



Frederick County Public Schools
Regulation
RETENTION, ACCESS, AND DISCLOSURE OF
FCPS VIDEO RECORDINGS
Regulation 209-02

A. Purpose

To establish formal procedures for the retention, access, and disclosure of video recordings from Frederick County Public Schools (FCPS) security cameras, including for purposes related to staff and student safety, disciplinary investigations, and legal compliance in accordance with applicable federal, State, and local laws and regulations, and Board of Education of Frederick County (Board) policies and FCPS regulations.

B. Background

FCPS utilizes security cameras throughout school property and grounds to enhance staff and student safety. Video footage may capture inappropriate or disruptive behavior, misconduct, serious incidents, or criminal behavior. Individuals on FCPS property, including students, staff, and visitors, should not expect privacy, as all FCPS campuses, buildings, and vehicles are subject to video surveillance monitoring.

C. Definitions

1. “Authorized User” is defined to mean FCPS personnel designated to manage and access video footage for legitimate safety and security reasons.
2. “Audiovisual Recording” is defined to mean synchronized video and audio captured by security cameras located on or in FCPS school buses, FCPS vehicles, and at Heather Ridge School.
3. “Bus Video” is defined to mean a type of audiovisual recording that includes video and audio surveillance footage from security cameras on or in FCPS school buses and vehicles.
4. “Eligible student” is defined as a student who has reached 18 years of age or is attending an institution of postsecondary education.
5. “Litigation hold” or “Legal Hold” is defined to mean an order to refrain from disposing of documentary materials due to foreseeable or pending litigation, court order, internal or external investigation, audit, or special organizational requirements.
6. “Parent” is defined to mean a biological or adoptive parent, a court-appointed custodian or guardian, a foster parent, or a caregiver (as defined by the Education Article of the Maryland Annotated Code or as designated by the United States Department of Health and Human Services, Office of Refugee Resettlement).

7. "School Property" or "School Grounds" is defined to mean any school or other FCPS facility, including grounds owned or operated by FCPS, FCPS buses and other FCPS vehicles, chartered vehicles, and the facility and/or grounds of any FCPS-sponsored activity involving students.
8. "School system" or "FCPS" is defined to mean the Frederick County Public Schools and the Board of Education of Frederick County.
9. "Security Video" is defined to mean video-only footage from security cameras located on or in FCPS facilities, including hallways, public spaces, or selected classrooms, except at the Heather Ridge School, which includes audio capture.
10. "Student Records" is defined to mean records, files, documents, and other materials which contain information directly related to a student and are maintained by the Board through its institutions of elementary and secondary education, or by a person acting for the Board. Student records do not include the personal notes or records made by instructional, supervisory, and administrative personnel, and educational personnel ancillary thereto, which remain in the sole possession of the maker and which are not accessible or revealed to any other individual.
11. "Video recording" or "Video footage" is defined to include Audiovisual Recording, Bus Video, and Security Video.
12. "Video Server Folder" is defined to mean a secure digital location or repository where video footage is stored and accessed.

D. Procedures

1. Applicability

- a. This Regulation applies to all video footage from FCPS security cameras located throughout school property and grounds and on FCPS buses.
- b. This Regulation does not apply to personal mobile devices used to record audio or video. Such use is governed by [Board Policy 118, *Personal Mobile Devices*](#), and [FCPS Regulation 434-01, *Technology Use, Students*](#).

2. General Terms

a. Video Recording Ownership

- i. Video recordings are the property of the Board and shall not be copied, transmitted, or released outside the school system without prior approval from the Legal Services Division. Unauthorized access, duplication, or disclosure of video recordings may result in disciplinary or legal action.
- ii. Unauthorized access, duplication, or disclosure of video recordings constitutes a violation of Board policy and may result in disciplinary or legal action.

b. Legal Compliance

- i. Access to, retention of, and disclosure of Security Video and Bus Video are governed by applicable federal, State, and local laws and regulations, and Board

Policies and FCPS Regulations. Nothing in this Regulation shall be construed to grant broader access or distribution rights beyond those required by law.

