

VIDEO AND AUDIO RECORDING FOR INSTRUCTIONAL PURPOSES

September 1, 2016

Dear Parent/Guardian:

In the past, we have been able to make video and/or audio recordings of classroom activities for instructional purposes. With the passage of a new law, we are now required to request your permission to record a classroom activity in which your child may be participating. RSA 189:68, IV, states: "No school shall record in any way a school classroom for any purpose without school board approval after a public hearing, and without written consent of the teacher and the parent or legal guardian of each affected student."

There are many reasons why educators would use or allow the use of recordings in classrooms. Some of these valuable uses include, but are not limited to:

- Video or audio recording as part of an instructional lesson or practice;
- Recording classes when students are absent or unable to take notes;
- Student practice work in a photography and videography course;
- Recording a speech therapy session to evaluate a student's progress;
- Creating a video presentation as part of any academic class;
- Videotaping student teachers for teacher education coursework;
- Videotaping a drama class (play) or music class for instructional purposes; and/or
- Instructional or assessment support for students with disabilities and/or students needing accommodations.

The Candia School District recognizes that video and/or audio recordings of classrooms can serve many valuable purposes that align with our educational mission and program. The Candia School Board has adopted a policy that approves the use of video and/or audio recordings for educational purposes, with the prior approval of any affected students.

- A. Purposes for Which Written Consent is Required - The following conditions apply to video and/or audio recordings in classrooms.
 - a. If a teacher intends to video and/or audio record one or more students in his or her classroom, the teacher [or principal] must obtain written consent from the parent/legal guardian of each student who will be recorded
 - b. If a student or school official with a legitimate educational interest wishes to video and/or audio record a teacher or a student in a classroom, written consent must be obtained from the teacher who will be recorded and the parent/legal guardian of each student who will be recorded.

- B. Purposes for Which Written Consent is Not Required

- a. Written consent is not required for video and/or audio recordings made pursuant to an IEP or 504 Plan, when the IEP or 504 Team determines that such recording is necessary for the delivery of a free appropriate public education (FAPE) or to access an educational program.
- b. School recordings of any class, performance, competition, ceremony, instruction, presentation, orientation, training, assembly, or any other school sponsored event that occurs outside the physical confines of a classroom.
- c. School recordings of school grounds and facilities for security or other purposes.
- d. Recording on school buses as authorized by the School Board pursuant to RSA 570-A:2 (k)
- e. Recordings made in compliance with the District's FERPA Annual notice.

Note that Policy EEAB is on the back of this document and can also be found on the district website

Legal Reference: RSA 189:68, IV

CSD File: EEAB CANDIA SCHOOL DISTRICT VIDEO AND AUDIO RECORDING FOR INSTRUCTIONAL PURPOSES

The Candia School Board is committed to the use of technology to enhance the education of its students. The Board acknowledges that video, digital video and audio recording ("recording") in the classroom may be useful for instructional purposes. In addition, there are times when live streaming, or internet access to digital video and audio recording are appropriate. For example, these technologies may be useful tools to provide access to students in remote locations, home-bound or hospital-bound students, or to permit a student to recover classroom instruction lost during an extended absence.

The decision whether or not to conduct video, digital video or audio recording for educational purposes shall be made in the first instance by the classroom teacher and their request and consent to recording shall be documented in writing and placed on file with the Principal. All such recordings shall be deemed the copy written property of Candia School District and shall not be reproduced without Candia School District's express permission. Recordings shall not be sold. Recording in the classroom for other than educational purposes is prohibited. Recordings made for instructional use are intended to provide information for pedagogical and scholarly study, and do not constitute educational records under the Family Educational Rights and Privacy Act (FERPA). Only the student(s) or instructor, on whose behalf a request for recording is made, will be granted access to that recording. The Principal may authorize others to view an existing recording on a case-by-case and as-needed basis.

Student recording as an accommodation in their Individualized Education Plan or Section 504 Plan shall not be deemed a school recording unless the recording is

conducted by the school on behalf of the student. All recordings made as an accommodation, or for instructional recovery or academic study shall be erased at the end of the semester or when they are no longer needed, whichever is the later event. If the classroom teacher wishes to preserve a recording for future instructional purposes, they shall seek permission from the Principal to preserve the recording.

No recording shall take place in a classroom without first securing the written consent of each adult student, or minor student’s parent or guardian. An adult student or parent who refuses consent for a class where recording is the curriculum, such as a television or broadcast journalism course, shall not be permitted to enroll in the course. This policy shall be reproduced in the next student handbook, and the parent or adult student’s written receipt of the handbook shall be deemed written consent to Candia School District’s use of video and audio classroom recording for instructional purpose unless the adult student or parent opts out of granting permission. Until such policy is reproduced in the handbook, this policy and a permission form shall be disseminated by the classroom educator when recording in their classroom is contemplated. The educator shall be responsible for garnering the adult student or parent’s written consent and placing the same on file with the Building Principal before recording may take place in the classroom. Candia School District reserves the right to reassign students to classes in accordance with their recording preferences.

This policy does not apply to the recording by Candia School District of events such as public concerts, graduation ceremonies, athletic events, and the like; all of which are not considered classroom recording. This policy has been adopted after a public hearing conducted by the Candia School Board.

See also policy EEAA

1st. Reading: November 05, 2015

Legal

References:

Public Hearing: November 05, 2015
Adopted: November 05, 2015
(FERPA)
(FERPA)

RSA 189:68(IV)
20 U.S.C. § 1232g
34 CFR Part 99



PERMISSION FOR VIDEO AND AUDIO RECORDING FOR INSTRUCTIONAL PURPOSES (Policy: EEAB)

I am aware of the Candia School District policy on Video and Audio Recording in School Classrooms (EEAB). I give permission to Candia School District to conduct video and audio recording in my child's classrooms for instructional purposes in accord with that policy.

Please sign a form for each child and return it to the school. Please sign the statement that you are choosing (choose only one). If you need further information or have questions, you can contact the principal at the school.

Student Name _____ Grade _____

Homeroom Teacher _____

Permission Granted:

I consent to the recording of my son/daughter's voice or image in the classroom for instructional purposes.

Date

Parent/Guardian Printed Name

Parent/Guardian Signature

Permission Withheld:

I **do not** consent to the recording of my son/daughter's voice or image in the classroom for instructional purposes.

Date

Parent/Guardian Printed Name

Parent/Guardian Signature

Legal Reference: RSA 189:68, IV