

Summary / Purpose	Texas Education Code §29.022 (i.e. SB 507, SB 1398 (2017)) requires school districts and open-enrollment charter schools, beginning with the 2016–17 school year, to place, operate, and maintain video cameras with audio recording capability in certain self-contained classrooms and other special education settings for students with disabilities, upon the request of a parent, Trustee, or staff member, for the purpose of promoting the safety of students with disabilities in these classrooms.
Definitions	
Parent	A person standing in parental relation whose rights have not been terminated and whose child 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 or older or whose disabilities of minority have been removed, 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 or other special education setting, and a principal or an assistant principal of the campus at which the self-contained classroom or other special education setting is located.
Trustee	A member of the District’s Board of Trustees.
Self-Contained Classroom	A classroom on a regular school campus (i.e. a campus that serves students in general education and students in special education), in which a majority of the students in regular attendance are provided special education services and have one of the following instructional arrangements (i.e. PEIMS codes) described in the Student Attendance Accounting Handbook.
Other Special Education Setting	A classroom on a separate campus (i.e. a campus that serves only students who receive special education and related services), in which a majority of the students in regular attendance are provided special education services and have one of the following instructional arrangements (i.e. PEIMS codes) as described in the Student Attendance Accounting Handbook.
Video Camera	A video surveillance camera with audio capabilities.
Video Equipment	One or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras, and any technology and equipment needed to store and access video recordings as required by TEC §29.022.

Incident	An event or circumstance that allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under TEC §29.022 is conducted that involves alleged “abuse” or “neglect,” as defined in the Texas Family Code, of a student by an employee of the District, or alleged “physical abuse” or “sexual abuse,” as defined in the Texas Family Code, of a student by another student.
Incident Report	Notification (in writing on required forms) to the District of a suspected incident that occurred in a self-contained special education classroom or other special education setting in which video surveillance under TEC §29.022 is conducted by completing and providing an Incident Report form to the campus principal.
Instructional Day	The portion of the school day during which instruction is taking place in the classroom or setting.
Human Resources Staff Member	A Superintendent, principal, assistant principal, or other campus administrator, and any supervisory position within the District’s human resources office, including director of special education, at the District’s discretion.
District Camera Coordinator	The District designates its chief technology officer as the central office administrator with responsibility for coordinating the provision of equipment to schools and campuses in compliance with TEC §29.022. That person’s title, with respect to the requirements of this policy, will be District Camera Coordinator.
Procedures for Requesting Video / Audio Surveillance	A parent, Trustee, or staff member may make a request for installation and operation of video/audio recording of a self-contained classroom or other special education setting by completing and submitting a Request for the Installation of Video and Audio Recording Equipment (“Request for Installation”) form, including identification of the specific self-contained classroom or other special education setting for which the request is being made. This request form may be obtained from the campus principal or special education director under EHBAF(EXHIBIT). Parents or staff members must submit the request form to the principal of the campus addressed in the request, and the principal must provide a copy to the District camera coordinator without delay. Members of the Board must submit the request form to the District camera coordinator. A request for installation and operation of video/audio recording of a self-contained classroom or other special education setting should be renewed annually if operation of the video/audio equipment is desired for the subsequent school year.

Procedures for
Responding to
Requests for
Video / Audio
Surveillance
Including Notice

The following procedures will be followed:

1. Upon receipt of a request for installation form, the District camera coordinator will determine whether the requested location is subject to video/audio surveillance.
2. Within seven District business days from receipt of the request for installation form, the District camera coordinator will provide a written response to the requester, stating whether the request will be granted. The response will include a copy of these policies/operating guidelines.
3. If the requested location is subject to video/audio surveillance, the District will purchase, install, and operate video/audio recording equipment in the parent's child's self-contained classroom or other special education setting, in the self-contained classroom or other special education setting in which a staff member is assigned to work, in the self-contained classroom or other special education setting requested by a principal or assistant principal on the campus at which the self-contained classroom or other special education setting is located, or in the self-contained classroom or other special education setting requested by a Trustee. The purchase, installation, and initial operation of the video/audio recording equipment will take place within 45 school business days after the request for equipment is authorized, unless the Texas Education Agency (TEA) grants an extension of time.
4. The video/audio recording equipment will not become operational until after the campus principal provides at least five District business days' advanced written notice of the placement of the video camera to the parents of all students receiving special education services in the classroom or setting, and provides advanced written notice to all campus staff at the entrance to the classroom or setting stating, "This classroom is subject to ongoing video and audio surveillance that is not regularly live-monitored."
5. The video recording will cover all areas of the classroom or setting, including a room attached to the classroom or a setting used for time-out, except the inside of a bathroom or area used for toileting or diapering a student or removing or changing a student's clothes, and the audio recording will cover all areas of the classroom or setting, including a bathroom or changing area.
6. Once the video equipment is installed, the District will confirm that any live-monitoring capabilities of the equipment is disabled.

