

PHOTOGRAPHS, VIDEOS, AND/OR AUDIO FILES OF STUDENTS

Western Dubuque Community School District encourages positive publicity of students through the use of photographs, videos, and/or audio files (media) within the context of this policy and COPPA regulations. Media of students may be created and utilized by District teachers, administrators, or their designee as a facet of instruction for enhancing learning, to assist in providing a safe and secure learning environment, and to monitor/record student activities. Such school district staff shall maintain the confidentiality of media in accordance with state and federal laws and established District policies. Creating media may be announced or unannounced.

I. Parent/Guardian Media Consent

- a. Media consent is always required from a parent/guardian when:
 - i. Media is used to monitor a student's classroom behavior.
 - ii. Media that discloses special education eligibility.
- b. Media consent is annually required from a parent/guardian when:
 - i. School/classroom created media can be viewed and/or listened to by any individual. This includes media distributed via the District and/or school building: websites, social networking services, newsletters, brochures, digital yearbooks, etc.
 - ii. School/classroom created media is shared with news media (newspapers, television, radio, etc.) for public relations purposes.
 - iii. News media cover school/classroom activities.
- c. Media consent is not required from a parent/guardian when:
 - i. Teachers, administrators, or their designee create, utilize, and maintain media of students for professional use within the District. Examples include documenting science experiments, drama performances, etc.
 - ii. Students have voluntarily chosen or been allowed by a parent/guardian to participate in, or be a spectator at, a school-related activity that is open to the public such as an athletic event, concert, theatrical presentation, dance, etc.
 - iii. Students have chosen to be involved in an activity/event/committee that has the potential for news media contact. This could include athletes, members of a homecoming court, student council, SAFE, fine arts, etc.
 - iv. Archived consent media is obtained from a previous school year.
 - v. There is outside news media of students in areas that cannot be effectively shielded from the public, such as playgrounds, parking lots, athletic fields, etc.
 - vi. Cameras are used to monitor common and public areas of a school building/grounds.

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II. Archiving Media

- a. If the media was created for testing and/or academic measurement (e.g. alternative assessment), it should be retained for a minimum of 1 year after recording the data.
- b. If the media was created for instruction and/or grading, it should be retained for a minimum of 1 year after entering scores/data in a grade book or student record.
- c. If the media is a discipline record, other than expulsion, it should be retained for a minimum of 1 year. If the media is an expulsion record, it should be retained for a minimum of 3 years.
- d. If the media constitutes a report of accidents involving a student, it should be retained for a minimum of 5 years, or 2 years after the student reaches the age of 18, whichever is later.
- e. If the media is used as a report to law enforcement or some other enforcement agency, it should be retained for a minimum of 2 years.
- f. If there is an outstanding FERPA request for the media, it cannot be destroyed.

III. District Obtained Media

- a. District obtained media containing the images of students is considered an educational record. As such, the media may be viewed with parental consent. Absent parental consent, the school officials viewing and/or listening to the District obtained media would have to have a legitimate educational interest in viewing the media of the particular student(s).

IV. FERPA Law

- a. If media depicts more than one student, it cannot be released unedited to one parent/guardian without the consent of the other parent/guardian. FERPA provides, "If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about the student."
- b. FERPA steps for releasing media content:
 - i. Seek consent of the other parent/guardian to release the entire media.
 - ii. Without altering the original media, determine if a copy can be edited to remove portions containing other students.
 - iii. With respect to portions that cannot be edited, provide a written summary of the contents of the media.

Cross Reference: 902.4 Live Broadcast or Videotaping

Approved: May 11, 2015

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