- ii. Video surveillance images may be considered educational records and shall be managed and maintained in compliance with the Family Educational Rights and Privacy Act (FERPA) policies and guidelines. Access to any portion of a video recording in which a student is personally identifiable that constitutes access to an educational record shall be documented accordingly.
 - iii. Where Title IX requires the sharing of video evidence, the school system will provide access consistent with federal law and regulation. In most cases, supervised viewing will meet this obligation.
- c. **Installation and Maintenance of Cameras**
- i. The Safety and Emergency Management Department (SEMD) shall be authorized to purchase, install, maintain, and provide access to video surveillance equipment in FCPS buildings and on FCPS property to the extent allowable by law.
 - ii. FCPS places security cameras only in areas where there is no reasonable expectation of privacy (i.e., cameras are not permitted in bathrooms, locker rooms, or dressing areas). The schools, hallways, classrooms, and specific locations within the classroom where cameras may be located must be approved by the Superintendent or their designee. It is not FCPS' intention to install cameras in every classroom or in each self-contained special education classroom.
 - iii. No other agency or person shall be authorized to install video surveillance equipment in any FCPS building or on any FCPS property without approval by the Director of SEMD.
- d. **Availability of Recordings**
- i. **Security Video.** Security Video can only be guaranteed to be available within a 30-day period to support data storage limitations.
 - ii. **Bus Video.** Bus Video is guaranteed to be available for up to 14 days, subject to data storage limitations.
- e. **Storage of Downloaded Recordings**
- i. All video recordings, including Security Video and Bus Video, must be stored exclusively in designated Video Server Folders managed by the appropriate department (SEMD for Security Video; DOT for Bus Video). These secure digital repositories ensure data integrity and prevent unauthorized duplication or fragmentation. No local copies or alternative storage locations are permitted.
 - ii. Each new recording must be deposited immediately into its assigned folder upon creation or export.
- f. **Retention Period for Downloaded Recordings**
- i. Generally, SEMD and the Department of Transportation (DOT) shall retain downloaded recordings in accordance with federal, state, and local law and for a period consistent with FCPS record retention requirements.
 - ii. The following additional retention periods apply:
 - 1. **Subpoenaed Video Recordings.** Video recordings subject to a lawful subpoena shall be retained until formally released by the Legal Services Division.
 - 2. **Legal Hold**

- a. The Legal Services Division may issue a Legal Hold notification to preserve a video recording in connection with or anticipation of litigation. This may include where there is an allegation of abuse, sexual misconduct, or other incidents that could give rise to a legal claim.
- b. Video recordings subject to a legal hold shall be immediately archived in a locked, access-controlled environment.
- c. Video recordings under legal hold shall be retained until final disposition of the matter, including exhaustion of appeals.
- d. No video on legal hold may be destroyed, overwritten, or otherwise disposed of until review and approval by the Legal Services.
- g. **Custodian of Recordings.**
 - i. The Director of SEMD shall serve as the custodian of all video recordings captured through school system-installed safety and security cameras.
 - ii. The Director of Transportation shall serve as the custodian of all video recordings captured through cameras installed in FCPS buses.
- h. **Annual Notification.** FCPS will provide notification to students, families, and staff of video surveillance practices through the Student Code of Conduct and the Employee Code of Conduct.
- i. **Training.** SEMD will provide annual training for Authorized Users on the FCPS video surveillance system to view, retrieve, or copy images.