7. The video camera will be operated at all times during the instructional day when students are in the self-contained classroom or other special education setting. The video camera may also be operational at times when students are not in the classroom or setting, although such operation is not required by law.
8. The District will continue to operate and maintain the video/audio recording in the self-contained classroom or other special education setting for the remainder of the regular school year, or for the remainder of extended school year (ESY) services, but must provide notice to parents of each student in regular attendance in the classroom not later than the tenth school day before the date the operation of the equipment will be discontinued at the end of the school year. The notice must indicate that operation of equipment will be discontinued at the end of the school year unless a person eligible to make a request for the next school year submits a new request. If for any reason a school or campus will discontinue operation of equipment during a school year, the school or campus must notify the parents of each student in regular attendance that the operation of equipment will be discontinued not later than the fifth school day before the date the operation of equipment will be discontinued unless requested by a person eligible to make the request under this policy. If the make-up of the classroom or setting changes such as that the location no longer meets the definition of a self-contained classroom or other special education setting, the video/audio recording may be discontinued, and written notice of the discontinuation of video/audio surveillance will be provided to the parents of the students receiving special education services in the classroom or setting.
9. The video/audio recordings will be stored in a safe and secure manner whether on on-site or off-site servers or in cloud storage.
10. The District will maintain the video/audio recordings for at least three months after the recordings are made.
11. These requirements apply to video/audio surveillance during the regular school year and during ESY services.

**Procedures for
Making an Incident
Report**

A parent, staff member, or assistant principal may notify the District of an alleged incident occurring in a self-contained classroom or other special education setting where video/audio surveillance is in effect by completing an incident report form and providing it to the campus principal, who must provide a copy to the District camera coordinator. A principal making a request must submit such request

to the District camera coordinator. A member of the Board making a request must submit the request to the District camera coordinator, who must provide a copy to the principal of the school or campus addressed in the request. The incident report form may be obtained from the campus principal or www.clint.net under EHBAF(EXHIBIT). The person making the incident report should be as specific as possible regarding the date, time, and location of the suspected incident; include any witnesses; and describe the suspected incident as clearly as possible. The incident report should be provided, as set forth above, to the campus principal or District camera coordinator as soon as possible, and if at all possible within 48 hours after the reporter becomes aware of a suspected incident.

Procedures for
Addressing an
Incident Report

The following procedures will be followed for addressing an incident report.

1. Within 48 hours from receipt of the incident report form, the District camera coordinator will provide written confirmation of receipt of the report to the person making the report.
2. The District will determine whether any additional safety measures should be taken in the classroom or setting pending a review of the relevant video/audio recording.
3. Absent extenuating circumstances, within ten District business days from receipt of the incident report, a District central office administrator trained in de-escalation and restraint techniques will review footage recorded on the date(s) and in the location set forth on the incident report form to determine whether any incident is recorded; however, the administrator will take additional time if necessary to complete a thorough review.
4. Absent extenuating circumstances, within ten District business days from receipt of the incident report, the campus principal or authorized designee will provide a written response to a person who submitted the report, stating whether the alleged incident was recorded on the video surveillance footage and initiating other steps as required by law, District policy, or local procedures.
5. If a person authorized to view a recording under these procedures requests to view a recording from equipment placed under this policy, the District will retain the recording from the date of the receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. The

District will retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

**Access to Video /
Audio Recording**

The following will be followed to access a video/audio recording:

