

CAMERAS IN SPECIAL EDUCATION CLASSROOMS

To promote student safety on request by a parent, trustee, or staff member, a school district shall provide equipment, including a video camera, to each school in the district which one or more children receive special education services in special education classrooms or other special education settings is enrolled and when a request is made following Texas Senate Bill 507 (R-84) and Texas House Bill 2 (R-89).

Each school or campus that receives equipment shall place, operate, and maintain one or more video cameras in special education classrooms or other special education settings where one or more students receive special education and related services.

- A campus that receives equipment as a result of the request by a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable; and
- A campus that receives equipment due to a request by a board of trustees, principal, or assistant principal must place it only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings, as subject to Education Code 29.022.

This guidance is subject to Texas Education Code 29.022 provisions and Board Policies EHBAF(LEGAL) and EHBAF(LOCAL).

Authorized Access:

The Executive Director of Technology and the Director of Special Education shall have access to video surveillance at all times to coordinate the provision of equipment to schools and campuses.

Authorized Requestors:

The following people 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:

- A parent/guardian of a child who receives special education services for the campus at which the child receives those services;
- The board of trustees for one or more specified campuses;
- The principal or assistant principal for their campus and
- A staff member assigned to work with one or more children receiving special education services for the campus at which the staff member works.

Processing the Request:

A written request must be submitted and acted on as follows:

- A parent, staff member, or assistant principal must submit a request to the principal or the principal's designee of the campus addressed in the request, and the principal or designee must provide a copy of the request to the Director of Special Education.
- A principal making a request may submit the form directly to the Director of Special Education.

- A board of trustees must submit a request to the Director of Special Education, who will provide a copy to the principal or principal's designee of the campus addressed in the request for their review and signature.

A school shall operate and maintain the camera in the classroom or setting as long as the classroom or setting continues to satisfy these requirements, for the remainder of the school year in which the campus received the request, unless the requester withdraws the request in writing.

Written Notice

Before a school activates a video camera in a classroom or setting, the school shall provide written notice of the placement to all school staff and the parents of each student attending class or engaging in school activities in the classroom or setting.

If, for any reason, a campus will discontinue the operation of a video camera during a school year, not later than the fifth 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. Not later than the tenth 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 request for the next school year submits a new request.

Retention Period

A school district shall retain video recorded from a video camera for at least three months after the date the video was recorded.

When evidence of an alleged incident is found on the video, a school district must retain the recording from the date of receipt of the request until the person has viewed the recording. If the recording documents an alleged incident, the district or school shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

Definitions

1. "Parent" includes a guardian or other person standing in parental relation to a student.
2. "Staff Member" means a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a special education classroom or other special education setting. Staff members also include the principal or assistant principal of the campus at which a special education classroom or other special education setting.
3. A trustee is a member of a school district's board of trustees.
4. Special Education Classroom means a classroom on a regular school campus (i.e., a campus that serves students in general education and students in special education) of a school district in which one or more of the students in regular attendance are provided special education and related services for on average less than 50% of the school day in the general education setting.
5. Other special education setting means a classroom on a separate campus (i.e., a campus that serves only students who receive special education and related services) 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 Handbook under Chapter 103. Health and Safety:
 - a. Residential care and treatment facility – separate campus or
 - b. Off home campus – separate campus.

6. A video camera is a video surveillance camera with audio recording capabilities.
7. Video equipment means one or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras as required by TEC, 29.022, and this section. Video equipment also means any technology and equipment needed to store and access video recordings as required by TEC 29.022 and this section.
8. Incident means an event or circumstance that:
 - a. Involves alleged “abuse” or “neglect,” as those terms are described in Texas Family Code 261.001, of a student by an employee of the school district or alleged “physical abuse” or “sexual abuse,” as those terms are described in Texas Family Code 261.410, of a student by another student or
 - b. Allegedly occurred in a special education classroom or other special education setting where video surveillance is conducted under TEC 29.022 and under this section.

A. General Guidelines

- a. Video cameras must be capable of:
 - i. Covering all areas of the classroom or other special education setting, except for inside of a bathroom or any area in the c
 - ii. Classroom or setting in which a student’s clothes are changed, used for toileting or diapering, or removing or changing a student’s clothes may not be visually monitored; and
 - iii. Recording audio from all areas of the classroom or other special education settings.
- b. Video cameras shall be operated at all times during the instructional day when students are in the special education classroom or other special education setting.
- c. The campus shall continue to operate and maintain any video camera placed in a special education classroom or special education setting for as long as the classroom setting continues to satisfy the requirements of TEC 29.022 (a).
- d. As provided by TEC 29.022, video recordings will be stored separately from all other video surveillance recordings.

