



## OPERATING GUIDELINES FOR VIDEO SURVEILLANCE IN SPECIAL EDUCATION SETTINGS IMPLEMENTING TEX §29.022 (SB 507)

### DEFINITIONS:

**Parent** – legal guardian of the student who receives special education and related services for at least 50 percent of the instructional day, in the self-contained classroom or other special education setting. Parent also means a student who receives special education and related services for at least 50 percent of the instructional day in the self-contained classroom or other special education setting and who is 18 years of age unless the student has been determined to be incompetent, or the student’s rights have been otherwise restricted by a court order.

**Staff Member** – a teacher, related service provider, paraprofessional, or educational aide assigned to work in the self-contained classroom. A staff member also includes the principal or an assistant principal of the campus, at which the self-contained classroom or other special education setting is located.

**Special Education Self-Contained Classroom** – means a classroom on a regular school campus of a school district in which a majority of the students in regular attendance are provided special education and related services, and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Self-contained (mild/moderate/severe) regular campus;
2. Full-time early childhood (preschool program for children with disabilities) special education setting;
3. Residential care and treatment facility-self-contained (mild/moderate/severe) regular campus;
4. Residential care and treatment facility – full-time early childhood special education setting;
5. Off home campus – self-contained (mild/moderate/severe) regular campus; or (F) off home campus – full-time early childhood special education setting

**Incident** – an event or circumstance that involves alleged “abuse” or “neglect”, as those terms are described in the Texas Family Code, and allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under TEC 29.022 is conducted.

### PROCEDURES FOR REQUESTING AND PLACEMENT OF VIDEO SURVEILLANCE

In order to promote the safety of students receiving special education services in certain self-contained classrooms and other special education settings, Barbers Hill ISD will place Video Surveillance with audio capability in one of the following settings upon written request of a *Parent, Trustee, or Staff Member*.

## **Special Education Self-Contained Classrooms in BHISD that meet the definition:**

Pre-school Program for Children with Disabilities (PPCD)  
Learning in a Functional Environment (L.I.F.E. Skills)  
Social Development Classroom (SDC)

## **Procedures for Responding to a Request for Video Surveillance in a Special Education Setting:**

If a parent, Trustee, or Staff Member makes a request for the placement of Video Surveillance in a special education setting as described above, the Parent, Trustee, or Staff Member will be required to complete and turn in the **Request for the Installation of Video Surveillance Equipment (Form 1)** into the designated campus administrator.

### **Steps for Responding to a Request**

1. Within **48 hours** of the receipt of a written request, the campus administrator will scan the **Request for the Placement of Video Surveillance Equipment Form** to:
  - a) Director of Special Services
  - b) Director of Technology
  - c) Assistant Superintendent of Finance
  
2. Within **10 school days** of the receipt of the **Request for the Placement of Video Surveillance Equipment Form**, the Director of Special Services will review the request, to determine if the request meets the statutory requirements, and provide notice to the requestor, stating whether the request was approved or denied and the reason why. The Director of Special Services will provide the **Response to Video Surveillance Request (Form 2)**, to the parent and provide a copy to the Assistance Superintendent of Finance, the Director of Technology, and the campus principal.

### **Procedures for Providing Written Notice:**

Prior to placing Video Surveillance equipment in any of the above classrooms, written notice must be provided to the parents of all students in the classroom and all school staff. (*Parental consent for placement of the Video Surveillance equipment is not required*)

No later than **3 school days** after the receipt of the **Response to Video Surveillance Request (Form 2)** indicating that the request was approved, the campus principal will provide the written **Notice of Video Surveillance Installation (Form 3)** to all parents of all students in the classroom, where the video surveillance equipment will be placed.

Campuses will post a notice at the entrance of any self-contained classroom or other special education setting in which video cameras are placed, stating that video and audio surveillance are conducted in the classroom or setting.

### **Steps for Placement of Video Surveillance Equipment:**

1. A written request will be submitted requesting placement of the Video Surveillance to the Director of Technology, no later than **5 school days** following the approval of the request for placement.
2. Once the request is received, the technology department will issue and place the Video Surveillance equipment within a reasonable period of time.

