

Use of Video Surveillance Cameras on DoDEA School Buses

Purpose and Scope

There is no federal regulation or law that requires the use of surveillance cameras on DoDEA school buses. However, DoDEA recognizes that school districts have a continuing responsibility to maintain and improve discipline and to ensure the health, welfare and safety of its students, staff and/or service providers on our school buses. Therefore, having carefully weighed and balanced the rights of privacy of students and staff with the duty to ensure discipline, health, welfare and safety of our students on school buses, we support the use of video surveillance cameras on its school buses, whether on government owned or contracted school buses. Recommend each school bus be fitted with three internal security cameras, with an option for external stop-arm cameras as appropriate.

These cameras shall produce both video and audio coverage to monitor student behavior on school buses transporting students to and from school and on extracurricular activities and under other circumstances in which DoDEA has determined that the use of video monitoring is in the best interests of the students and the school system.

The video recording from these cameras may be used to assist school administrators in regulating student conduct, or for other appropriate purposes as determined by DoDEA. Students in violation of DoDEA standards of conduct rules shall be subject to disciplinary action in accordance with DoDEA policy and administrative regulations governing student conduct and discipline. DoDEA Regulation 2051.1, Disciplinary Rules and Procedures

The District shall comply with all applicable state and federal laws related to video recordings, including but not limited to those relating to student records. Such records will also be subject to established DoDEA student records procedures including retention, access, review and release of such records.

Each district shall develop procedures for the notification of staff, students, parents and others as necessary of these video cameras on school buses, and such other procedures as may be required for the implementation of this policy.

Each district shall integrate the Onboard Video Surveillance Systems (OBVSS) into daily operations if applicable (e.g. accident investigation, quality control, or to assist in the discipline process of students.) Recordings of students are official school records and cannot be handed out or reviewed by the general public. Measures to properly safeguard video against theft or unauthorized viewing must be taken.

Benefits

Protect children – It's inevitable that the rambunctious and energetic nature of children will sometimes override the safety rules of the bus. Surveillance cameras can give bus driver the proverbial “eyes in the back of the head,” and allow them to keep children in check while navigating the route to or from school.

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Protect bus – Because of their precious cargo, a special set of traffic rules exists for both school bus drivers and other motorists (ex: motorists must stop when school buses are boarding riders or letting them off, buses must stop completely at railroad crossings, whether the barriers are down or not). Consequences for violating these rules can be dire, and therefore fines are steep. Surveillance cameras pointed outside buses can help identify motorists who illegally pass buses, or identify driver erratic and dangerous driver behavior.

Frequency asked Questions

Question 1. Are there, Federal regulations or laws that dictate the use of surveillance cameras on school buses?

Answer. There is no federal regulation or law that requires the use of surveillance cameras on school buses.

Question 2. What are the legal rights and protections of allowing parents that request to see the surveillance recordings and what are the Department of Defense (DoD) rights and protection in showing these recordings to a parent(s)?

Answer. The surveillance recordings are the property of the DoD, specifically, DoDEA because the government either purchased and installed the equipment or procured for the service through contracted service provider. Additionally, the recordings are considered a record under the Freedom of Information Act (FOIA) and the government will maintain the records. The latest FOIA guidance from the U.S. Attorney General encourages disclosure of information upon request, unless foreseeable harm would result. If a parent or another member of the public wanted to see a recording, they would have to submit a FOIA request to the DoDEA FOIA office.

Question 3. Should the school buses have some kind of notification that indicates a surveillance camera is on the bus?

Answer. Yes. Although there is no reasonable expectation of privacy on a school bus, implementing additional measures to put drivers, students, and parents on notice of the existence of surveillance cameras further reduces any expectation of privacy the passengers on a school bus may claim to have. It is always best to be upfront about your practices to avoid any legal repercussions. I recommend a sign indicating the presence of a camera on the bus. To date, there is no legal objection to the use of surveillance cameras on our buses.

Question 4. Do we have to notify the parents that school buses have surveillance cameras?

Answer. There is no legal requirement to notify the parents that the Installation school buses will have cameras on them. However, as in Question 3 above, I recommend being upfront about the use of cameras on buses and letting the parents know about them. I recommend notifying parents about the cameras by publishing a policy memorandum.

Question 5. If there was an incident that happened on a school bus that could lead to some kind of legal issue, i.e. student fighting and getting banned from the use of the bus, can the recording of that event be used legally to justify the action?

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Answer. Yes, the recording can be used as evidence in a court or administrative hearing to help prove or disprove an allegation concerning an incident. In a trial setting, the admissibility of the recording would be determined by the trial judge based on such issues as authentication and the 4th Amendment. In an administrative setting (e.g. a disciplinary hearing), the recording can be used in similar fashion based on DoDEA regulations or procedures.

Management of Video Recordings

The District Officials are responsible for the proper implementation procedures and control of the video surveillance system in their district. School Officials are responsible for the proper implementation procedures and control of the video surveillance system in their community.

