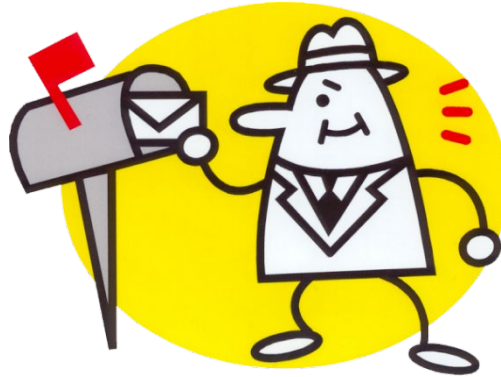


LEGAL MAILBAG – JANUARY 9, 2025



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The "Legal Mailbag Question of the Week" is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: legalmailbag@casciac.org.

Dear Legal Mailbag,

As the principal of an elementary school, I must deal with many different situations. Sometimes, it is an anxious student who needs comfort. Sometimes, it is a parent who needs to be straightened out. Sometimes, it is simply bad behavior.

Speaking of bad behavior, a couple of my teachers were complaining recently that things were missing from their classrooms. One teacher was very specific in her claim that money that she had collected for a trip and carefully placed in her desk for safekeeping was gone the next morning when she returned to school.

When I called the police, they were sympathetic, but they told me that there was little they could do without a witness. Then I remembered that my resourceful brother-in-law grew up in Chicago, and I figured that he might have some ideas.

He did indeed. He promptly took me shopping, and we bought a couple motion-activated hidden cameras, one shaped as a water bottle and another shaped as a wall clock. We set them up in that teacher's classroom, and it only took two days before we identified the culprit. We recorded a substitute custodian rummaging through the teacher's desk when he should have been cleaning. The next day, we brought him in for a talk, and before we finished playing the recording, he offered his resignation, which we promptly accepted.

This success has gotten me thinking that these nifty cameras may be helpful in my supervision of teachers and discipline of students more generally. Of course, I would let teachers know that these cameras are in their classrooms (and would even give them a choice between the water bottle and the wall clock). But having these cameras in the classrooms would certainly help me keep an eye on things. What does Legal Mailbag think about this plan?

Signed,
Here's Looking at You!

Dear Looking:

Legal Mailbag applauds your initiative in identifying the thief, but Legal Mailbag has grave reservations for your enthusiasm for surveillance more generally. You may benefit from the following primer on employee rights regarding electronic surveillance.

First, there are specific requirements when employers engage in electronic monitoring of their employees. Connecticut General Statutes § 31-48d was enacted in 1998, and it requires that employers provide prior written notice of any electronic monitoring of employees, subject to specified exceptions. The statute defines "monitoring" broadly as follows:

(3) "Electronic monitoring" means the collection of information on an employer's premises concerning employees' activities or communications by any means other than direct observation, including the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems, but not including the collection of information (A) for security purposes in common areas of the employer's premises which are held out for use by the public, or (B) which is prohibited under state or federal law.

Routine use of the surveillance cameras you purchased would normally require notification in accordance with the statute. However, apropos of your situation, the requirement for prior notice does not apply if the employer has "reasonable grounds to believe that employees are engaged in conduct which (i) violates the law, (ii) violates the legal rights of the employer or the employer's employees, or (iii) creates a hostile workplace environment, and (B) electronic monitoring may produce evidence of this misconduct." Given the reasonable suspicion of wrongdoing that you had, you were free to use the hidden cameras for that limited purpose without giving prior written notice.

Your idea to place surveillance cameras in classrooms more broadly is very different and especially concerning. Setting aside how intrusive teachers would find such cameras, the State Board of Labor Relations has ruled that placement of surveillance cameras in the workplace is a mandatory subject of negotiations. See, e.g., [City of Hartford](#), Decision No. 4719 (St. Bd. Lab. Rel., March 19, 2014). Accordingly, it would be an unfair labor practice for you to place surveillance cameras in classrooms unless your school district and the teachers' union agree through negotiations that you may do so (which will never happen).

Finally, Legal Mailbag notes that other statutes explicitly prohibit other forms of surveillance. Employers are prohibited from operating a closed-circuit television or any other audio or video surveillance system for the purpose of monitoring activities of employees in rest rooms, locker rooms, lounges, or other areas designed for the health or comfort of employees. Conn. Gen. Stat. § 31-48b(b). Furthermore, employers, unions and employees are all prohibited from eavesdropping or recording discussions pertaining to contract negotiations, unless all parties to the discussions have consented. Conn. Gen. Stat. § 31-48b(d). Technology is great, but there are limits to your ability to snoop.