

Purchase Line School District Use of Audio and Video Monitoring Equipment

Policy No. 829

Status

Active

Legal

1. 18 Pa. C.S.A. 5704

2. 18 U.S.C. 2510 et seq

3. 22 PA Code 12.3

4. 24 P.S. 510

Adopted

September 15, 2014

Purpose

Protecting the safety of students, staff and others on school buses and school property is a paramount concern to the Purchase Line School District.

Safeguarding school property and maintaining student discipline are also very important goals.

To help achieve these objectives, the School Board authorizes the use of audio and visual monitoring equipment in school buses, and in public areas on school property.

The School Board is mindful of privacy issues and laws prohibiting interception of oral communications where the speaker has a reasonable expectation of privacy. Accordingly, notice of the school district's use of monitoring equipment will be provided to students, parents/guardians and others whose actions or oral communications may be recorded. Such notice is intended to ensure there is no expectation of privacy with respect to actions or oral communications recorded.

The equipment will be installed in conspicuous locations, to enhance the deterrence of improper conduct, and to alleviate any concern about lack of knowledge of monitoring. The goal in monitoring is to ensure safety and protect property, without invading privacy.

Authority

Students have a limited expectation of privacy within the school environment. (*New Jersey v. T.L.O.*, 469 U.S. 325 (1985); *Commonwealth v. Cass*, 709 A.2d 350 (Pa. 1998).)

Federal and state wiretap laws restrict use of technology to intercept oral communications, but only where the speaker has a reasonable expectation of privacy. (*Agnew v. Dupler*, 717 A.2d 519 (Pa. 1998).)[1][2]

If a school district notifies individuals not to expect privacy due to school district monitoring, such notice has the effect of reducing reasonable expectations of privacy. (*Commonwealth v. Cass*, 709 A.2d 350 (Pa. 1998).)

The School Board may adopt reasonable rules regarding student conduct, student discipline and the protection of the school community and property.[3][4]

Definitions

Audio and video monitoring equipment means equipment with audio and video recording capabilities, which is permanently or temporarily affixed at a particular location in a school bus, school building or on school property pursuant to this policy and at the direction of the Superintendent or designee.

Public areas mean all areas of school buildings and grounds other than restrooms, locker rooms, nurses' offices, counseling rooms, and areas designated primarily for staff use.

School bus means any motor vehicle used by the school district to transport students to or from school or school-sponsored activities.

Guidelines

Consistent with Policy 810 and Policy 810.1, the School Board authorizes use of audio and video monitoring equipment in school buses that transport students and in public areas on school property. Audio and video monitoring equipment shall be located in a visible location.

Images and sounds recorded by the audio and video monitoring equipment may be used as evidence in disciplinary proceedings conducted by the school district. Such information also may be shared with law enforcement officials, if school officials reasonably believe that it constitutes evidence of a crime.

Delegation of Responsibility

Subject to the limitations and purposes of this policy, and School Board approval of equipment purchases, the Superintendent or designee shall be responsible to determine the extent, to which audio and video monitoring devices are used, and the type and location of all audio and video monitoring equipment.

The Superintendent or designee shall notify students, parents/guardians, staff, visitors, and others whose actions or oral communications may be recorded that the school district is using audio and video monitoring equipment. This may include the following or other notices to the extent deemed appropriate by the Superintendent or designee:

1. Notice posted prominently at entrances to school buses, or in common areas on school property where monitoring may occur.
2. Notice in student and staff handbooks.
3. Instruction by teachers and coaches accompanying students on school buses to athletic contests or field trips not to use the school bus as a changing area.
4. Publication on the district website.

The Superintendent or designee shall take the following precautions with respect to the review, copying or distribution of the audio or video recording:

1. The digital recordings should not be reviewed, copied or distributed except as reasonably necessary to implement the school safety and discipline program, or for law enforcement purposes.
2. The digital recordings should be reviewed by or distributed to only the following persons:
 - a. Those participating in investigation or evaluation of an incident;
 - b. Those providing professional guidance or legal advice to the school district or to the subject of an investigation or evaluation to the extent deemed appropriate by the Superintendent or designee;
 - c. Those involved in a hearing or legal proceeding relating to matters recorded, consistent with applicable law.
3. Anyone who reviews or is provided a digital recording must keep the contents confidential, except as required in connection with school district or law enforcement action relating to matters recorded.