3. Authorized Users

a. Security Video

- i. Authorized Users for all FCPS Security Video include:
 - 1. The Director of SEMD and designated SEMD staff;
 - 2. The Chief Operating Officer and designated Facilities Services staff;
 - 3. Chief Legal Counsel or their designee; and
 - 4. Other individuals as approved by the Director of SEMD in consultation, as required, with Legal Services Division staff.
- ii. Authorized Users for assigned school and building Security Video include:
 - 1. School Principals and Assistant Principals;
 - 2. Designated administrators as determined by the Director of SEMD;
 - 3. Maintenance and Operations Area Supervisors; and
 - 4. Other individuals as approved by the Director of SEMD in consultation, as required, with Legal Services Division staff.

b. Bus Video

- i. Authorized Users for all FCPS Bus Video include:
 - 1. The Director of Transportation, Transportation Managers, and designated DOT staff;
 - 2. The Chief Operating Officer and the Executive Director of Systemwide Services;
 - 3. Chief Legal Counsel or their designee; and
 - 4. Other individuals as approved by the Director of Transportation in consultation, as required, with Legal Services Division staff.
- ii. Authorized Users for Bus Video from buses assigned to their school's bus routes include:

1. School Principals and Assistant Principals and designated administrators as determined by the Director of Transportation;
 2. Non-Public School Administrators as approved by the Director of Transportation in consultation with the Associate Superintendent of the Department of Special Education and Student Services or their designee; and
 3. Other individuals as approved by the Director of Transportation in consultation, as required, with Legal Services Division staff.
4. **Use of Video Recordings**
- a. Video surveillance systems are operated exclusively for the purposes of promoting student and staff safety, protecting property, and supporting investigations of specific incidents.
 - b. Video footage shall not be used for routine employee evaluation, classroom performance monitoring, or any purpose unrelated to safety, security, or legal compliance.
 - c. If evidence of misconduct is incidentally discovered during the course of reviewing video footage for safety, security, or investigative purposes, such video footage may be used to support appropriate disciplinary action in accordance with applicable laws, regulations, or policies.
5. **When to Retain Videos**
- a. **Security Video.** Upon report of an incident in a school building that warrants student or employee discipline, administrators must promptly determine whether relevant video exists and request that the video be preserved.
 - b. **Bus Video.** Upon report of an incident on a school bus that warrants student or employee discipline, the Director of Transportation or their designee must promptly determine whether relevant video exists and take the necessary steps to preserve the video in the designated Video Service Folder.
 - c. **Student Discipline.** Any video used as the basis for student discipline must be preserved and included in appeals or expulsion reviews.
 - d. **Staff Discipline.** Any video used as the basis for staff discipline must be preserved and made available during disciplinary due process.
6. **Access to Bus or Security Videos**
- a. **General**
 - i. The Director of SEMD shall maintain records of requests for access to Bus or Security Video, including the name of the individual making the request, the administrator submitting the request, the legal authority under which the request is being made, the rationale for granting or denying access to the video, and (if access is granted) the date, manner, and duration of access.
 - ii. Under no circumstances may FCPS staff provide access to or allow recording of any Security or Bus Video without prior approval from the Director of SEMD.
 - iii. Real-time access is not available; footage must be downloaded from local storage before being made available.
 - b. **Determination of Access**

