

Manhattan-Ogden USD 383 FERPA Procedure for Handling Video Footage Requests

Updated July 2025



Below is information and procedures for Manhattan-Ogden USD 383 outlining the Family Education Rights and Privacy Act (FERPA) protections when police and/or others request video footage. Requests must balance between student privacy rights and law enforcement needs/other requests. This procedure should ensure that the school district complies with FERPA while cooperating with law enforcement or other requests as necessary.

1. Purpose and Scope

- A. This procedure is designed to establish guidelines for the handling of requests from law enforcement agencies and/or others for video footage maintained by Manhattan-Ogden USD 383. This procedure aims to protect student privacy rights in accordance with FERPA while also recognizing the importance of cooperation with law enforcement and the Kansas legal requirements regarding confidentiality.

2. Definitions

- A. FERPA: The Family Educational Rights and Privacy Act, a federal law that protects the privacy of student education records.
- B. Student Educational Record: Records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. Records encompass paper and electronic files, grades, video recordings, audio recordings and other data.
- C. Law Enforcement Agency: A government agency responsible for maintaining law and order, including local police departments, sheriff's offices, and other authorized law enforcement entities.
- D. SRO: School Resource Officer is a sworn law enforcement officer who works in the school.

3. Video Footage Guiding Principles

- A. Manhattan-Ogden USD 383 acknowledges its obligation to protect student privacy under FERPA. As such, any requests for video footage from law enforcement and/or others must be handled with utmost care and in accordance with applicable laws and regulations.
- B. Requests for video footage must be submitted in writing using one of the attached forms and include a clear explanation of the specific incident under investigation, the legal basis for the request, and the relevant parties involved.
 - i. Video footage will be retained in accordance with the district's retention policy. The length of time a video is kept depends on the server storage associated with that camera. As cameras are added/subtracted and additional servers are brought into use, the number of days will change.

4. Emergency Situations

- A. In emergency situations where there is an immediate threat to safety or security, law enforcement officers, including SROs, may be permitted to access video footage without a subpoena. This is often referred to as the "emergency exception."

5. FERPA Exceptions

- A. FERPA allows for the disclosure of student information, including video footage, without consent in cases of health or safety emergencies. This means that if there is a legitimate concern for the immediate safety or security of individuals, SROs may be able to access video footage.

6. School Resource Officers

- A. SROs may have specific legal authority to request and review video footage as a part of their duty to maintain safety and security on school premises.
- B. SROs should work closely with school administrators and officials to ensure that any access to video footage is conducted in compliance with applicable laws and regulations.
- C. In Kansas, as in many other states, the use of video footage by a School Resource Officer (SRO) for criminal proceedings must adhere to both state laws and federal regulations, including the Family Educational Rights and Privacy Act (FERPA).

7. Requesting Video Footage

- A. Law Enforcement requests for video footage must be made on the attached Manhattan-Ogden USD 383 Video Release Form for Law Enforcement Agencies.

- B. Parent/Guardian requests to view video footage must be made on the attached Manhattan-Ogden USD 383 Video Release for Form for Parent/Guardians.
- C. Outside Agency requests for video footage must be made on the attached Manhattan-Ogden USD 383 Video Release Form for Outside Agencies.
- D. All requests should be emailed to [Michele Jones](#), Director of Communications, Health and Safety AND [Nathan Downs](#), Assistant Superintendent.

8. Release of Video Footage to Law Enforcement Agencies

- A. Manhattan-Ogden USD 383 may release video footage if the following conditions are met:
 - i. Educational Record of a Student
 - 1. There is a legally valid request - court order, subpoena, or search warrant or a release of information from a parent/guardian or student who is over the age of 18 - that complies with applicable laws.
 - a. In non-emergency situations, where there is no immediate threat to safety or security, it is generally advisable for law enforcement, including SROs, to obtain a subpoena to access video footage for use in criminal proceedings.
 - b. The request specifies the exact video footage needed and is limited to the scope of the incident under investigation.
 - ii. Non-Educational Record
 - 1. Law Enforcement can view video footage without a legally valid request.
 - iii. An official designated by the school district reviews and approves the request in consultation with legal counsel.
 - iv. Parents or eligible students (18 years or older) are notified in writing when video footage is release, except where disclosure is permitted by FERPA without consent.

9. Release of Video Footage to Parent/Guardian/Student Over the Age of 18

- A. Manhattan-Ogden USD 383 may allow video footage to be viewed/release video footage if the following conditions are met:
 - i. Educational Record of a Student/Self
 - 1. Parent/guardian/student over the age of 18 can view video.
 - 2. The request must specify the exact video footage needed and is limited to the scope of the incident.
 - ii. Non-Educational Record
 - 1. Parent/guardian/student over the age of 18 may be able to view the video.
 - iii. Educational Record Involving Other Students

1. Parent/guardian/student over the age of 18 can view with a legally valid request – court order, subpoena, or search warrant
- iv. An official designated by the school district reviews and approves the request in consultation with legal counsel.

10. Release of Video Footage to Outside Agency (ex. Insurance Companies)

- A. Manhattan-Ogden USD 383 may release video footage if the following conditions are met:
 - i. Educational Record of a Student
 1. An outside agency cannot view and/or record without a warrant, subpoena, search warrant or a signed release of information from a parent/guardian.
 - ii. Non-Educational record
 1. Dependent on the purpose of the request.
 2. The request specifies the exact video footage needed and is limited to the scope of the incident.
 - iii. Manhattan-Ogden USD 383 reserves the right to deny requests that do not meet the above criteria, and it may seek legal advice before making a final determination.

11. Recordkeeping

- A. Manhattan-Ogden USD 383 shall maintain records of all requests for video footage, responses to such requests, and any disclosures of video footage to law enforcement agencies. These records will be kept in compliance with applicable recordkeeping laws and FERPA regulations.
- B. Requested video footage will be saved and kept for 45 days. After 45 days, the video footage will be deleted.

12. Training and Education

- A. Manhattan-Ogden USD 383 shall provide training and education to its employees, staff, and administrators on the importance of FERPA, the legal obligations related to student privacy, and the procedures for handling law enforcement requests for video footage.

13. Review and Amendments

- A. This procedure will be reviewed periodically to ensure compliance with changes in applicable laws and regulations. Amendments or updates to this policy will be made as necessary.