COMMUNITY RELATIONS

RECORDING MEETINGS WITHOUT CONSENT

I. Purpose

The Regional School District 13 Board of Education (the "Board") is committed to fostering a culture built on mutual trust, open communication, and professional ethics. The Board finds that unauthorized or secret recordings of conversations (whether between staff and supervisors, or between school employees and students or parents) undermine the consultative process, inhibit candid feedback, and create an adversarial environment. Such actions are considered highly offensive to a reasonable person and detrimental to the educational climate.

It is important to note that this policy provides exceptions for recordings and protections for individuals when the need to record arises out of a need for safety (abuse, neglect, bullying, hazing, retaliation), legality (violation of law or school board policy, whistleblowing), and/or discrimination /harassment.

In all such cases, the District encourages the use of the School District Resolution Procedures (for community and employees) prior to the need for a secret recording. It is understood that in certain circumstances, this is not always possible.

II. Definitions

- **Secretly Recording:** The act of recording a conversation or interaction (audio or video) without notifying all participants and obtaining their express verbal or written consent at the outset.
- **Meeting:** Any scheduled or informal gathering, whether in person or via digital/virtual platforms, where school business, student progress, or employment matters are discussed.
- **Supervisor:** Any individual with authority to direct, evaluate, or oversee the work of a Board of Education employee.
- **Staff Member:** Any person employed by the Board of Education, whether certified or noncertified.

III. Prohibited Conduct

Except as otherwise provided by law or this policy, all persons on school property, or participating in school-sponsored activities (including virtual environments), are prohibited from surreptitiously recording any meeting or conversation where there is a reasonable expectation of privacy.

1. This prohibition encompasses audio, video, and the use of AI-based automated notetaking or transcription services (e.g., Otter.ai, Fireflies, Zoom AI) that record or process the audio of a meeting without the knowledge and consent of all participants.

2. This policy is intended to prevent the unauthorized recording of private professional interactions, confidential student matters, and internal administrative consultations. It is not

intended to prohibit recording in public or semi-public forums where there is no expectation of privacy.

IV. Exceptions and Limitations

This policy shall not apply to:

- Recordings of meetings subject to the Connecticut Freedom of Information Act (FOIA) held in public session.
- The use of built-in recording features in platforms such as Zoom, Microsoft Teams, or Google Meet, provided the recording is initiated by the host for administrative purposes and the platform provides an automatic notification (audible or visual) to all participants that recording is in progress.
- Casual photography or videography during public school events, such as athletic competitions, theater performances, or graduation ceremonies, where participants generally expect to be viewed or recorded by the public.
- Incidental recording in common areas (e.g., hallways, cafeteria) where the purpose is social or commemorative and not intended to capture private conversations or sensitive student/staff information.
- Recordings made by an employee or student for the sole purpose of documenting harassment, discrimination, or criminal activity, provided the individual is a party to the conversation and recording is used specifically for reporting to school administration, law enforcement, or relevant state agencies (e.g., DCF, CHRO).
- The accidental or incidental capture of background audio or video where there was no intent to surreptitiously monitor a specific conversation.
- **Special Education (PPT/504):** Meetings involving the development of an IEP or Section 504 Plan, where recording is permitted in accordance with federal and state guidelines, provided that the party wishing to record gives reasonable advance notice to all participants.
- **Professional Evaluation:** Situations where recording is a formal part of an evaluation or professional development program previously agreed upon by the administration and the relevant employee/union.
- **Legal Mandates:** Activities conducted at the direction of law enforcement or as required by a valid subpoena or court order.

V. Procedures for Authorized Recording

If a person wishes to use an AI note-taker or an external recording device during a non-public meeting, they must:

1. Announce the use of the tool at the start of the meeting and receive consent from all parties.
2. Explicitly state the purpose of the recording on the record.
3. If any participant objects to the recording or AI-transcription, the recording must be stopped immediately.
4. If AI-transcription is used for a meeting involving student data, the tool must comply with the District's data privacy requirements and the Connecticut Student Data Privacy Act.
5. The recording must be "open and obvious."

6. If a visitor or staff member is authorized to record, the District reserves the right to simultaneously record the meeting.
7. Any recording made by an employee on a district device or in an official capacity becomes a record of the District and must be maintained in accordance with State Record Retention Schedules (e.g., Schedule M1) and FERPA, where applicable.

VI. Consequences for Violation

Unauthorized recording is considered a violation of personal courtesy, professional ethics, and Board policy.

- **Students:** May be subject to disciplinary action, including suspension or expulsion, in accordance with Board policy and state law.
- **Employees:** May be subject to disciplinary action, up to and including termination, in accordance with applicable collective bargaining agreements and the "just cause" standard where required.

Protections are afforded to any student or staff member who has recorded without consent for the defined purposes above including safety, legality, and/or discrimination/harassment.

Legal References: Connecticut General Statutes
52-570d (Recording of oral private communications)
10-233c Suspension/Expulsion
10-233d Suspension/Expulsion
1-200 et seq. (Freedom of Information Act)
WVIT v. Grey, 18 Conn. L. Rptr. 203 (1996)
Restatement 2d of Torts, Section 652b (1977)

Federal Law: Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq.

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