- i. The Director of SEMD, in consultation with the Legal Services Division, will review each request to determine if the individual making the request is an Authorized User or otherwise has a lawful right to view the video and whether the request meets the criteria for safety, security, or emergency management purposes.
 - ii. Not all video recordings are eligible to be reviewed upon request. Video recordings that depict the likeness or image of other students will be reviewed on a case-by-case basis to determine whether access can be granted in compliance with applicable law, Board Policy, and FCPS Regulation.
 - iii. Redaction or other privacy safeguards may be applied, to the extent such tools are available, as needed to provide access while preserving and protecting otherwise confidential or protected information.
- c. Who May Request Access and How to Request Access**
- i. Parents, eligible students, and staff may request access by contacting the school principal or their designee, who will submit the request to SEMD via the [Request to View FCPS Security Camera Video Form](#), or by submitting a request for access to a video pursuant to the Maryland Public Information Act (MPIA) using the process outlined in [FCPS Regulation 200-42, Maryland Public Information Act Requests](#).
 - ii. Non-public school administrators may request access by contacting the appropriate Transportation Manager, who will submit the request to SEMD via the [Request to View FCPS Security Camera Video Form](#).
 - iii. Subpoenas for Bus or Security Video shall be submitted to the Legal Services Office in accordance with [FCPS Regulation 106-01, Service of Process](#).
 - iv. All other requests for access to Bus or Security Video must be made in accordance with the Maryland Public Information Act (MPIA) using the process outlined in [FCPS Regulation 200-42, Maryland Public Information Act Requests](#).
- d. Reviewing Video When Access is Granted**
- i. Bus and Security Video are accessed through software on the FCPS network.
 - ii. Bus and Security Video must be viewed on school grounds in the presence of an Authorized User, except for Bus Video requested by non-public school administrators which may be viewed remotely while in the presence of an Authorized User.
 - iii. All viewing shall occur in a controlled, supervised environment. Recording devices, including cameras, cell phones, or any other equipment capable of capturing images or audio, are prohibited during viewing. When arranging to view a Video, the requesting individual must also notify FCPS of their intention to bring anyone who is not the subject student or a parent of a subject student, including legal counsel. Parents or eligible students will be required to sign an acknowledgment form agreeing to these conditions.
- e. Surveillance Pertaining to Students Receiving Special Education Services in Self-Contained Classrooms or Other Special Education Settings**
- i. FCPS will continue to operate and maintain the video recording in the self-contained classroom or other special education setting as long as the classroom or setting continues to meet the definition of a self-contained classroom or other special education setting.

- ii. **Notification.** The video/audio recording equipment will not become operational until after the school provides advanced written notice of the placement of the video camera to the staff members and parents of all students receiving special education services in the classroom or setting, and providing advanced written notice to all campus staff by posting a notice at the entrance to the classroom or setting.
- iii. In classroom locations other than at the Heather Ridge School, the video recording will cover areas of the classroom or setting, except the inside of a bathroom or area used for toileting or diapering a student or removing or changing a student's clothes, and there will be no audio recording.
- iv. The video camera will be set to a standard recording schedule that covers building or classroom occupancy.

7. **Staff Expectations**

- a. **Personal Recording Devices.** Consistent with Board Policy and FCPS Regulation, staff are not permitted to record students using personal recording devices.
- b. **Mandatory Reporting.** Any Authorized User who observes conduct or circumstances in video footage that may constitute child abuse or neglect as defined by Maryland law and [Board Policy 418, *Child Abuse and Neglect*](#), shall immediately follow mandatory reporting procedures as outlined in Board Policy 418. Failure to comply with the mandatory reporting requirements may result in disciplinary action in accordance with applicable Board Policies, FCPS Regulations, and Maryland law.
- c. **Employee Privacy and Workplace Protections.** While employees who appear in video recordings are not "subjects" under FERPA, the school system is committed to protecting employee privacy and workplace rights. Conditions of access, including supervised viewing and the prohibition on duplication, are intended to minimize misuse of employee likenesses.

E. Related Information

1. **Board Policy**

- a. [Policy 300, *Personnel*](#)
(<https://apps.fcps.org/legal/documents/300>)
- b. [Policy 404, *Student Rights and Responsibilities*](#)
(<https://apps.fcps.org/legal/documents/404>)
- c. [Policy 418, *Child Abuse and Neglect*](#)
(<https://apps.fcps.org/legal/documents/418>)
- d. [Policy 421, *Student Education Records*](#)
(<https://apps.fcps.org/legal/documents/421>)
- e. [Policy 441, *Transportation*](#)
(<https://apps.fcps.org/legal/documents/441>)

2. **Code of Federal Regulations (CFR)**

- a. [34 CFR Part 99](#)
(https://fcps-md.info/FERPA_34_CFR_99)

3. **Code of Maryland Regulations (COMAR)**

- a. [COMAR 13A.08.02, Student Records](https://fcps-md.info/COMAR_13A-08-02)
(https://fcps-md.info/COMAR_13A-08-02)