### **PROCEDURES FOR OPERATION, STORAGE AND MONITORING OF VIDEO SURVEILLANCE**

Video cameras placed in a self-contained classroom will be capable of video and audio recording all areas of the classroom, except that no video surveillance may be conducted inside a bathroom or other area used for toileting, diapering a student, or changing or removing a student's clothing. Once equipment is placed, video camera recordings will be retained for at least six months after the date the video was recorded. Video cameras will be operated at all times during the instructional day when, students are in the classroom. Cameras may be operational at times when the classroom is vacant. Regular or continual monitoring of video is prohibited and video recordings must not be used for routine teacher evaluation; nor monitoring of for any purpose other than the promotion of student safety. Video cameras placed in a self-contained classroom or other special education setting, will continue to be operated and maintained for as long as the classroom or setting continues to satisfy the requirements of TEC

### **PROCEDURES FOR CONFIDENTIALITY**

A video recording of a student is confidential and may not be viewed except as part of a written report of an incident or investigation, except as permitted by the below procedures.

1. A staff member or other school district employee or a parent of a student involved in an incident as defined above
2. Appropriate Texas Department of Family and Protective Services personnel as part of an investigation under Texas Family Code, §261.406;
3. A peace officer, school nurse, [or] administrator trained in de-escalation and restraint techniques as provided by commissioner rule,
4. A human resources staff member in response to a complaint or an investigation as defined above.
5. Appropriate Texas Education Agency or State Board for Educator Certification personnel or agents as part of an investigation.
6. The Director of Technology and the district Network Administrator will have access only for the purpose of performing routine maintenance and ensuring that all equipment is operational.

### **PROCEDURES FOR REPORTING AN INCIDENT:**

A person may notify the District of an alleged incident occurring in a self-contained classroom or other special education setting, by completing the **Incident Report Form (Form 4)**. The report should be made as soon as possible, but no later than **48 hours** after the person becomes aware of the suspected abuse or neglect. The person completing the report should be as specific as possible, and provide the following information to the extent known.

Date of incident report  
Parent/Trustee/Staff Member reporting the incident  
Contact information for the person reporting the incident

Description of Incident  
Date of incident  
Time of incident  
Location of incident  
Any witnesses

While the investigation is ongoing, the student will still need to attend school.

## **PROCEDURES IN RESPONSE TO AN INCIDENT REPORT**

Within **48 hours** of the receipt of an **Incident Report Form (Form 4)**, the campus principal will provide written confirmation of receipt of the incident report to the person making the report, using the **Receipt of Incident Report (Form 5)**. No later than **3 school days** after a written notification of an incident, a date and time will be set for viewing. The following district personnel will also receive the Incident Report Form within **48 hours**.

1. The Assistant Superintendent of Personnel
2. The Director of Special Services

Within **10 school days**, the appropriate district personnel will view the video recording to determine if any incident is recorded.

Within **10 school days**, the viewing administrator will provide a written response to the person who submitted the report.

### **Procedures for viewing video recordings in a special education classroom/setting:**

In response to a written report of an incident or investigation of district personnel or a repost of abuse committed by a student, the following procedures will be followed to evaluate and determine who shall view the video.

All videos will be viewed either at the BHISD administration building or the campus, depending on the location of the server.

#### **Steps for organizing the viewing**

1. The campus administrator will contact the Assistant Superintendent of Personnel, the Director of Special Services, and the Director of Technology.
2. The appropriate district officials will be notified by the Assistant Superintendent of Personnel.
3. The parent and employee will be notified.
4. DFPS will be notified when applicable.

#### **Steps for viewing**

1. On the date of the viewing, the Principal, and Designated District Administrator(s) will view the video together.
2. If it requires an investigation, DFPS will then view the tape with the Principal.
3. If needed, the appropriate District Administrator will view the tape with the parent.

## Procedure for Response to Viewing

If a person viewing the video believes the recording documents a possible violation of the Family Code, this person shall notify the Department of Family and Protective Services. A recording determined to document a violation of district or school policy can be used as part of a disciplinary action against district or school personnel, and can be released at the request of the student's parent/guardian in a legal proceeding.

### Steps for Responding

1. Any indication of physical abuse shall be forwarded for investigation. If the incident does not rise to the level of criminal charges, it shall be sent back to the appropriate supervisor for an administrative investigation.
2. Any indication of violation of district or school policy shall be forwarded to the Assistant Superintendent of Personnel Services for viewing and documentation.
3. Campus Administration will communicate to the appropriate officials and to the parent or guardian the outcome of the viewing, and if applicable, the plan resolution.
4. A written response will be provided to the person who submitted the Incident Report **within 5 school days** of viewing the video recording. The response will indicate whether or not the viewing substantiated an incident and what, if any, further action is needed.

## COMPLAINTS

The special education dispute resolution procedure in 34 Code of Federal Regulations, §§300.151-300.153 and 300.504-300.515, do not apply to complaints alleging that a school district has failed to comply with this statute.

Complaints alleging a violation of TAC §103.1301 will be addressed through local grievance policy. Parents or students wishing to file a complaint may do so through the Board Policy FNG (Local).