

ADMINISTRATIVE PROCEDURE

AUDIOVISUAL RECORDING ON SCHOOL BUSES

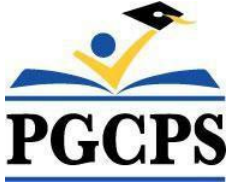
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Procedure No.

October 13, 2022

Date

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- I. **PURPOSE:** To explain the process and use of audiovisual recordings on Prince George’s County Public Schools (PGCPS) buses.
- II. **POLICY:** The Prince George’s County Board of Education (Board of Education) is committed to providing safe and efficient transportation services which are essential to meet the educational objectives of PGCPS. (Policy 3541)
- III. **DEFINITIONS:**
- A. Audiovisual – Electronic media possessing both a sound and a visual component which allows for audio and visual recording.
 - B. Education record – An audiovisual recording is an education record when it is (1) directly related to a student; and (2) maintained by PGCPS.
 - C. School official – The school principal/designee, pupil personnel workers, security staff, and other appropriate PGCPS staff designated with specific responsibility of managing or responding to student behavior concerns are school officials and may inspect an audiovisual recording for legitimate and recognized educational purposes.
- IV. **PROCEDURES:**
- A. In General
 - 1. Audiovisual recordings will be used on school buses to promote order, safety, and security of students, staff, and property.
 - 2. Audiovisual recordings on the interior and exterior of school buses shall be shared with the designated offices within PGCPS to include, but not limited to, Office of General Counsel, Office of Appeals, Office of Student Services, Risk Management and/or the Board of Education’s third-party claims administrator for purposes of evaluating liability claims, employee or student discipline, and/or court actions initiated by the Board of Education or brought against the Board of Education or PGCPS, including any of their agents (actual or apparent), employees, volunteers, and independent contractors.



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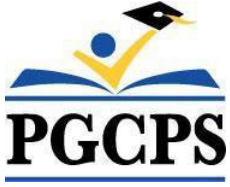
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B. Audiovisual Recordings of Students in the Interior of the School Bus

1. The Director of Transportation shall notify students, staff, and the public that audiovisual recording will occur on buses. Parents and students will be notified annually through the Students' Rights and Responsibilities Handbook, and the PGCPS website. All buses with cameras will have signs posted that state that the bus is equipped with audiovisual surveillance.
2. All audiovisual recordings are the property of PGCPS.
3. a. Not all audiovisual recordings that capture student images are education records. An audiovisual recording must be *directly* related to a student, as well as maintained by PGCPS, for it to be an education record. The criteria that PGCPS uses to make the determination whether an audiovisual recording is directly related to a student include:
 - 1) PGCPS uses the stored recordings containing images of students for disciplinary action involving the student (including the victim of any such disciplinary action);
 - 2) The stored recording contains a depiction of an activity:
 - a) that resulted in PGCPS's use of the recording for disciplinary action (or other official purposes) involving a student (or, if disciplinary action is pending or has not yet been taken, that would reasonably result in the use of the audiovisual recording for disciplinary action involving a student);
 - b) that shows a student in violation of local, state, or federal law; or
 - c) that shows a student getting injured, attacked, victimized, becoming ill, or having a health emergency; or
 - 3) The person or entity taking the photo or video intends to make a specific student the focus of the photo or video; or
 - 4) The audiovisual recording otherwise contains personally identifiable information contained in the student's education record.