Surveillance equipment storage devices (hard drives...etc) maybe stored overnight on the bus if they are secured by locking mechanism. Video recordable hard drive will be secured in the bus at all times. The hard drives will only be removed from the school bus when it is in for maintenance or for viewing by appropriate authorities. The School Bus Transportation Program Manager will be responsible for maintaining the secure key for all video recordable hard drives. Only personnel authorized by the DTS or STO manager shall have access to the key that opens the camera boxes. Only these employees shall handle the surveillance equipment

Video recordings will be maintained for a period of one school year. Recordings shall not be edited or selectively erased. Recordings are to be kept intact until totally erased or destroyed. (Check DoDEA policy)

Only School Officials and the School Bus Transportation Program Manager have access to video recording. Monitors for viewing recordings shall not be located in a position that enables public viewing. Viewing will take place with the appropriate School Officials.

Each District will advise students and parents that video surveillance system is in place on DoDEA school buses. Parents must be made aware and acknowledge in writing that by registering for student transportation that their child is subject to be recoded (video and audio) while riding the bus.

Procedures and Guidance

Recommend before you start using the Surveillance Cameras Systems, develop a procedure guide that outlines at a minimum the following:

1. How the recordings will be used
2. How the recordings will be maintained and secured
3. How long they will maintained before the recordings are recycled for further use; and
4. Who can access the recordings?

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Legal Rights. The legal rights and protections of allowing parents that request to see the surveillance recordings and the Department of Defense (DoD) rights and protection in showing these recordings to a parent(s) fall under the Freedom of Information Act (FOIA). However, the surveillance recordings are the property of the DoD, specifically, the DoD Education Activity (DoDEA) because DoDEA is leasing customer of the vehicle, had it installed, and will maintain the recordings. Additionally, the recordings are considered a record under the Freedom of Information Act (FOIA). The latest FOIA guidance from the U.S. Attorney General encourages disclosure of information upon request, unless foreseeable harm would result. Therefore, If a parent or another member of the public wanted to see a recording, they should submit a FOIA request to the DoDEA FOIA office.

Identification. The school bus should have some kind marking that indicates a surveillance camera is on the bus. Although there is no reasonable expectation of privacy on a school bus, implementing additional measures to put drivers, students, and parents on notice of the existence of surveillance cameras further reduces any expectation of privacy the passengers on a school bus may claim to have. It is always best to be upfront about your practices to avoid any legal repercussions. I recommend a sign indicating the presence of a camera on the bus.

Notification. There is no legal requirement to notify the parents that new school bus will have cameras on them. However, as mentioned in the paragraph above, I recommend being upfront about the use of cameras on our bus and letting the parents know about them. I recommend notifying parents about the cameras by publishing a policy memorandum, but only when you start using them to monitor driver and/or student behavior.

Use. If there was an incident that happened on the school bus that could lead to some kind of behavioral or legal issue, i.e. students fighting and student discipline problem that may potentially result in getting the student banned from the use of the bus, the recording of that event can be used legally to justify remedial action. The recording can be used as evidence to help prove or disprove an allegation concerning an incident. In conducting administrative and disciplinary action, the recording should be used in accordance with DoDEA regulations and/or policy.

Example of Memorandum for Notification to Parents and Staff

Subject: Use of Surveillance Cameras on DoDEA School Buses

DoDEA recognizes its responsibility to promote and foster school safety and ensure a safe and effective learning environment, as well as, in transporting students to and from school. After having carefully considered and balanced the rights of privacy with the duty to promote discipline, health, welfare and safety of staff and students on our school buses, the use of surveillance cameras will be used on our new school bus to monitor student and driver behavior and misconduct.

The security cameras are implemented as a passive system, in that no individual or group is designated to view live events on a minute by minute basis. In no instance will surveillance cameras be used to observe and/or evaluate the performance of our staff and drivers.

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In determining the most appropriate use and implementation of surveillance cameras on our school bus, school administrators will be guided by, at a minimum, the following considerations:

The appropriateness and effectiveness of proposed protocol; The Right to privacy and other legal considerations (which should be referred to the DoDEA legal counsel for review and compliance with applicable laws and regulations when necessary).

Any video recording used for surveillance purposes on our school bus shall be the sole property of DoDEA and recordings maintained for no more than two weeks; and the School Administrators or his/her designee will be the custodian of such recordings.

Access to video recording viewing will be limited to School Administrators and/or his/her designee. This designation will be made in writing. Public requests for viewing a video recording must be made in writing to the DoDEA FOIA Office and if the request is granted, such viewing must occur in the presence of the School Administrators or his/her designee. Under no circumstances will video recording be duplicated and/or removed from school premises unless in accordance with a court order and/or subpoena.

Appropriate signage will be posted on the school bus notifying students, staff and parents of the use of surveillance cameras. Students and staff will receive additional notification, as appropriate, regarding the use of surveillance cameras on our school bus. Such notification may include, but is not limited to, publication in the school calendar, employee handbook, and student handbook. Such notification does not preclude, as deemed appropriate by administration, the discussion of the use of surveillance cameras with staff and students to heighten awareness.