

Urban Pathways K-5 College Charter School

Board of Trustees Policy

Video Surveillance Policy

The Board of Trustees of Urban Pathways K-5 College Charter School (“Charter School”) ensures that all students have the right to a safe school environment and therefore, endorse this policy with regard to video surveillance within the Charter School’s classrooms, hallways, lunchrooms, assembly halls or other public areas of the School building in which Students do not have an expectation of privacy. There will not be any audio recording of students or others in the School building as part of the video surveillance approved through this policy.

In order to prevent any foreseeable FERPA violations, this Policy sets forth:

- a clear statement of appropriate reasons for using surveillance cameras;
- the role and responsibilities of individuals with access to the cameras;
- individuals who will have access to any footage;
- how long will any footage be kept and how will it be destroyed; and
- the need for a consent provision to be signed by Parents/Guardians.

Such surveillance is permitted primarily for the purpose of monitoring and improving student safety. This video footage may also be used as part of a Student or Students’ educational programming if Student is IDEA eligible and as a result has behavioral needs or has behavioral accommodations in the Student’s Section 504 Service Plan. This footage may provide valuable information as to behavioral triggers, both individually and environmentally, that are critical to the successful completion of Functional Behavioral Assessments, Positive Behavior Support Plans, and informal behavioral interventions. In both cases, images from the video surveillance cameras are subject to the Family Education Rights and Privacy Act, (“FERPA”), if being maintained as educational records for use in educational programming and/or disciplinary actions.

The CEO, Technology Director, and other designated Administrators, as necessary in a situation, will have access to the camera footage in order to determine if same will be maintained as an educational record based on the content of the video footage. A Charter School employee, contractor, volunteer, Parent or Student should notify either the CEO, Technology Director, or other designated Administrator if there is a belief that some or all of the video footage from one or more dates requires review with regard to a behavioral or disciplinary incident or involves educational programming for one or more students.

In addition to Charter School personnel listed above, and in accordance with FERPA, these videotaped educational records may only be shared with the Parents/Guardians of the students whose images are on the video and with outside law enforcement authorities, as appropriate. Images of students captured on security videotapes that are maintained by a School's law enforcement unit may not be initially considered education records under FERPA but may be seen as FERPA protected if later used by School Administration in a disciplinary proceeding. In order to view footage containing students' images other than of a Parent/Guardian's own child, permission must be requested by the Charter School and granted by the other students' Parents/Guardians before the Charter School may permit a Parents/Guardians' review of another student on the video footage for purposes of FERPA confidentiality.

Video footage will be maintained only period of time unless Administration is notified that there is a request for review by a Parent or Student based on a safety, behavioral or programming concern. If it is determined by Administration, after such a review, that any/all of the footage is to be maintained as an educational record, it will be maintained in accordance with the Charter School's Board Approved Record Retention and Destruction Policy.

Notice to the Charter School community of the use of surveillance cameras in areas of the School building in which Students do not have an expectation of privacy will be placed in the Parent/Student Handbooks which is distributed to all Charter School families annually. Such notice will also be posted on the School's website and by posting actual signs in the School building that surveillance cameras are located throughout public areas of the school building and therefore, that anyone on Charter School property may be videotaped. The notices shall contain language that no audio taping will occur with the videotaping. A contact person from the Charter School staff will be included in the Handbook for parents and students to make any inquiries regarding this policy and any related Charter School procedures.

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With regard to any Open Records obligations of the Charter School, typically, FERPA-protected education records are excepted from the disclosure requirements of open-records laws. So if the recording is maintained by Charter School officials as an education record because, for instance, it contains images of a student in an altercation, the Charter School's obligations under FERPA to protect the confidentiality of the recording will, in most cases, override its open-records obligations.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.