1. A video/audio recording made as a result of these provisions is confidential.
2. The District will not allow regular or continual monitoring of video/audio recording.
3. The District will not use the video/audio recording for teacher evaluation or any purpose other than the promotion of safety of students receiving special education services in a self-contained classroom or other special education setting.
4. In response to an incident report, the District will allow viewing of the video/audio recording only by the following:
 - a. A District employee who is involved in an alleged incident documented by the recording and who requests to view the recording;
 - b. A parent/guardian of a student who is involved in an incident documented by the recording and who requests to view the recording;
 - c. A peace officer;
 - d. A school nurse;
 - e. A District administrator trained in de-escalation and restraint techniques; and
 - f. A Human Resources staff member in response to a report of an alleged incident, an investigation of District personnel, or a report of alleged abuse committed by a student.
5. As part of an investigation of District or school personnel, or a complaint of abuse committed by a student, the District will allow viewing of the video/audio recording only by the following:
 - a. A peace officer;
 - b. A school nurse;
 - c. A District administrator trained in de-escalation and restraint techniques; and
 - d. A Human Resources staff member designated by the Board.

6. The District will also allow viewing of the video/audio recording to the following under the following conditions:
 - a. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged or suspected abuse or neglected of a child;
 - b. Appropriate TEA or State Board for Educator Certification (SBEC) personnel or agents as part of an investigation;
 - c. If DFPS personnel, a peace officer, school nurse, administrator, Human Resources staff member, or SBEC personnel/agents view the video/audio recording and believe that the recording documents a possible violation of District or school policy, the person may allow appropriate legal and Human Resources personnel access to the recording, and the recording may be used as part of a disciplinary action against District or school personnel.
 - d. A District employee who is the subject of the disciplinary action must be allowed to view a recording believed to document a possible violation of District or campus policy if the employee requests to view the recording.
 - e. In accordance with policy FL(LEGAL) and (LOCAL), District personnel or contractors whose positions have some role or responsibility for the installation, operation, or maintenance of the video equipment or the video recordings may lawfully have incidental access to the equipment or the recordings only to the extent necessary to ensure the functionality of the equipment.
7. No one has any right to obtain a copy of a video/audio recording except that a recording believed to document a possible violation of District or school policy relating to the abuse or neglect of a student may be used as part of a disciplinary action against District or school personnel and will be released at the request of the student's parent or guardian in a legal proceeding.
8. Nothing in these procedures limit a parent's right to access educational records of a child under the Family Educational Rights and Privacy Act (FERPA) at 20 USC §1232g. However, not all surveillance video/audio recordings made under this policy are educational records pertaining to a student pursuant to FERPA. If the recording depicts a student engaged in a significant act, only that portion of the recording is an educational record of that student and may be viewed by that stu-

dent's parent upon request. The recording is not an educational record pertaining to students who are merely present within the frame of the video recording and not engaged in a significant act, and thus, may not be viewed by the parents of these students.

9. If the District receives a request to view a recording, the District will provide a written response to the requestor within ten District business school days that access will or will not be provided.
10. A recording under this policy is a governmental record only for the purposes of Texas Penal Code Sec. 37.10 (relating to tampering with a government record).

**ARD Committee
Placements**

The parent of a student whose admission, review, and dismissal (ARD) committee has determined that the student's placement for the following school year will be in a classroom or setting in which a video camera may be placed under this policy may make a video/audio equipment request by the last school day of the current school year or the tenth business school day after the date of the ARD's placement determination, whichever is latest. In the case of such requests, the District will begin operation of video/audio equipment not later than the tenth school day of the fall semester or the 45th school business day after the request is made, unless TEA grants an extension.

**Child Abuse
Reporting**

If a peace officer, school nurse, administrator, Human Resources staff member, or SBEC personnel/agent views the recording and believes that the recording documents possible abuse of a child as defined by the Texas Family Code, the person will submit a report to the DFPS for investigation in accordance with the Texas Family Code.

Dispute Resolution

Special education dispute resolution procedures (i.e. due process hearing, mediation, TEA complaint) do not apply to any dispute arising under TEC §29.022 or these provisions. Such disputes must be addressed through the District's grievance procedures or other local dispute resolution channels. Employee complaints/grievances must be made in accordance with policy DGBA(LEGAL) and (LOCAL); students and/or parent complaints/grievances must be made in accordance with policy FNG(LEGAL) and (LOCAL); and public complaints must be made in accordance with policy GF(LEGAL) and (LOCAL). The District, a parent, a District staff member, or a District administrator may request an expedited review by TEA of the following:

1. The District's denial of a request made under this policy,

2. A request for an extension of time to begin operation of equipment under this policy, or
3. A District determination to not release a video recording to a person described as authorized to access a recording under this policy.