

VIDEO CAPTURES OF PROFESSIONAL PRACTICES

4041

Issued Date: 03/05/13

I. PURPOSE

To outline guidelines for (1) videotaping classroom instruction; (2) videotaping professional practices of staff as outlined in the scope below; and (3) creating, accessing, utilizing and deleting/destroying video captures.

II. SCOPE

This policy applies to all video captures of Shelby County Schools teachers, principals, other school-level instructional staff, and teacher and principal coaches, regional superintendents, and any other District staff involved in a teacher or principal staffing or support role.

III. DEFINITIONS

Evaluation component - one of multiple factors used in evaluations to identify the level of performance and effectiveness of staff (e.g., teacher evaluation components - Student Growth and Achievement, Observation of Teaching/Classroom Instruction, Teacher Professionalism, and Stakeholder Perceptions).

Informed Written Consent - written consent given after full disclosure of the rights and risks involved.

IV. POLICY STATEMENT

A. General Information

Shelby County Schools (SCS) believes that videotaping is a valuable mechanism for the District to identify the instructional needs of staff and provide them with support to improve their professional practices. Therefore, through videotape, all Shelby County Schools' teachers may be observed in their classrooms and other staff may be observed fulfilling their instructional leadership responsibilities. In order to enhance the instructional delivery system of the District, video captures of classroom instruction and professional practices may be created and used only for (1) individual staff member support; (2) research purposes; (3) District-wide purposes, including District-wide teacher and administrator training (e.g., reflective practice); college/university partnerships for teacher training programs; new-hire employment pre-screening; verification of the validity/reliability of the District's evaluation measurement; and/or other District-wide purposes identified by the Superintendent and approved by the Board; and (4) evaluation. Video captures of classroom instruction and professional practices may not be created for disciplinary purposes. However, SCS shall utilize video captures for disciplinary purposes when video captures yield evidence of violation of law and/or SCS policy by staff or students.

In accordance with federal law, video captures containing student images or other personally identifiable information will be treated as confidential and shall not be subject to disclosure unless access is allowed by court order or state and/or federal law. In addition, the District is responsible for implementing FERPA laws and District policies and provisions regarding student confidentiality.

B. Video Captures Used for Professional Development and Support

Video captures of classroom instruction and professional practices may be created and used with informed written consent of the staff member for individual staff member professional development and support. Creation and use of video captures for professional development and support is strictly voluntary and consent may be withdrawn at any time with no penalty to the staff member. When used for professional development and support, video captures may be accessed only by (1) the individual staff member (or his/her designee); (2) authorized school officials responsible for providing professional development and support to the staff member; and (3) those who are allowed access by court order or state and/or federal law. Subject to applicable law and Board policy, video captures will be destroyed within a specified period of time for storage efficiency and confidentiality reasons, unless certain exceptions apply.

C. Video Captures Used for Research Purposes¹

a) Retaining Video Captures for Research Purposes

Shelby County Schools believes retaining video captures for research purposes will prove beneficial to the long-term level of educational service delivery within the system and could provide valuable information to improve educational systems in general. To that end, the District may maintain a District-wide video capture research library to use for research purposes. Researchers may access video captures only for research purposes and such captures shall be treated as confidential. Additionally, video captures accessed for research shall not be re-disclosed to any other individual or entity. Reports prepared in association with District research shall include aggregated information and shall not include information that may personally identify an individual staff member or student.

Current staff members, at their discretion, may choose to be videotaped and contribute certain of their video captures to the research library for research purposes. At the time a staff member creates a video capture, he/she may designate that the video capture may be used for research purposes. Once the designation is made by the staff member to use the video capture for research purposes, the video capture will be placed in the research library. Also, if a video capture has been created for another, non-research purpose, the staff member may later designate the video capture for research purposes and contribute that capture to the video library.

b) Research Requests from External Researchers Involving Video Captures

Research requests to use video captures included in the District-wide video library shall be handled in the same manner as other research requests to the District.

D. Video Captures Used for District-wide Purposes

Any video capture used for District-wide purposes requires informed written consent from both the staff member(s) appearing in the video and the parents/guardians of all students appearing in the video. Such video captures are not confidential.

a) Staff Informed Written Consent

Staff shall have the opportunity to be voluntarily videotaped and must provide informed written consent for their video captures to be utilized for District-wide purposes. Informed written consent is required for all staff members appearing in the video capture. District-wide purposes may only include District-wide teacher/administrator training; college/university partnerships for teacher training programs; new-hire employment pre-screening; verification of the validity/reliability of the District's evaluation measurements; and/or other District-wide purposes identified by the Superintendent and approved by the Board. Each video capture shall be rated (e.g., total observation rating or individual observation indicator rating - TEM 1 through TEM 5) and categorized (e.g., subject/content area, instructional/classroom practice demonstrated) based on the appropriate evaluation measurement. Once captures have been labeled, the teacher shall review the rating and confirm his/her informed written consent to include the captures in the District-wide video library. After confirmation is received from the employee, the captures will be included in the District-wide library. Video captures not confirmed by the employee shall remain in the teacher's personal library.

b) Parental/Eligible Student Informed Written Consent

Parents/guardians and eligible students must give informed written consent for video captures (including voice and/or images) to be used for District-wide purposes.

