



Special Education Classroom Camera Procedures Operating Guidelines

Pursuant to Section 29.022, Texas Education Code ("TEC") and 19 T.A.C. §103.1301, the following Procedures apply to video surveillance of special education settings:

REQUESTING VIDEO/AUDIO SURVEILLANCE

WHO MAY REQUEST

The following individuals may request in writing that equipment be provided to a campus at which one or more children receive special education services in a qualifying classroom or setting:

1. A parent of a child receiving special education services at the campus at which the child receives those services.
2. The board of trustees for one or more specified campuses.
3. The principal or assistant principal for their campus; and
4. A staff member assigned to work with one or more children receiving special education services for the campus at which the staff member works in the special education classroom or other special education setting.

HOW TO REQUEST

The district must provide video equipment, including one or more video cameras with audio recording capabilities, to campuses when requested to do so pursuant to TEC § 29.022 and 19 T.A.C. § 103.1301. To trigger the district's obligations, the following conditions must be met:

1. A written request must be submitted by an individual who meets the eligibility criteria listed above by submitting Form A [Request for Video Surveillance](#)
2. The request may be submitted to the campus principal or directly to the district-designated administrator (in CFISD, this is the Director of Compliance).
3. The request must be for video surveillance at a campus that has a:
 - a. Self-Contained Classroom; or
 - b. Other Special Education Setting as defined by law.

Note: "Special education classroom or other special education setting" means a classroom or setting primarily used for delivering special education services to students who spend on average less than 50 percent of an instructional day in a general education classroom or setting.

A request for video surveillance, if approved, obligates the district to provide video surveillance for that school year only. A separate eligible request must be submitted to trigger the district's obligations under the law for each successive year.

DISTRICT STEPS UPON REQUEST FOR VIDEO SURVEILLANCE

Upon receipt of a request for video surveillance, the district shall:

1. Review the request to determine eligibility (i.e., confirm the requestor is a Parent, Board Member, or Staff Member, and affirm the requested campus(es) and classroom(s)/setting(s) meet the criteria for a Self-Contained Classroom or Other Special Education Setting?).
2. After the request is reviewed for eligibility, the district's designated administrator (Director of Compliance) will send the requestor the required written notice of the district's decision using Form B, **Response to Request for Video Surveillance** within **seven (7) District business days**
3. The district's designated administrator will contact the appropriate district personnel to facilitate installation.
4. Before surveillance begins, advance written notice will be sent by email from the Director of Compliance to the campus principal affected Staff Member(s) in the Classroom/Setting and Parents of students in the Classroom/Setting that video and audio surveillance will be conducted in the applicable Classroom or Setting using Form C, **Notice of Video Surveillance**. The technology department will not operate the Video Equipment to record in the Classroom(s)/Setting(s) until the notice is sent and at least 5-school days have passed.
5. A written notice must also be provided at the entrance to the Classroom or Setting stating "This classroom is subject to ongoing video/audio surveillance that is not regularly live monitored." CFISD requires a **5-school day** posted notification of camera recording prior to Video Equipment beginning to record..
6. If for any reason a campus will discontinue operation of a video camera during a school year, not later than the **5th school day** before the date the operation of the video camera will be discontinued, the campus must notify the parents of each student in regular attendance in the Classroom or Setting that operation of the video camera will not continue unless requested by a person eligible to make a request.
7. Not later than the **10th school day** before the end of each school year, the campus must notify the parents of each student in regular attendance in the Classroom or Setting that operation of the video camera will not continue during the following school year unless a person eligible to make a request for the next school year submits a new request.(Form G) **Video Termination Letter**.

REQUESTING TO VIEW CAMERA FOOTAGE

A person alleging that an incident, as defined by law, has occurred in a classroom in which video surveillance is conducted shall file a report on the form provided by the district with the Director of Compliance as soon as possible after the person suspects the alleged incident. If possible, an incident report form should be filed within 48 hours of the facts giving rise to the allegation. The Director of Compliance shall promptly view, or direct an authorized individual to view, the video surveillance footage to identify the relevant portion of the recording. No later than **ten (10) District business** days after the report is filed, the Director of Compliance or designee shall respond by notifying the person whether the alleged incident was recorded in the District's video surveillance footage and shall initiate other steps as required by law, District policy, or local procedures.

REQUIREMENTS FOR REQUESTING ACCESS TO VIEW VIDEO RECORDINGS

In order to view a video recording, the individual requesting access must fall into one of the categories defined by: Education Code 29.022(i)-(i-1); 19 TAC 103.1301(h)-(i)

A district shall release a recording for viewing by:

1. An employee who is involved in an alleged incident that is documented by the recording and has been reported to the district, on request of the employee;
2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or campus, on request of the parent;
3. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged or suspected abuse or neglect of a child under Family Code 261.406;
4. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioners rule, or a human resources staff member designated by the board in response to a report of an alleged incident or an investigation of district personnel or a report of alleged abuse committed by a student; or
5. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording does not violate these confidentiality provisions.

The individual must request to view camera footage using Form D, [Incident Report Form](#) (an "Incident," as that term is defined in 19 T.A.C. § 101.301(b)(9) has occurred).

On this Form, the individual must assert an:

1. An alleged event or circumstance involving:
 - a. Abuse of a student by a school district employee.

- b. Neglect of a student by a school district employee.
 - c. Physical Abuse of a student by another student; or
 - d. Sexual Abuse of a student by another student; and
2. The alleged event or circumstances must have reportedly occurred in a Classroom or a Special Education setting in which video surveillance is being conducted.

If possible, the incident report should be provided to the Director of Compliance no later than 48 hours after the reporter becomes aware of the suspected incident.

The person making the incident report should be as specific as possible regarding the date, time, and location of the suspected incident, should include any witnesses to the alleged incident, and should describe the suspected incident as clearly as possible.

DISTRICT STEPS UPON RECEIPT OF REQUEST TO ACCESS VIDEO RECORDINGS

1. The district's designated administrator (Director of Compliance) will notify the requestor of the district's receipt of the request to access video. The district shall investigate the request and respond to the requestor **within ten (10) school business days** from receipt of the request and provide **Receipt of Incident Form**, (Form E).
2. To investigate the concern, the district may need to contact the requestor to clarify his or her complaint.
 - a. Based on the request/complaint and information obtained from the requestor, if any, the district shall make a preliminary determination of whether the request to access video/complaint involves:
 - (A) An event or circumstance involving alleged:
 1. Abuse of a student by a school district employee.
 2. Neglect of a student by a school district employee.
 3. Physical Abuse of a student by another student; or
 4. Sexual Abuse of a student by another student, and
 - (B) The event or circumstance allegedly occurred in a Classroom or Special Education Setting in which video surveillance is conducted under these Procedures.
3. If the preliminary investigation reveals that these conditions are potentially met, the district designee will contact the appropriate Technology personnel to access the applicable recording(s).
4. Designated District representatives shall view the applicable recording(s). No other person may be present.
5. After completing the investigation, the designated district administrator will notify the requestor of its decision using Form F, **Response to Incident Report**.

