

RECORDING OF SCHOOL MEETINGS

Recordings of Meetings with District Staff by a Student, Parent, or Guardian

Except as otherwise provided under this policy, neither a student nor a student's parent(s) or guardian(s), nor any such person's representative or designee, shall make audio or video recordings of school meetings (including District conferences) that involve District employees unless the person making the recording (1) has obtained administrative-level approval to record the meeting, and (2) no later than the start of the meeting, has informed the staff member(s) and others who are in attendance that the meeting is being recorded.

The District will approve a request to record a meeting under this policy if any of the following apply:

1. The request is made by or on behalf of a parent, guardian, student, or other authorized non-District participant who has exceptional needs and the District determines that approving the request would be a reasonable accommodation or that recording would be an appropriate means of ensuring such an individual's meaningful access to, participation in, or understanding of the meeting. For purposes of this policy, an individual with exceptional needs includes any qualified person with a disability, as defined under applicable law, and any person with a language barrier for whom communicating in English is not sufficiently effective.
2. The District determines that approving the request is necessary to the exercise of any individual's other legal rights.

If recording is permitted, the District may disallow a person to record a meeting using a specific method that the District has determined would be unnecessarily burdensome, intrusive, or disruptive, provided that an alternative method of recording is available that would be practical and effective in light of any legitimate need(s) that have been established. If a recording is made by a parent, guardian, or student, or by any non-District representative or designee, and if a copy of the recording is not maintained by the District, then the recording is not considered a District record.

To the extent permitted by applicable law, the District reserves discretion to deny a request to record a school meeting when the District determines that the person does not have a legal right to record the meeting and that other relevant considerations counsel against allowing the meeting to be recorded. Examples of such other considerations include a failure to provide sufficient advance notice; failure to cooperate with reasonable inquiries related to the request; a determination that recording would not be conducive to the intended purpose of the meeting; a determination that the proposed method of recording would be unduly burdensome, intrusive, or disruptive; or a determination that the likely purpose or effect of the request would be to harass or intimidate any person.

If a request to record a meeting has been denied, then, time permitting before the meeting, the person making the request may appeal the denial to the District Administrator, whose decision on review (or reconsideration) shall be considered final.

A request for approval to record a meeting that identifies the meeting(s) and the reason(s) for the request may be submitted to the applicable building principal, or, for meetings related to special education, the Director of Special Education. A minimum of two (2) full business days' advance notice will normally be required, although it may be reasonable and appropriate to give earlier notice and it may sometimes be appropriate for the District to consider a later notice. A single request may cover more than one meeting and may also cover more than one type of meeting.

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If a request to record a meeting is not made sufficiently far in advance for the District to assess and respond to the request before the meeting is scheduled to begin, then options that may be considered include:

1. Offering to hold the meeting as scheduled, but without any recording.
2. Offering to reschedule the meeting, if practical, to a later date/time.
3. If the request relates to an individual who clearly has exceptional needs and all agents and employees of the District who will be attending the meeting, or who are actually in attendance, consent to the recording, then the meeting may be held as scheduled and recorded.

Recordings of Meetings with Students/Parents by District Employees

District employees shall not self-initiate the recording of a school meeting or District conference that they hold or attend with a parent, guardian, or student, or such person's representative, unless clearly authorized to do so by District policy or by an administrative-level supervisor (other than the employee himself/herself). In the absence of exceptional circumstances, the other participants/attendees shall be informed no later than the point the recording begins that the meeting (or a portion thereof) will be recorded. Any such recording shall be considered a District record and not a personal record.

If a District employee or an agent of the District records a meeting on the District's behalf, including in situations where the recording is also made for the benefit of a parent, guardian, or student, or such person's representative, then the District shall make arrangements for the appropriate preservation and retention of the recording in accordance with applicable laws and local policies, including student records laws to the extent applicable.

Exceptions

This policy is not intended to apply to general school assemblies, events, presentations, or meetings that are open to the public or to a similar general audience (e.g., all relevant school families) or to any open session meeting of a governmental body of the District that is subject to the provisions of the Wisconsin Open Meetings Law.

In addition, notwithstanding any of the otherwise-applicable rules established in this policy, a school meeting between or among a student, a student's parent(s) or guardian(s), or their representative, and any District employee(s) may be recorded:

1. Pursuant to, and in the manner expressly provided by an individualized education program (IEP) or a similar legal document that is binding on the District;
2. With the specific and express approval of the District Administrator, or his/her designee if he/she is unavailable, for an exceptional reason that the administrator documents in connection with approving the exception;
3. In response to an unforeseen, imminent emergency situation that threatens the health or safety of any person; or
4. Under the specific direction of law enforcement personnel or pursuant to a court order.

LEGAL REFERENCES:

Wisconsin Statutes

School District of Rib Lake

Subchapter II of Chapter 19 [public records and property]

Section 118.125 [state student records law]

Section 120.13 [broad powers of the school board]

Federal Laws

29 U.S.C. §794 [general nondiscrimination provision of Section 504 (Rehabilitation Act)]

42 U.S.C. §12131 et seq. [Title II of the Americans with Disabilities Act (ADA); nondiscrimination on the basis of disability in state and local government services]

28 C.F.R. Part 35 [ADA Title II regulations]

34 C.F.R. Part 99 [U.S. Department of Education Family Educational Rights and Privacy Act (FERPA) regulations]

34 C.F.R. Part 104 [U.S. Department of Education Section 504 regulations]

34 C.F.R. Part 300, Subpart F [U.S. Department of Education Individuals with Disabilities Education Act (IDEA) regulations; confidentiality and maintenance of records]

CROSS REFERENCES:

ADOPTED: February 14, 2019