B. Requesting Video Surveillance Installation

- a. A parent, trustee, or staff member shall contact the campus administrator of the building where the student is enrolled.
- b. The request for video surveillance should be in writing. The request should include:
 - i. The student’s name and grade
 - ii. The teacher’s name
 - iii. The room number, if known
 - iv. The name and relationship of the requester to the student
 - v. Date of the request
 - vi. Reason for the request (optional)
 - vii. Signature of the requester
- c. The campus administrator or the person receiving the request for surveillance installation will contact the Director of Special Education (D/SE).
 - i. The D/SE will contact the CISD Technology Department to develop the installation timeline.
- d. The D/SE and the Executive Director of Technology will convey the timeline information to the campus administrator.
- e. The campus administrator will communicate in writing to the requester and D/SE the information concerning the installation of the video surveillance system.

- f. Written notice of the placement shall be provided to all school or campus staff and to the parents of a student receiving special education services in the classroom or setting.
- g. The campus will post a notice at the entry of the special education classroom or special education setting in which video cameras are placed stating that video and audio surveillance are being conducted in the school or setting.

C. Request to Review Video Recordings

- a. A parent, trustee, or staff member shall contact the campus administrator of the building where the alleged incident occurred.
- b. The request for video surveillance should be in writing using the CISD SB 507 Special Education Classroom Camera Observation Request Form.
- c. The request should include:
 - i. The student's name and grade
 - ii. The teacher's name
 - iii. The room number, if known
 - iv. An account of the alleged incident. The account should contain as much detail as possible, including the date/time of the alleged incident.
 - v. The date of the request
 - vi. The name of the person making the request. This should include the relationship to the child if applicable.
- d. The written request form will be forwarded to the D/SE for review and signature.
- e. Based on the written request and other information obtained from the requester, the D/SE shall make a preliminary determination of whether the complaint involves:
 - i. An event or circumstance involving alleged:
 - 1. Abuse of a student by a district employee;
 - 2. Neglect of a student by a district employee
 - 3. Physical Abuse of a student by another student; and
 - 4. Sexual Abuse of a student by another student;
 - ii. that allegedly occurred in a special education classroom or a special education setting in which video surveillance is conducted under these procedures.
- f. When the D/SE determines that the report involves an alleged event as described above, the form will be forwarded to the Executive Director of Technology for review and signature, and the requester will be provided a CISD Receipt of Incident Form and a copy of the CISD Video Surveillance and Recording Policy (SB 507).
- g. The technology department will provide the access code for camera access to the D/SE for the video review.
- h. If the D/SE determines that an alleged Incident is not documented by the requested video recording(s), the D/SE shall note the date of denial of the request and notify the requester within ten (10) District Business Days of the District's decision in writing using the CISD Response to Incident Form.
- i. If the D/SE determines that an alleged Incident is documented by the requested video recording(s), the D/SE shall note the date of approval of the request and notify the requester within ten (10) District Business Days of the District's decision in writing using the CISD Response to Incident Form.
- j. If the request to view the video is approved, the D/SE shall reasonably coordinate with the campus principal and requester to schedule a viewing appointment. Before allowing the requester to view the recording(s), the technology department designee will be contacted to prepare the relevant portion of the video recording(s) for viewing and redact students from the video recording(s) as may be required by FERPA.

- k. When an eligible requester views a video recording, the following rules apply:
 - i. The right to view a video recording does not equate to the right to receive a copy of the video recording(s). For purposes of these procedures, “access” shall mean the right to view the video recording(s) in accordance with these procedures.
 - ii. A District representative must be present at all times during the viewing.
 - 1. Only the following individuals may act as the District representative at the viewing:
 - a. a peace officer;
 - b. a school nurse;
 - c. a District or school administrator trained in de-escalation and restraint techniques as provided by commissioner rule;
 - d. a human resources staff member designated by the District’s Board of Trustees.
 - iii. No person other than the Eligible Requester and the District representative may be present during the viewing.
 - iv. If the Eligible Requester brings a representative or other individual to the viewing appointment, those individuals must remain outside the room during the viewing, unless the other individual is the student’s other parent.
 - v. Recording is strictly prohibited during the viewing. The District representative will monitor for unauthorized recording (e.g., by cell phone, etc.) during the viewing and shall immediately stop the viewing appointment if an Eligible Requester attempts to record the video during the viewing appointment.

