mailed to the home address of any newly-enrolled student to the District, including to any newly enrolled non-public school student who may use District transportation. The District shall also post a sign which is clearly visible on the inside of all school vehicles notifying those persons on the school vehicle that their actions and statements may be subject to audio and/or video recording.</p> <p>Protection of Information</p> <p>Video and/or audio recordings are intended for use related to disciplinary or security purposes on school vehicles. Video and/or audio recordings are not intended for general viewing by students, employees, parents/guardians, school vehicle drivers, or the general public. Video and/or audio recordings shall not be made available for general viewing. In the event of use or proposed use of a video and/or audio recording in connection with a disciplinary investigation, hearing and/or other legal proceeding, the District shall impose necessary and appropriate confidentiality conditions. The disclosure of video and audio recordings shall be in accordance with federal and state laws, including but not limited to the Family Educational Rights and Privacy Act (“FERPA”). The District Transportation Director or his/her designee shall be responsible for ensuring the security and preservation of video and audio recordings in accordance with this policy.</p> <p>District Screening</p> <p>A District administrator or school principal may request to review a video and/or audio recording taken in a school vehicle in order to determine if the recording depicts events related to a complaint or alleged improper conduct by a person on a school vehicle. The Transportation Director or his/her designee is also permitted to view the recordings periodically at random and/or in response to complaints of alleged improper conduct. Video and/or audio recordings may also be viewed by the Board during a hearing related to a disciplinary action involving a student and/or other applicable legal proceeding. The viewing by the Board will be part of its quasi-judicial role in conducting a hearing on a disciplinary action involving any person.</p>

Screening By A Parent/Guardian

In the event that a student is subject to discipline as a result of information contained in a video and/or audio recording, the student and/or the student's parents/guardians may request to view the recording within fourteen (14) days of the notice of the improper student conduct. Parents/guardians may view only those portions of the video and/or audio recordings related to the alleged conduct violation by their child. During such viewing, the District will make a good faith effort to protect the confidentiality of other students. In the event a District administrator or school principal considers it appropriate for a parent or guardian to view a recording, the District administrator or school principal may request a viewing of the audio and/or video recording by the parent/guardian.

Law Enforcement Screening

Video and/or audio recordings from school vehicles may be subject to review and release, if requested, by the police, other members of law enforcement. Video and/or audio recordings from school vehicles may also be provided in response to a court subpoena, court order or as otherwise required by law.

Disposition of Recordings

All video and audio recordings from school vehicles shall be erased or recorded over after fourteen (14) days of recording unless at least one of the following conditions exists:

1. a complaint is made to the Transportation Director regarding student behavior or another person's behavior on a school vehicle;
2. an inquiry is made by a District administrator or school principal regarding the conduct or behavior of a student or another person on a school vehicle;
or
3. The Transportation Director in periodically reviewing video and/or audio recordings determines that a potential violation of District policy, rules and/or regulations occurred on a school vehicle.

In such event, the recording shall be retained and preserved by the District until the complaint or inquiry is resolved and concluded. If the complaint or inquiry results in disciplinary action, the recording shall be retained during the pendency of the applicable disciplinary action and during any appeal period. Once the appeal period has expired, the recording may be erased or destroyed after thirty (30) days. The District solicitor may also request that any recording be retained and preserved pursuant to a litigation hold and until further directed by the District solicitor.

Discipline

Discipline involving any person on a school vehicle may be based on information contained on video and/or audio recordings.

Video and audio recordings are intended for use in support of security, safety and discipline on school vehicles. These recordings are not intended to relieve the school vehicle driver or other District employees from preparing and submitting disciplinary reports and/or properly addressing disciplinary issues which arise on school vehicles.

Only authorized personnel shall have access to the video and/or audio recording devices. All other persons are prohibited from tampering with, disabling, or otherwise interfering with video and audio recording equipment. The tampering with video and/or audio recording devices by a student will result in discipline in accordance with District policies, rules and regulations. The tampering with a recording device by unauthorized personnel, including by unauthorized District employees, will result in disciplinary action up to and including termination.

	<p>Video and audio recording equipment will not be used for the purpose of generally evaluating job performance of school vehicle drivers. However, if in the normal course of examining recordings and/or if based on a specific complaint, the conduct of a school vehicle driver or other District employee who is present in a school vehicle is observed and includes an act for which discipline and/or corrective action may be warranted, the recording may be used as evidence of that occurrence on the school vehicle.</p> <p>Effective Date/Compliance This policy shall be effective July 1, 2014. The Superintendent or his/her designee is permitted to issue any regulations or rules needed for the effective administration of this policy.</p>
	<p>References:</p> <p>School Code – 24 P.S. Sec. 510, 511, 1317, 1318 Pennsylvania Wiretapping and Electronic Surveillance Act – 18 Pa. C.S.A. § 5704, as amended by Pennsylvania Senate Bill 57. Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.</p>