

**CLEAR CREEK ISD
REQUEST TO VIEW VIDEO RECORDING
NOT AN EMPLOYEE OR PARENT OF STUDENT INVOLVED IN ALLEGED INCIDENT**

Pursuant to Section 29.022 of the Texas Education Code (“TEC”), in addition to certain eligible parents and employees described in the TEC, the following individuals may request to view a video recording of a self-contained classroom or other special education setting:

1. appropriate **Texas Department of Family and Protective Services (“TDFPS”) personnel** as part of an investigation under TFC § 261.406;
2. the following individuals, in response to a report of an alleged Incident OR an investigation of District or school personnel OR a report of alleged abuse committed by a student:
 - a. **a peace officer;**
 - b. **a school nurse;**
 - c. **a District or school administrator** trained in de-escalation and restraint techniques;
 - d. **a human resources staff member** designated by the Board; **and**
3. appropriate **TEA or State Board for Educator Certification personnel or agents** as part of an investigation.

Incident, as defined in Texas Administrative Code § 103.1301(b)(9), means an event or circumstance that:

- involves alleged:
 - abuse of a student by a District employee;
 - neglect of a student by a District employee;
 - physical abuse of a student by another student; or
 - sexual abuse of a student by another student; and
- allegedly occurred in a self-contained classroom or other special education setting in which video surveillance is conducted.

Abuse, as defined in Texas Family Code § 261.001(1), means the following acts or omissions:

- mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
- causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
- physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- sexual conduct harmful to a child’s mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
- failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
- causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

- the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
- causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
- causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; or
- knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections.

Neglect, as defined in Texas Family Code § 261.001(4), means the following acts or omissions:

- placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
- failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
- the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
- placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
- placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; or
- the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

Neglect does not include the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the Department of Family and Protective Services if:

- the child has a severe emotional disturbance;
- the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and
- the person has exhausted all reasonable means available to the person to obtain the mental health services described above.

Physical Abuse, as defined in Texas Family Code § 261.410(1), means the following acts or omissions:

- Physical injury that results in substantial harm to the child requiring emergency medical treatment; or
- Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child.

Sexual Abuse, as defined in TFC § 261.410(2), means the following acts or omissions:

- sexual conduct harmful to a child's mental, emotional, or physical welfare; or
- failure to make a reasonable effort to prevent sexual conduct harmful to a child.

**CLEAR CREEK ISD
REQUEST TO VIEW VIDEO RECORDING
NOT AN EMPLOYEE OR PARENT OF STUDENT INVOLVED IN ALLEGED INCIDENT**

Incident reports should be filed with the District's SB 1398 Administrator as soon as possible. If possible, incident reports should be filed no later than 48 hours after the event or circumstance giving rise to the allegation.

Requester's name: _____

Requester's email address: _____

Requester's phone number: _____

Requester's employer/agency: _____

I am a (please check one and attach a copy of appropriate credentials/documentation of status):

_____ appropriate **Texas Department of Family and Protective Services ("TDFPS")** personnel as part of an investigation under TFC § 261.406;

_____ one of the following individuals, in response to a report of an alleged Incident OR an investigation of District or school personnel OR a report of alleged abuse committed by a student:

- a. **a peace officer;**
- b. **a school nurse;**
- c. **a district or school administrator** trained in de-escalation and restraint techniques;
- d. **a human resources staff member** designated by the Board; or

_____ appropriate **TEA or State Board for Educator Certification personnel or agents** as part of an investigation.

Location of the self-contained classroom or other special education setting where the alleged Incident occurred:

Date and time of the alleged Incident (please be specific and identify the date and time within a 48-hour window, if possible):

Please describe the investigation, Incident, or report related to your request (please attach additional pages if necessary):

Please provide any additional information that you would like to share in connection with your request:

Badge Number, if applicable (if requester carries a badge, the SB 1398 Administrator will copy it):

I attest that the aforementioned criteria for viewing the requested video recording have been met, in accordance with applicable law.

Signature of Requester

Date: _____

Please submit the completed Exhibit B1 to the District's SB 1398 Administrator. The District will contact you regarding the status of your report/request.

<u>For District Use Only</u>	
_____ Date Completed Form E1 Received	
Received By: _____	
Copy of badge is attached:	<input type="checkbox"/> Yes <input type="checkbox"/> No, the requester is not issued a badge.
<u>To be completed by SB 1398 Administrator:</u>	
This request is:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied
_____ SB 1398 Administrator Signature	_____ Date of Approval/Denial