NOTE: NOTHING IN THESE PROCEDURES ALTERS OR OTHERWISE AFFECTS A DISTRICT EMPLOYEE’S REPORTING, INVESTIGATION, OR RESPONSE OBLIGATIONS UNDER OTHER DISTRICT POLICIES AND PROCEDURES OR APPLICABLE LAW WITH RESPECT TO ALLEGATIONS OF ABUSE OR NEGLECT.

D. Allowable Requestors

- a. A school district employee or a parent or guardian of a student who is involved in a suspected incident;
- b. Department of Family and Protective Services personnel, as part of an investigation of child abuse or neglect in a school setting under Section 261.406 of the Texas Family Code;
- c. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the board of trustees of the school district or the governing body of the open-enrollment charter school in response to a complaint or an investigation of district or school personnel or a complaint of abuse committed by a student; and
- d. Appropriate agency or State Board for Educator Certification (SBEC) personnel or agents as part of an investigation.

E. Confidentiality of Video Recordings

- a. A video recording of a student made according to TEC 29.022 is confidential and may not be released or viewed except as provided by this subsection. A school district shall release a recording for viewing by:
 - i. A school district employee or a parent or guardian of a student who is involved in an incident documented by the recording for which a complaint has been

- reported to the district, on request of the employee, parent, or guardian, respectively;
 - ii. Appropriate Department of Family and Protective Services personnel as part of an investigation under Section 261.406, Family Code;
 - iii. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the board of trustees of the school district in response to a complaint or an investigation of district or school personnel, or a complaint of abuse committed by a student; or
 - iv. Appropriate agency or State Board of Educator Certification personnel or agents as part of an investigation.
- b. A school district may not allow regular or continual monitoring of video-recorded or
 - c. Use video recorded for teacher evaluation or for any other purpose other than the promotion of the safety of students receiving special education services in a special education classroom or other special education setting.

Local Grievance Procedures for Filing a Complaint Alleging Violation of TEC

§ 29.022/19 T.A.C. § 103.1301

The requester has the right to file a grievance/complaint if he or she believes the District erroneously denied his or her request in violation of TEC § 29.022 or 19 T.A.C.

§ 103.1301. To file a complaint alleging a violation of TEC § 29.022 or 19 T.A.C. § 103.1301, the individual must comply with the District's local grievance procedures or other dispute resolution channels in accordance with Board Policies DGBA (employee complaints/grievances) or FNG (student and parent complaints/grievances) available at <https://pol.tasb.org/PolicyOnline?key=737>

Except as otherwise provided below, a TEA complaint, mediation, or due process procedures are not the appropriate channels to file a complaint alleging a failure to comply with TEC § 29.022 or 19 T.A.C. § 103.1301.

Appeals to the Commissioner for a Violation of TEC § 29.022/19 T.A.C § 103.1301

After exhausting the District's local grievance procedures, a person may appeal an action by the District or a school that the person believes to violate TEC § 29.022, 19 T.A.C. § 103.1301, Board Policy EHBAF, or these procedures to the Commissioner through the appeals process outlined in TEC § 7.057.

Expedited Review by TEA

The District, a parent, a staff member, or an administrator may request an expedited review through TEA of the District's:

- a. Denial of a request made under TEC § 29.022;
- b. Request for an extension of time to begin operation of a Video Camera; or
- c. Determination not to release a video recording to an Eligible Requester.

If an expedited review is requested, TEA shall notify all other interested parties of the request. Additionally, TEA shall issue a preliminary judgment as to whether the District is likely to prevail on the issue under a full review by the agency. If TEA determines that the District is not likely to prevail, the District shall fully comply with TEC § 29.022, notwithstanding an appeal of the agency's decision. TEA shall notify the requester and the District, if the District is not the requester, of the agency's determination.

Additional rules relating to the expedited review process are anticipated from TEA.

No Admission of Fault or Liability

Approval of a Request to View Video Recording shall in no way be construed as an admission that an Incident occurred or as an admission of fault or liability by any person or entity.

Request for Access under FERPA

Generally, video recordings made pursuant to TEC § 29.022 and 19 T.A.C. § 103.1301 are surveillance videos and do not constitute a student's education record subject to disclosure in response to a request made under FERPA, unless an alleged Incident is documented on the video recording or the student otherwise becomes the "focus" of the video recording as defined by the U.S. Department of Education.