E. Video Captures Used for Evaluation²

Video captures of classroom instruction and professional practices may be created and used for evaluation with informed written consent of the staff member for evaluation. Video captures may be used as an option for observations associated with evaluation, when videotaping devices are available, and are subject to the same rules and guidelines as in-person observations. The option is revocable for any reason with no penalty to the staff member up to 24 hours before the scheduled observation, unless emergency circumstances exist such that the 24 hour period cannot be met. The observer and the staff member shall work together to reschedule an observation when necessary. Video captures shall be considered inputs used for observations associated with evaluation. Video captures will be treated as confidential. When used as inputs associated with evaluation, video captures may be accessed only by (1) the individual staff member (or his/her designee); (2) the staff member's supervisors (e.g., principal, Regional Superintendent) or other staff members conducting the observation; and (3) those who are allowed access by court order or state and/or federal law. Subject to applicable law and Board policy, video captures will be destroyed within a specified period of time for storage efficiency and confidentiality reasons, unless certain exceptions apply.

F. Re-disclosure of Video Captures Prohibited

Except where otherwise provided by Board policy, law, or a court order, video captures will be treated as confidential and shall not be re-disclosed to any other individual or entity.

Prohibition against non re-disclosure applies to the following:

- a staff member's designees;
- a staff member's supervisors or other personnel conducting the staff member's observation;
- an authorized school official responsible for providing professional development and support to a staff member;
- those charged by the District to conduct research in accordance with this policy; and
- those provided access in accordance with an active disciplinary process.

The District may re-disclose video captures with staff informed written consent for use as references for future employers.

G. Deletion or Destruction of Video Captures

a) Deletion of Video Captures by Staff Members

A staff member has the option of deleting a video capture that he/she creates for professional development and support, including reflective practices. When a staff member deletes a video capture that he/she creates, the video capture is not destroyed, but exists only on the server maintained by the vendor and is not available for regular access or use by Shelby County Schools. These deleted captures can only be retrieved if requested by court order in response to a potential violation of state or federal law or upon approval of the Superintendent (or designee) as evidence of potential violation of Board policy.

A staff member may not delete a video capture which he/she creates in the following circumstances:

- the staff member designates the video capture as a scheduled observation for use in the place of an in-person observation for evaluation;
- the staff member designates to use the video capture for research purposes; or
- the staff member designates and confirms the use of the video capture for District-wide purposes.

b) Destruction of Video Captures by Shelby County Schools

Subject to applicable law and Board policy, any video capture created for use associated with evaluation shall be destroyed 20 days after the end of the summative evaluation, except where otherwise provided by policy. Any video capture created for individual staff member professional development and support shall be destroyed one (1) year after its creation, unless it is used as follows: (1) with informed written consent of the featured staff member for research and/or District-wide purposes; (2) by the featured staff member as part of a grievance of the evaluation; (3) by the District in an active disciplinary process; and/or (4) in a legal proceeding. When these exceptions occur, the video capture shall be destroyed when its use is completed or at the conclusion of the applicable process/proceeding.

Additionally, video captures designated for District-wide purposes and retained for research purposes will be destroyed at the District's discretion based on the utility of the captures to the District.

H. Additional Provisions

Unless redaction is necessary by law or court order, a video capture shall only be distributed in its original form. Editing of video captures is prohibited. However, it is not required that a video capture be viewed in its entirety; portions of a video capture may be viewed separately.

Video captures should be created, accessed, and used only (1) on devices and according to protocols approved by the District for videotaping professional practices; (2) for the specific purposes outlined in this policy; and (3) by those allowed access through this policy including those with a legitimate employment purpose in accordance with this policy for creating, accessing, and using a video capture. The District shall monitor and track the creation, access, use, and destruction of video captures. Violations of this policy, any provision thereof, and any unauthorized or inappropriate creation, access, use, or deletion of video captures could result in disciplinary action up to and including termination of employment. Additionally, violations of this policy or any provision thereof by third party vendors, consultants, and/or other non-SCS personnel; and any unauthorized or inappropriate creation, access, or use of video captures could result in disciplinary action up to and including cancellation of contracts.

