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Critical

EXPLANATION: AUDIO AND VISUAL RECORDING

House Bill 432 (2021) requires school districts to allow parents to record meetings held under the Individuals with Disabilities Education Act (IEP meetings) or under Section 504 of the Rehabilitation Act of 1973 (504 meetings). This policy was revised to address the details of this new law.

In addition, MSBA has revised this policy for clarity and to prevent repetition.

This policy now authorizes the superintendent or designee to restrict recording, even if recording is authorized in the policy, if the privilege is misused or the restriction is necessary for copyright purposes.

The policy also addresses situations where recording is desired for research purposes.

MSBA has added a section addressing recordings by parents/guardians or family members who are invited to events that are not open to the general public as well as district employees and agents using recordings for personal purposes.

Please note that House Bill 1963 (2020) created the crime of operating an unmanned aircraft over an "open air facility," which is defined as a "sports, theater, music, performing arts, or other entertainment facility with a capacity of five thousand people or more and not completely enclosed by a roof or other structure." See § 577.800, RSMo. Most school district stadiums are probably not large enough to fall under this definition, but if your district has such a facility and would like to take appropriate precautions, this statute requires the district to post in a conspicuous place an 11 × 14-inch sign prohibiting the use of drones over the facility.

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AUDIO AND VISUAL RECORDING

~~Because the district predominantly serves minors, is subject to a number of confidentiality laws, respects parent/guardian and community concerns about privacy, and seeks to minimize disruption to the education environment, the district prohibits audio and visual recordings on district property, district transportation or at a district activity unless authorized in this policy.~~

~~Any recording activity, even activity permitted under this policy, will be prohibited if the activity creates a disruption to the education environment. No recording equipment will be used or placed in areas of the building where the occupant would have a reasonable expectation of privacy, such as restroom facilities or locker rooms.~~

Definitions

Audio Recording – Registering sounds on tape, digitally or by other mechanical or electronic means.

~~*Outside Entity* – Any individual, group, organization or corporation other than the administration, officers, staff or students of the Raytown C-2 School District or individuals authorized to act for the district.~~

Recording – For the purposes of this policy, "recording" means audio and visual recording.

Visual Recording – Registering visual images on film, tape, digitally or by other mechanical or electronic means.

General Rule

The district may create audio and visual recordings on district property, on district transportation or at district activities for:

1. Providing security;
2. Maintaining order;
3. Professional staff development;
4. Educational purposes; and
5. Other purposes related to furthering the educational mission of the district.

However, because the district predominantly serves minors, is subject to a number of confidentiality laws, respects parent/guardian and community privacy concerns and seeks to minimize disruption to the education environment, the district prohibits other persons or entities from making audio or visual recordings unless authorized in this policy.

Recording by Outside Entities Administrator Authority

The Raytown C-2 School District prohibits superintendent or designee has the use of authority to authorize audio and visual or audio-recording equipment on district property or at a district

~~activities by outside entities without permission from activity. Likewise, even if recording is authorized under this policy, the superintendent or designee unless otherwise authorized by law. This prohibition shall not apply to~~may prohibit any person or entity from recording:

- ~~1. Performances or activities to which the general public is invited such as athletic competitions, concerts and plays.~~
- ~~2. Recording of staff for the sole purpose of professional training or development.~~
- ~~3. Open meetings of the Raytown C-2 School District Board of Education or committees appointed by or at the direction of the Board.~~
- ~~4. Recording of an event sponsored by an outside entity using or renting district facilities in accordance with Board policies and established administrative procedures.~~

1. To protect privacy interests;
2. To comply with copyright or other licensing or intellectual property limitations;
3. If the recording creates a disruption to the education or working environment;
4. If the recording is done in a location where a person may be in a state of undress; or
5. For other legitimate reasons as determined by the superintendent or designee.

Board Meetings, Performances and Activities Open to the General Public

The district allows audio and visual recording at performances, events and activities that the general public is invited to attend (such as athletic competitions, concerts and plays, open board meetings and board committee meetings) as long as district guidelines applicable to those events are followed and unless recording is prohibited by licensing or other intellectual property laws.

Events Sponsored by Individuals or Entities Authorized to Rent or Use District Facilities

The district may allow audio and visual recording of events or activities sponsored by an outside entity authorized to use or rent district facilities if permitted by the event sponsor.

Research and Educator Preparation

With permission from the superintendent or designee, staff and students may be recorded for research purposes or by preservice education professionals for evaluation purposes. Consent from all relevant parties must be secured when required by law.

Recording by the Media

The media may make audio or visual recordings on district property or at district events as authorized by the superintendent or designee.

