

**RAPID CITY AREA SCHOOL DISTRICT 51-4  
ELECTRONIC SURVEILLANCE POLICY**

Definitions

- A. “Electronic Surveillance” means video—digital components of multi-media surveillance system, including but not limited to cameras, recording units, tapes, CDs, flash drives, or other components. All Electronic Surveillance shall be limited to videotaping without recording sound so as to prevent the violation of Title 1 of the federal Electronic Communications Privacy Act of 1986 by the District.
- B. “District Property” is any property owned or operated by the District including inside any District building, on District grounds, and District vehicles.
- C. “Common Areas” means any area within the District that is not being used for instructional study or where there is no reasonable expectation of privacy, including but not limited to hallways, cafeteria, library, gymnasium, entrances, parking lots, or other areas that are open to any student or District employee. Common Areas do not include restrooms, locker rooms, or other areas where there is no reasonable expectation of privacy.

Purpose

- A. Maintaining the health, welfare, and safety of students, staff and visitors while on school district property and protecting school district property are important functions of the school district. The behavior of individuals who come on to school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school district property. The purpose of electronic surveillance is to deter and enforce violations of the District rules and policies and rules and the laws of the City of Rapid City, the State of South Dakota, and the United States. The School Board recognizes the value of electronic surveillance systems for monitoring activity on school property in furtherance of maintaining the health, welfare, and safety of students, staff, visitors, and of protecting District property.

Camera Location, Operation and Control

- A. Electronic Surveillance may be conducted in any school district building or on any school district property. Electronic Surveillance shall be limited to Common Areas where there is no reasonable expectation of privacy. Electronic surveillance shall not be conducted in areas where there is a reasonable expectation of privacy, including but not limited to locker rooms or bathrooms.
- B. The building principal shall be responsible for the management, audit, and use of Electronic Surveillance.

- C. Only the principal or individuals authorized by the principal shall have access to surveillance monitors while they are in operation.
- D. Surveillance monitors shall be in controlled access areas wherever possible.

#### Notification

- A. Signs will be posted at entrances to District Property and District buildings notifying individuals of the use of Electronic Surveillance.
- B. The building principal shall inform students, staff, and parents at the beginning of each school year that the District will be monitored by Electronic Surveillance.

#### Use of Surveillance Recordings

- A. The use of electronic surveillance and the resulting recordings by the District or its administrators for enforcement of the purpose of this policy, including maintenance of the health, welfare, and safety of students, staff, and visitors and the protection of District property.
- B. The use of electronic surveillance and the resulting recordings for inquiries and proceedings related to individual student discipline shall not constitute educational records of the student as defined by the Family Educational Rights and Privacy Act, 20 U.S.G. § 1232g and the rules and/or regulations promulgated thereunder.
- C. The District may use Electronic Surveillance of any student or any person not employed by the District for the purpose of determining adherence to the District policies and rules and laws of the City of Rapid City, the State of South Dakota, and the United States.
- D. Electronic Surveillance and the resulting recordings of any student or any person not employed by the District may be used by the District, the City of Rapid City, or the State of South Dakota for law enforcement or as evidence in any disciplinary or criminal proceeding brought against such person arising out of such person's conduct on or about District property.
- E. The District shall not use electronic surveillance for purposes other than this policy unless expressly authorized by or under an Act or enactment.

#### Confidentiality and Disclosure

- A. Any recording made by Electronic Surveillance that has been used for the purpose of this Policy may be only disclosed for enforcement of any local, State, or Federal law against any individual.

- B. Any recording made by Electronic Surveillance that has not been used for the purpose of this Policy shall remain confidential in accordance with this policy and in accordance with state and federal law, including S.D.C.L. § 1-27-1 et seq. and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and the rules and/or regulations promulgated thereunder. Any recording made by Electronic Surveillance of any action by an individual student may only be disclosed in accordance with a valid subpoena under Section 99.31(a)(9) of the Code of Federal Regulations of the Family Policy Compliance Office of the United States Department of Education.

#### Security and Retention of Recordings

- A. Any recording made by Electronic Surveillance that is not being used shall be securely stored in a locked receptacle.
- B. Any recording made by Electronic Surveillance that has been used for the purpose of this Policy shall be numbered, dated, and retained.
- C. A log shall be maintained of all occurrences of access to or use of Electronic Surveillance recordings.
- D. All Electronic Surveillance records shall be retained for a minimum of 31 days, unless otherwise deemed necessary for retention by the Superintendent, building principal, or their designee.
- E. A video recording that is not being used for the purpose of this Policy will be retained by the school district until re-looped or the expiration of 31 days, whichever is later.
- F. All recordings shall be disposed of in a secure manner.

#### Access to Personal Information

- A. An individual who is the subject of Electronic Surveillance has the right to request access to the recording in accordance with the provisions contained in this policy and in accordance S.D.C.L. § 1-27-1 et seq. or the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g and the rules and/or regulations promulgated thereunder. Access in full or part may be denied on any grounds as provided by law. If a student is the only subject of a disciplinary proceeding for the purpose of this Policy, the parent or legal guardian of the student may have access to the recording in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and the rules and/or regulations promulgated thereunder.

- B. Requests for viewing a video recording must be made in writing to the Superintendent or his/her designee and, if the request is grant, such viewing must occur in the presence of the District's designated custodian of the recording. Under no circumstances will the District's video recording be duplicated and/or removed from District premises unless in accordance with a court order or a valid subpoena under Section 99.31(a)(9) of the Code of Federal Regulations of the Family Policy Compliance Office of the United States Department of Education.

Legal References:

20 U.S.C. § 1232g - Family Educational Rights and Privacy Act  
34 C.F.R. §§ 99.1-99.67 - Family Educational Rights and Privacy  
SDCL 1-27-1 - Public records open to inspection and copying

Adopted 06/16/15