V. RESPONSIBILITY

A. The Superintendent (or designee) is responsible for implementing this policy.

Legal References:

1. CFR Title 45, Part 46
2. TCA 10-7-504(a)

VIDEO CAPTURES OF PROFESSIONAL PRACTICES

Shelby County Schools believes in the usefulness of video captures of professional practices (1) to improve student achievement through teacher support; (2) to improve District evaluation efficiency and evaluation-based teacher support through video observation; and (3) for research purposes. Therefore, through videotape, all Shelby County Schools teachers may be observed in their classrooms and other staff may be observed fulfilling their instructional leadership responsibilities.

Coordination

The District shall monitor and track the creation, access, use and destruction of video captures. The District is responsible for coordination of creation, access, use and destruction of video captures of professional practices. The District also shall identify and/or develop the following in accordance with this policy:

- protocols/procedures for creating, accessing, using and destroying video captures of professional practices;
- devices approved by the District as appropriate for videotaping professional practices;
- consent forms for videotaping professional practices;
- program participation agreements associated with professional development and support involving video captures of professional practices; and
- protocols for the creation and storage of video captures used for research purposes

Video captures may be created, accessed, and used only in accordance with procedures identified and on devices identified and approved by the District.

District consent forms for videotaping professional practices and program participation agreements associated with professional development and support shall be used by all schools and staff members. Unauthorized consent forms and program agreements are invalid.

Ownership and Control

All video captures shall be owned by the District. However, in certain cases, the District will delegate control of the video capture to staff according to the following:

- Video captures created for professional development and support shall be controlled by the staff member creating the video. Therefore, staff members may create and delete such video captures at their discretion.
- Video captures designated by a staff member for research purposes shall be created by the staff member (or his/her designee), but shall not be deleted by the staff member. Such video captures shall be included in the research library of the District.
- Video captures designated and confirmed by a staff member for District-wide purposes shall be created by the staff member (or his/her designee), but shall not be deleted by the staff member. Such video captures shall be included in the District's video library.
- Video captures used in place of a scheduled observation associated with evaluation shall be created by the staff member (or his/her designee), but shall not be deleted by the staff member.

Such video captures shall be kept in the personal library of the staff member (and/or his/her designee) and then destroyed in accordance with this policy, unless exceptions apply.

Creation

The District retains the right to create video captures. However, in certain cases (e.g., support and evaluation) the District will delegate its authority to create video captures to staff. Therefore, video captures may be created by an individual staff member or his/her designee and shall be created in accordance with these regulations and the protocols established by the District. No one may create a video capture of a staff member without the staff member's knowledge.

Additionally, video captures of classroom instruction and professional practices may not be created for disciplinary purposes. However, video captures created in accordance with this policy and its rules and regulations which yield evidence of violation of law and/or SCS policy by staff or students shall be used for disciplinary purposes.

Storage and Archiving

The District (or its designated vendor(s)) will store and archive video captures. Video captures may be viewed by the District or its designated vendor when necessary for technical/maintenance reasons associated with storage and archiving.

Confidentiality and Access to Video Captures

Video captures shall be considered confidential, unless staff and parent informed written consent has been given to use the captures for District-wide purposes. Access to video captures shall be granted only in accordance with the purpose for which it has been created and as provided in the protocols established by the District, subject to applicable law and Board policy.

Informed Written Consent

Informed written consent is required for video captures. Video captures created for a specific purpose may be used for other purposes with the additional informed written consent of the staff member featured in the video. Informed written consent may be given before or after video captures are created. Additionally, whenever a video capture is intended for use by non-District researchers or for District-wide purposes, the informed written consent of the parents of all students in the video must be obtained before the video may be used.

Video Captures Used for Evaluation Purposes

Video captures of classroom instruction and professional practices may be created and used with informed written consent of the staff member for evaluation. Video captures may be used as an option for observations associated with evaluation, when videotaping devices are available. Just as with in-person observations, when video observation is used for an evaluation observation, the observer and the staff member shall schedule the date and time when the observation will occur. That specific video capture shall be used in the place of an in-person observation. The option is revocable for any reason with no penalty to the staff member up to 24 hours before the scheduled observation, unless emergency circumstances exist such that the 24 hour period cannot be met. If a technical problem occurs, the staff member must notify the observer immediately. The observer and the staff member shall work together to reschedule an observation when necessary. General protocols for

rescheduling shall apply with video observation as with in-person observations.

Scheduled captures that are videotaped for use in place of an in-person observation must be shared with the observer and shall not be deleted by the teacher.

Staff may give informed written consent for their video observation captures to be used for purposes outside of the evaluation process. Informed written consent may be given before or after video captures are created. Staff may provide informed written consent to use video observation captures as part of a support program specifically tied to the evaluation process, for general support and professional development, for District-wide purposes, and/or for research purposes.

Sale of Video Captures

Video captures under the ownership and control of the District shall not be sold.