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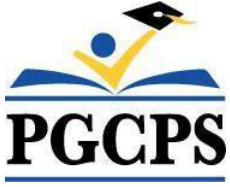
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- b. An audiovisual recording will not be considered directly related to a student in the absence of the above factors and if the student's image is incidental or captured only as part of the background.
 - c. In addition to being directly related to a student, the audiovisual recording also must be maintained by PGCPS or a party acting for PGCPS.
 - d. If an audiovisual recording is not directly related to a student and maintained by PGCPS or a party acting for PGCPS, it is not an education record and any request for access to the audiovisual recording will not be interpreted pursuant to FERPA, but instead as a request under the Maryland Public Information Act. (See Administrative Procedure 1120)
 4. Audiovisual recordings used as a means of investigating or documenting disruptive or otherwise inappropriate student behavior may be requested by the principal/designee or any school official who has a legitimate educational interest, as determined by the principal/designee, the Associate Superintendent of Student Services/designee or the Director of Transportation/designee. Such reviews will be conducted by designated personnel who will be present to operate the equipment or will supervise the operation of the video equipment. Requests for access to audiovisual recordings made by the Maryland State Department (MSDE) of Education pursuant to that agency's investigatory authority will be honored upon receipt of a written request made to the Director of Transportation. The Director of Transportation shall notify the Office of General Counsel of any such requests from MSDE and the pending release of a recording.
 5. The digital storage units and cameras will be active whenever the bus ignition is in the 'on' position. All original audiovisual recordings captured from buses are maintained by a third party vendor for approximately 25 days. Once an audiovisual recording is requested, the Director of Transportation/designee will obtain the copy from the third party and determine if the recording is directly related to a student. PGCPS will keep the audiovisual recording in its original state without alteration. Audiovisual recordings held for review of incidents directly related to a student will be retained in their unedited form, pending resolution and appeal.
 6. Any of the directly involved parties from the incident that meet the criteria explained above may make a request to view the audiovisual recording which may be used as evidence in a meeting.



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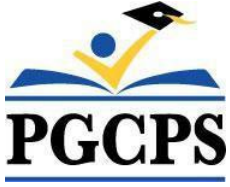
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7. If PGCPS determines that an audiovisual recording is directly related to a student, the parents/guardians of the students who were involved in the incident on the bus must make a request in writing to the Principal/ designee prior to viewing the audiovisual recording of their student. The Principal/designee will be responsible for scheduling the viewing. If the PGCPS student attends a non-public school, the Non-Public Supervisor/designee will be responsible for scheduling the viewing.
 8. Authorized personnel such as the Principal/designee or Non-Public Supervisor/designee will be present when the parent(s)/guardian(s) view the audiovisual recording.
 9. PGCPS does not intend to have counsel present during the viewing of the audiovisual recording.
 - a. If a parent/guardian intends to bring legal counsel to view the audiovisual recording, then legal counsel for PGCPS may also be in attendance.
 - b. The parent/guardian must notify PGCPS not less than 5 business days in advance of the agreed upon viewing date if she/he intends to bring counsel so that PGCPS may also elect to invite counsel. Failure of the parent/guardian to provide this advance notice may result in the viewing date being rescheduled.
 - c. The viewing of the audiovisual recording will take place during business hours at a mutually agreeable date and time, and with the least impact possible on school system operations.
 - d. The viewing of the audiovisual recording will take place on school property on computers with a proprietary software installed.
 - e. Absent exceptional circumstances, PGCPS will not permit multiple viewings by members of the same household.
 10. Playback of the audiovisual recording shall be limited to the date, time of day, and school trip when the incident resulting in the student disciplinary action or other official PGCPS action took place.
 11. During the viewing of the audiovisual recording from a school bus, notetaking will be permitted.



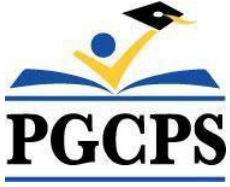
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12. No one in attendance during the viewing may make an audio or audiovisual recording of the recording.
 13. No one in attendance during the viewing may take still photography of the audiovisual recording.
- C. Audiovisual Recordings of Employees, Volunteers and Independent Contractors in the Interior of the School Bus
1. The Director of Transportation shall notify employees that audiovisual recording will occur on buses. Transportation employees will be notified annually through the Department of Transportation's Standard Operations Procedural Manual. Additionally, employees, volunteers, and independent contractors will be notified annually through the PGCPS website. All buses and contracted vehicles with cameras will have signs posted that state that the bus/vehicle is equipped with audiovisual surveillance.
 2. Audiovisual recordings used as a means of investigating inappropriate behavior by an employee, volunteer, or independent contractor may be requested by the Director of Transportation/designee. Such reviews will be conducted by designated personnel who will be present and operate the equipment or will supervise the operation of the video equipment. Additionally, audiovisual recordings concerning employees, volunteers, and independent contractors may only be viewed by the appropriate school official with the approval of the Director of Transportation.
 3. In matters that are referred to the Employee and Labor Relations Office (ELRO), ELRO staff may secure access to the audiovisual recording from the appropriate personnel in the Department of Transportation.
 4. Audiovisual recordings concerning the behavior of the employee or independent contractor may be reviewed by the employee or independent contractor directly involved in the incident. Such reviews will be conducted by designated personnel who will be present and operate the equipment or will supervise the operation of the video equipment.
 5. Audiovisual recordings concerning the behavior of employees, volunteers, and independent contractors shall not be viewed by parents/guardians in order to protect the confidentiality of the records, unless the incident is directly related to a