Recording by Students

In addition to other recording authorized in this policy, students may make audio and visual recordings on district property or at district activities if allowed by a teacher or activity sponsor as part of the class or activity or as permitted by the principal, superintendent or designee. Students may be disciplined, excluded from district activities and prohibited from attending with a phone or other recording device if the student makes recordings in violation of this policy and other district rules regarding recording.

Recordings by Parents/Guardians or Family Members of Students

In addition to other recording authorized in this policy, parents/guardians or family members of students may be allowed to record performances or events to which only parents/guardians or family members are invited, such as family nights and graduation celebrations, at the discretion of the principal, superintendent or designee. However, the recording must respect the privacy of other students and families present.

Recording by District Personnel or District **Employees and** Agents

~~The district or designated agents of the district may make~~ District employees and agents may make and use audio or visual recordings ~~to provide security, to maintain order, for professional staff development use, for educational purposes or for other purposes related to furthering the educational mission of the district. This may include the use of visual recording equipment in district buildings and on district transportation. Recordings by or on behalf of district personnel that include students will be considered student records and will be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. when~~ authorized by the principal, superintendent or designee. Otherwise, recording is prohibited. Recordings obtained while acting as a district employee or agent may not be used for personal purposes or posted on social media unless authorized by a supervisor.

Pre-Service and Student Teachers

~~The district may allow student teachers or pre-service teachers to record themselves teaching or otherwise interacting with students when the recording is used for educational purposes in the student teacher or pre-service teacher preparation program. The student teacher or pre-service teacher must obtain permission to do so from the cooperating teacher and the building principal and must have signed Missouri Pre-Service Teacher Assessment permission forms from all students and adults who will appear in the recordings if those recordings will be viewed by any person who is not employed by the district. The district reserves the right to refuse to allow recording or to limit the time and place for such recordings in order to minimize disruption to the educational process.~~

Recording by Students

~~The Raytown C-2 School District prohibits the use of visual or audio recording equipment on district property or at district activities by students except:~~

1. ~~— If required by a district sponsored class or activity.~~
2. ~~— At performances or activities to which the general public is invited, such as athletic competitions, concerts and plays.~~
3. ~~— At open meetings of the Board of Education or committees appointed by or at the direction of the Board.~~
4. ~~— As otherwise permitted by the building principal.~~

Recording of Meetings

The board of education prohibits the use of audio, visual or other recording devices at meetings held pursuant to the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, as well as other meetings among district employees and between district employees and parents/guardians. Exceptions to this prohibition will be made only in accordance with Board policy and law. Requests for such exceptions must be made within a reasonable period of time prior to the scheduled meetings. This prohibition does not apply to conversations held within view of district security cameras. In general, the district prohibits the recording of employee meetings and meetings between employees and parents/guardians unless authorized by the superintendent or designee.

Recording Meetings under the IDEA or Section 504

A student's parent or legal guardian may audio record any meeting about the student held under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, including individualized education program (IEP) and Section 504 meetings. The parent or legal guardian seeking to record must notify the district at least 24 hours prior to the time the meeting is scheduled to occur. Recordings made by the parent/guardian will remain the property of the parent/guardian, but the district may make its own recording. Everyone present during a recorded meeting must be notified that the meeting is being recorded unless the recording is done in such a manner that it is obvious to those present that the meeting is being recorded.

Secretive Undisclosed Recording or ~~Transmission~~ Transmitting

The district prohibits ~~secretive~~ undisclosed recordings where persons involved do not consent to the recording and it is not otherwise obvious that recording equipment is present or being used, unless the superintendent or designee determines in rare circumstances that such recordings are necessary for ~~educational~~ or security reasons. The district prohibits the simultaneous electronic transmission of any conversation by any person to a third party without the consent of all involved in the conversation, even if the conversation is not recorded.

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Use of Unmanned Aircraft Systems

All ~~UAS~~ Anyone seeking to operate unmanned aircraft systems (UAS) ~~operators seeking to operate a UAS~~ on or over district property or at a district event must receive authorization from the superintendent or designee. Authorization will be granted only when such operation is on behalf of the district, supports the mission of the district or otherwise serves a public purpose.

All UAS with the potential to capture or produce visual images of district property or district events must be operated in accordance with applicable Federal Aviation Administration regulations or safety guidelines.

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 12/08/2008

Revised: 07/11/2016

Cross Refs: BDA, Board Meetings
BDC, Closed Meetings, Records and Votes
BDDL, Release of Information
ECA, Buildings and Grounds Security
GBH, Staff/Student Relations
IGBA, Special Education
IGDA, Student-Initiated Group Use of District Facilities
JG-R1, Student Discipline
JO, Student Records

Legal Refs: §§ 162.686, 610.010 - .035, 577.800, RSMo.
14 C.F.R. Part 107
The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417
34 C.F.R. Part 300
The Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g
34 C.F.R. Part 99

Raytown C-2 School District, Raytown, Missouri