

Beverly Hills Unified School District

Administrative Regulations

Campus Safety--Use of Public Safety Cameras

AR 3515

Business and Noninstructional Operations

The following regulations shall govern the District's use of public safety cameras on its school campuses, on other District property:

A. Location

1. Public Safety Cameras may be used to visually observe the following locations:
 - a. Outdoor facilities: such as parking lots, walkways and points of ingress and egress.
 - b. Indoor facilities: such as foyers, lobbies, hallways, and other common areas.
 - c. Other locations: such as cafeterias, transportation yards, and other areas where student and/or employee safety is a legitimate concern.
2. Public Safety Cameras shall not be used to visually observe any bathroom, shower, locker room or other area where students or employees regularly remove clothing and could therefore reasonably expect privacy. Security cameras may not be used to visually observe any employee break room.

B. Notice

In locations in which cameras are in operation, the District shall post written notices which reasonably apprise students, employees, and the public that the cameras are in use and that they do not have a reasonable expectation of privacy in such areas.

Parents shall receive notice of this regulation in the student/parent handbook.

The Superintendent or designee may approve the installation of a public safety camera in a permissible location and with proper consents, as needed, without providing notice to the public if the use of the camera is in connection with a specific investigation into student or employee misconduct. The camera shall be removed following completion of the investigation.

These regulations do not apply to law enforcement personnel. The Superintendent or designee will ensure that school officials cooperate with any law enforcement request for permission to install cameras in connection with an investigation into criminal misconduct.

C. Law Enforcement Unit

Authorized users of the public safety cameras system shall, except as specified below, be limited to the District's law enforcement unit, consisting of the Director of School Safety and the Beverly Hills Police Department (the "Law Enforcement Unit"). The District's Law Enforcement Unit shall monitor camera footage on an as-needed basis. Except as specified herein, recordings shall be maintained by and available to only the District's Law Enforcement Unit. The Superintendent or designee may direct the release of recordings to other District personnel authorized to receive such records.

Recordings of students maintained by the Law Enforcement Unit shall not be deemed "education records" within the meaning of FERPA or "pupil records" within the meaning of the California Public Records Act. However, where copies of recordings which directly relate to a student (e.g. they show that student engaging in conduct relevant to a disciplinary investigation) and are released to District officials authorized to receive such records, such copies shall thereafter be treated by such officials as "education records" within the meaning of FERPA and "pupil records" within the meaning of the California Public Records Act, to the extent required by law. (34 CFR 99.3; 99.8 and Education Code 49061, 49062.)

Recordings of Employees maintained by the Law Enforcement Unit shall not be deemed "personnel records" within the meaning of the California Public Records Act. However, where copies of recordings which directly relate to District staff (e.g. they show an employee engaging in conduct relevant to a disciplinary investigation) and are released to District officials authorized to receive such records, such copies shall thereafter be treated by such officials as "personnel records" within the meaning of the California Public Records Act, to the extent required by law.

D. Retention of Records

Video images recorded on public safety cameras are records which typically exist for a temporary period of time. The District records over or otherwise erases such images according to the limits of its current technology and need for reuse of the equipment. If an incident is reported which merits review of such images, the recording will be viewed and analyzed by appropriate District personnel.

Video recordings which directly relate to a student and are deemed worthy of preservation by the District for a specific purpose, such as a student disciplinary proceeding, shall be deemed "pupil records" and shall be maintained as such in accordance with District policies. Parents shall have access to these pupil records in accordance with such policies.

Video recordings which directly relate to an identifiable employee that are deemed worthy of preservation by the District for a specific purpose, such as an employee disciplinary proceeding, shall be deemed a "personnel record" and shall be maintained

as such in accordance with District policies. Employees shall have access to these records in accordance with such policies.

Legal References

20 U.S.C.A. 1232(g)

Family Educational Rights and Privacy Act

CALIFORNIA CONSTITUTION

Declaration of Rights, Article I, section 1

“Right to Safe Schools”, Article I, section 28, subdivision (c)

EDUCATION CODE

35160-35160.1 Authority of Governing Boards

49060-49079 Pupil records, Rights of Parents, Privacy of Pupil Records

51512 Prohibited Use of Electronic Listening or Recording Device

32250-32254 Safe Schools

PENAL CODE

632, 635, 647(k), 653 Eavesdropping On or Recording Confidential Communications

CASE LAW:

Evens v. Superior Court (1999) 77 Cal.App.4th 320 [91 Cal.Rptr.2d 497]