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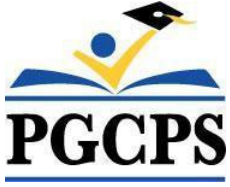
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student and the action or behavior prompted the involvement of an employee, volunteer, or independent contractor.

6. PGCPS does not intend to have counsel present during the viewing of the audiovisual recording.
 - a. If the employee or independent contractor intends to bring legal counsel to view the audiovisual recording, then legal counsel for PGCPS may also be in attendance.
 - b. The employee or independent contractor must notify PGCPS of the intention to bring counsel to view the audiovisual recording so that PGCPS can notify its counsel.
 - c. The viewing of the audiovisual recording will take place during business hours at a mutually agreeable date and time for both parties that does not interfere with regular business operations.
 - d. The viewing of the audiovisual recording will take place on school property on computers with a proprietary software installed.
7. Playback of the audiovisual recording shall be limited to the date, time of day, and school trip when the incident resulting in the employee disciplinary action took place.
8. During the viewing of the audiovisual recording from a school bus, notetaking will be permitted.
9. No one in attendance during the viewing may make an audio or audiovisual recording of the recording.
10. No one in attendance during the viewing may take still photography of the audiovisual recording.
11. A copy of the audiovisual recording may be released to the Motor Vehicle Administration's Medical Advisory Board if there is a question about the driver's ability to safely operate a school bus.



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12. Copies of the audiovisual recording may be released to Child Protective Services within the Department of Social Services, and law enforcement during an investigation due to a report of suspected child abuse and/or neglect.
 13. Copies may also be released to the PGCPS Safety and Security Services Department, Internal Audit Department, or other department(s) as part of an internal investigation.

D. Audiovisual Recordings on the Exterior of the Bus

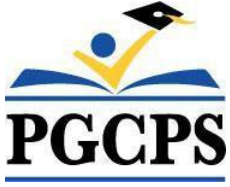
Through the school bus camera enforcement program, a partnership of PGCPS Department of Transportation, the Prince George's County Police Department, and the Prince George's County Government, school bus passing laws are publicized and citations to drivers in violation of school bus passing laws are issued, with the assistance of the Prince George's County Police Department.

V. MONITORING AND COMPLIANCE:

- A. The Department of Student Services is responsible for ensuring that at the beginning of each school year there is a statement in the Transportation and Bus Behavior section of the Student Rights and Responsibilities Handbook stating that there will be cameras on the buses which will provide audio and visual recordings of students.
- B. The Department of Transportation is responsible for ensuring that all school buses or contracted vehicles with cameras have signs posted that state that the bus/vehicle is equipped with audiovisual surveillance and that all transportation employees are notified annually through the Department of Transportation's Standard Operations Procedural Manual that there will be cameras on the buses which will audio visually record.
- C. The Office of Government Relations, Compliance and Procedures is responsible for ensuring that at the beginning of each school year there is a statement in the Employee Code of Conduct stating that all PGCPS buses are equipped with audiovisual camera surveillance.

VI. RELATED PROCEDURES:

- AP 1120 – Public Information Act Requests
- AP 5125 – Individual Student School-Based Records
- AP 3541 - Transportation



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AP 10101 - Students' Rights and Responsibilities Handbook

VII. RELATED REGULATIONS:

- Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. § 1232g; 34 C.F.R. Part 99
- COMAR 13A.08.02.04B

VIII. MAINTENANCE AND UPDATE OF THESE PROCEDURES: These procedures originate with the Chief Operations Officer for Supporting Services and will be updated as necessary.

IX. CANCELLATIONS AND SUPERSEDURES: This Administrative Procedure supersedes the one dated April 20, 2021.

X. EFFECTIVE DATE: October 13, 2022