

**JG(1)-R Monitoring and Recording of Staff and Students**

11/10/22

GBSA Referece: JG(1) (Video Surveillance)

**RATIONALE/OBJECTIVE:**

Cobb County School District (District) employees and students are subject to being recorded by various audio and/or visual means in a variety of educational and/or employment settings.

**RULE:****Monitoring and Recording Staff and Students**

All possible issues regarding recordings cannot be contemplated within this Rule; therefore, individuals with specific or unique questions regarding recordings should direct their inquiries to the District's Policy and Planning office.

**A. GENERAL GUIDELINES REGARDING USE AND MAINTENANCE OF AUDIO/VISUAL RECORDINGS:**

1. Recordings available to the District, whether or not created by the District, may be offered as evidence in disciplinary and/or other hearings and administrative proceedings.
2. Visual or audio recordings that reveal the personally identifiable information of students and/or their families and are maintained by the District as education records may not be released by the District without consent except as permitted by state and federal laws, including but not limited to the Family Educational Rights and Privacy Act (FERPA) (see Administrative Rule JR-R [Student Records]).
  - a. If the District uses a recording to determine whether student disciplinary rules have been violated, the recording may be maintained by the District as part of one or more student education records and may not be released by the District without consent except as permitted by state and federal laws, including but not limited to FERPA.
  - b. If for any other reason a recording is maintained as part of one or more students' education record(s) (e.g., the record is relevant to a student's educational or behavioral plan), the recording may not be released by the District without consent except as permitted by state and federal laws, including but not limited to FERPA and the Individuals with Disabilities Education Act (IDEA).
3. If a recording is maintained by Cobb County School District Police Department (CCSDPD) but is not part of one or more students' education record(s), then the recording may be treated as a "law enforcement unit" record and disclosed without consent under appropriate circumstances, pursuant to FERPA.
4. Visual and audio recordings that contain certain employees' personally identifiable information (and do not include students' personally identifiable information) may be maintained by the District and may be used for legal, administrative, and other official purposes.
5. Form JG(1)-1 will be utilized when prior written permission is required for a student to appear in an audio or visual recording for public display or release.
6. Parents may provide written notice to the school Principal within the first 10 days of the school year, or within 10 days of the student's enrollment, that photographs, video, and/or voice recordings of his or her student are not permitted, subject to applicable public safety and security exceptions in accordance with O.C.G.A. 20-2-786. This does not apply to recordings created and maintained by CCSDPD solely as law enforcement records.

**B. PARENT/GUARDIAN CONFERENCES:**

1. Audio recording:
  - a. Audio recordings may be made of school conferences with parents/guardians. All parties should be notified prior to the beginning of the conference that the recording is being made, allowing the other party the opportunity to also record.
  - b. If a parent/guardian or a representative of the parent/guardian indicates they will make an audio recording of the conference, the District's representative shall also make an audio recording of the proceedings and maintain this recording in the student's education record.
2. Visual recording of parent/guardian conferences by any party is prohibited.

**C. SCHOOL/DISTRICT SITE SURVEILLANCE RECORDINGS:**

The school's Campus Officer and the District's Chief of Police or his/her designee are the only individuals authorized to make copies of school/District surveillance recordings.

**D. BUS SURVEILLANCE RECORDINGS:**

1. The bus driver will record over recordings made by bus cameras unless the recording is needed for disciplinary reasons, employee performance, or other bus events or issues.
2. Recordings of disciplinary issues shall be given to the principal or designee, unless they are removed at the site of an event by an outside law enforcement agency or requested by CCSDPD.
3. Recordings of employee performance and/or liability issues will be given to the Director of Transportation or designee unless they are removed at the site of an event by an outside law enforcement agency or requested by CCSDPD.

**E. SEIZURE OF PRIVATE DEVICES:**

Recordings made by devices, including phones, that are the personal property of staff or students may be subject to seizure as evidence by law enforcement, including CCSDPD. Such seizure may result in the staff member or student losing possession of the evidence until the legal proceedings are complete. CCSDPD will assist the staff or student in their retrieval of personal property at the earliest possible time.