The Superintendent or designee shall establish written procedures for the following:

1. Individuals responsible for installation, removal and review of digital recordings;
2. A schedule for inspecting the operation of equipment.
3. Storage and safekeeping of digital recordings before they are erased, including any digital recording used in connection with a legal or administrative proceeding or needed as part of an official school record.
4. Making a record of anyone who reviews any digital recording.

CRIMES CODE (18 PA.C.S.) - EXCEPTIONS TO PROHIBITION OF
INTERCEPTION AND DISCLOSURE OF COMMUNICATIONS

Act of Feb. 4, 2014, P.L. 21, No. 9

Cl. 18

Session of 2014
No. 2014-9

SB 57

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for exceptions to prohibition of interception and disclosure of communications.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 5704(16) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a paragraph to read:

§ 5704. Exceptions to prohibition of interception and disclosure of communications.

It shall not be unlawful and no prior court approval shall be required under this chapter for:

* * *

(16) A law enforcement officer, whether or not certified under section 5724 (relating to training), acting in the performance of his official duties to intercept and record an oral communication between individuals in accordance with the following:

(i) At the time of the interception, the oral communication does not occur inside the residence of any of the individuals.

(ii) At the time of the interception, the law enforcement officer:

(A) is [operating the visual or audible warning system of the law enforcement officer's vehicle authorized by 75 Pa.C.S. § 4571 (relating to visual and audible signals on emergency vehicles) or is clearly identifiable as a law enforcement officer] **in uniform or otherwise clearly identifiable as a law enforcement officer;**

(B) is in close proximity to the individuals' oral communication;

(C) is using an electronic, mechanical or other device which has been approved under section 5706(b)(4) (relating to exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices) to intercept the oral communication[, the recorder of which is mounted in the law enforcement officer's vehicle]; and

(D) informs, as soon as reasonably practicable, the individuals identifiably present that he has intercepted and recorded the oral communication.

(iii) As used in this paragraph, [the following words and phrases shall have the meanings given to them in this subparagraph:

"Law enforcement officer." A] **the term "law enforcement officer" means a member of the Pennsylvania State Police or an individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Ch. 21**

Subch. D (relating to municipal police education and training).

["Recorder." An electronic, mechanical or other device used to store an oral communication on tape or on some other comparable medium.]

* * *

(18) A person to intercept oral communications for disciplinary or security purposes on a school bus or school vehicle, as those terms are defined in 75 Pa.C.S. § 102 (relating to definitions), if all of the following conditions are met:

(i) The school board has adopted a policy that authorizes audio interception on school buses or school vehicles for disciplinary or security purposes.

(ii) Each school year, the school board notifies students and their parents or guardians of the policy, by letter mailed to the students' home addresses.

(iii) The school board posts a notice that students may be audiotaped, which notice is clearly visible on each school bus or school vehicle that is furnished with audio-recording equipment.

This paragraph shall not apply when a school bus or school vehicle is used for a purpose that is not school related.

Section 2. This act shall take effect as follows:

(1) The amendment of 18 Pa.C.S. § 5704(16) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 4th day of February, A.D. 2014.

TOM CORBETT

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1077 Session of
2015

INTRODUCED BY VOGEL, EICHELBERGER, TEPLITZ, RAFFERTY, WHITE,
WAGNER, VULAKOVICH AND WARD, DECEMBER 11, 2015

REFERRED TO JUDICIARY, DECEMBER 11, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in wiretapping and electronic
3 surveillance, further providing for exceptions to prohibition
4 of interception and disclosure of communications.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 5704(18) of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5704. Exceptions to prohibition of interception and
10 disclosure of communications.

11 It shall not be unlawful and no prior court approval shall be
12 required under this chapter for:

13 * * *

14 (18) A person to intercept oral communications for
15 disciplinary or security purposes on a school bus or school
16 vehicle, as those terms are defined in 75 Pa.C.S. § 102
17 (relating to definitions), if all of the following conditions
18 are met:

19 (i) The school board has adopted a policy that

1 authorizes audio interception on school buses or school
2 vehicles for disciplinary or security purposes.

3 (ii) Each school year, the school board [notifies
4 students and their parents or guardians of the policy, by
5 letter mailed to the students' home addresses.] includes
6 the policy in a student handbook and in any other
7 publication of the school entity that sets forth the
8 comprehensive rules, procedures and standards of conduct
9 for the school entity.

10 (iii) The school board posts a notice that students
11 may be audiotaped, which notice is clearly visible on
12 each school bus or school vehicle that is furnished with
13 audio-recording equipment.

14 This paragraph shall not apply when a school bus or school
15 vehicle is used for a purpose that is not school related.

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