4. External Resources

- a. [US Department of Education. FAQs on Photos and Videos under FERPA](https://fcps-md.info/US_DOE_FERPA_FAQ_Video_Photo)
(https://fcps-md.info/US_DOE_FERPA_FAQ_Video_Photo)
- b. [USDOE Office of the Chief Privacy Officer, Letter to Watcher \(December 7, 2017\)](https://fcps-md.info/US_DOE_Letter_to_Watcher_2017)
(https://fcps-md.info/US_DOE_Letter_to_Watcher_2017)
- c. [Maryland State Department of Education \(MSDE\), Student Records Manual](https://fcps-md.info/MSDE_Student_Records_Manual_2020)
(https://fcps-md.info/MSDE_Student_Records_Manual_2020)

5. FCPS Regulations

- a. [Regulation 106-01, Service of Process](https://apps.fcps.org/legal/documents/106-01)
(<https://apps.fcps.org/legal/documents/106-01>)
- b. [Regulation 200-29, School Security, Facility Access, and Reporting Emergencies](https://apps.fcps.org/legal/documents/200-29)
(<https://apps.fcps.org/legal/documents/200-29>)
- c. [Regulation 200-42, Maryland Public Information Act Requests](https://apps.fcps.org/legal/documents/200-42)
(<https://apps.fcps.org/legal/documents/200-42>)
- d. [Regulation 200-49, Personally Identifiable Information \(PII\) for FCPS School Officials](https://apps.fcps.org/legal/documents/200-49)
(<https://apps.fcps.org/legal/documents/200-49>)
- e. [Regulation 301-01, Technology Use, Staff](https://apps.fcps.org/legal/documents/300-45) (formerly 300-45)
(<https://apps.fcps.org/legal/documents/300-45>)
- f. [Regulation 400-20, Student Records](https://apps.fcps.org/legal/documents/400-20)
(<https://apps.fcps.org/legal/documents/400-20>)
- g. [Regulation 400-96, Student Data Privacy](https://apps.fcps.org/legal/documents/400-96)
(<https://apps.fcps.org/legal/documents/400-96>)
- h. [Regulation 434-01, Technology Use, Students](https://apps.fcps.org/legal/documents/434-01)
(<https://apps.fcps.org/legal/documents/434-01>)
- i. [Regulation 508-02, School Individualized Education Program \(IEP\) Team](https://apps.fcps.org/legal/documents/508-02)
(<https://apps.fcps.org/legal/documents/508-02>)

6. FCPS Resources

- a. [FCPS / Staff / Employee Code of Conduct](https://www.fcps.org/staff/employee_code_of_conduct)
(https://www.fcps.org/staff/employee_code_of_conduct)
- b. [FCPS / Families & Students / Student Code of Conduct](https://www.fcps.org/families_students/student_code_of_conduct)
(https://www.fcps.org/families_students/student_code_of_conduct)
- c. **Forms**
 - i. [Request to View FCPS Security Camera Video Form](https://forms.fcps.org/view.php?id=1464070)
(<https://forms.fcps.org/view.php?id=1464070>)

7. Federal Law

- a. Family Educational Rights and Privacy Act (FERPA)
- b. Title IX of the Education Amendments Act of 1972 (Title IX)
- c. U.S. Const., Fourth Amendment

- 8. **Maryland Law**
 - a. Maryland Public Information Act
 - b. Maryland Wiretapping and Electronic Surveillance Act

- 9. **Maryland Statutes**
 - a. [Md. Code Ann., Cts Jud § 10-402](https://fcps-md.info/MD_Cts_Jud_Code_10-402)
(https://fcps-md.info/MD_Cts_Jud_Code_10-402)

F. Regulation History (Maintained by Legal Services)

<i>Responsible Office</i>	Safety and Emergency Management Department; Transportation; Legal Services Division
Adoption Dates	11/20/25
Review Dates	
Revision Dates	