**F. PARENT/GUARDIAN VIEWING:**

1. Any parents/guardian of a student who wish to view or listen to a recording that is an education record of his/her student but also reveals the personally identifiable information of any other student(s) may only view or listen to the part of the recording containing specific information about his/her student, unless the information about the other student(s) cannot be separated without destroying its meaning.
2. The parent/guardian will view or hear the recording in a private setting and in the presence of the principal or designee, and no copy of the recording will be provided to the parent/guardian without a lawful subpoena or court order.

**G. CLASSROOM RECORDINGS:**

1. No recordings will be permitted in classrooms during the school day, including non-traditional classrooms such as the gym and/or playground, unless they receive prior approval of the Principal and are:
  - a. An element of the teacher's instructional plan and strategies;
  - b. Recordings by District personnel used for District diagnostic purposes;
  - c. Part of a research project that has received prior approval of the District and Principal; (No recordings will be permitted for research projects that are not being conducted by District employees unless an exception to this prohibition is granted by the District's Accountability Office.)
  - d. Recording a lesson for District professional development purposes either for the individual teacher being recorded or to be shared with other educators as Master Lessons;
  - e. Recordings to be utilized in the evaluation of an employee's performance;
  - f. A public performance; or
  - g. A required accommodation under 504/IDEA.

2. Recordings of classroom activities that are not classified as public performances and that are intended for use outside the bounds of the District may be made only with the written permission of the parents/guardians of the students in the class or the actual student if he/she is over 18. If a student's parent/guardian/student over 18 does not provide the written permission, the recording may not be made accessible outside of the District. A student should not be removed from the academic environment if he/she or his/her parent/guardian refuses to consent to his/her participation in a classroom recording. Care should be taken to remove personally identifiable information from the recorded area, including peripheral items such as names on a bulletin board or a student's picture.

#### **H. PUBLIC PERFORMANCES:**

1. Students participating in public performances may be recorded by a variety of entities including, but not limited to news agencies, vendors with whom the school or a school support organization has contracted, and members of the public in attendance at the event.
2. The recording of public extra-curricular events by members of the public is generally acceptable. In those cases when the District is utilizing copyrighted performance pieces:
  - a. The staff member (Director) in charge of the event is responsible for obtaining permission from the copyright holder and ensuring that the District's use meets all conditions of the copyright holder's permission to use the material.
  - b. If the copyright holder's permission prohibits audio or visual recordings of the performance, the Director is to announce and post the statement that no photography, audio recording, or visual recording is allowed. This announcement may be printed in the performance's program in lieu of posting.
  - c. If the Director has contracted with an outside vendor to record an event, either by visual or audio means, it is the Director's responsibility to confirm that all necessary copyright permissions for this recording have been secured.
  - d. If the Director has given permission to a school support organization to record an event, either video or audio, it is the Director's responsibility to confirm that he/she has secured all necessary copyright permissions for this recording.

#### **I. ADVERTISEMENTS AND NON-DISTRICT MEDIA PRODUCTIONS:**

1. Advertisements featuring students in school uniforms (e.g. athletic uniforms, band uniforms, etc.) are appropriate for publication in school flyers, school newspapers and other school publications. The advertiser must have prior parent/guardian/student (over 18) permission. Such advertisements must comply with Administrative Rule KJ-R (Solicitation and Advertising on School Property).
2. Requests to use school facilities or grounds for filming must comply with the Administrative Rule KG-R (Use of School Facilities). Peripheral, personally identifiable student information, including student names and pictures that appear in the classroom, may not appear in the recording.

Adopted: 7/28/05

Reviewed and Recoded: 6/28/12 (previously coded as Administrative Rule CFIA)

Revised: 12/14/16; 12/17/20; 11/10/22

#### Legal Reference

O.C.G.A. 40-6-163

O.C.G.A. 20-2-1185

O.C.G.A. 20-2-786

20 USC 1232g

Duty of driver of vehicle meeting or overtaking school bus; reporting of violations

School safety plans

Parents' Bill of Rights

Family Educational Rights and Privacy Act of 1974 (FERPA)