

Local Policy

ARP ISD ADMINISTRATIVE REGULATIONS FOR VIDEO SURVEILLANCE OF CERTAIN SPECIAL EDUCATION SETTINGS

I. Requirement of the District

Beginning with the 2016-2017 school year, in order to promote student and staff safety, upon request by a parent, trustee, or staff member, Arp Independent School District (the District) must deploy audio/video equipment in accordance with the Texas Education Code (TEC), §29.022 and all other applicable rules. The District must place, operate, and maintain cameras in self-contained classrooms or other special education settings in accordance with TEC, §29.022 and all other applicable rules.

II. Definitions

For purposes of this regulation, the following terms have the following meanings:

- a. **Parent** means a person described in TEC, §26.002, whose child receives special education and related services for at least 50 percent of the instructional day in a 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 a 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 for general purposes under Texas Family Code, Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.
- b. **Staff member** means a teacher, related service provider, paraprofessional, or educational aide assigned to work in a self-contained classroom or other special education setting. Staff member also includes the principal or an assistant principal of the campus at which a self-contained classroom or other special education setting is located.
- c. **Trustee** means a member of a school district's board of trustees or a member of an open-enrollment charter school's governing body.
- d. **Self-contained 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 or an open-enrollment charter school 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 adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook):
 - i. self-contained (mild/moderate/severe) regular campus;
 - ii. full-time early childhood (preschool program for children with disabilities) special education setting;
 - iii. residential care and treatment facility--self-contained (mild/moderate/severe) regular campus;
 - iv. residential care and treatment facility--full-time early childhood special education setting;
 - v. off home campus--self-contained (mild/moderate/severe) regular campus; or
 - vi. off home campus--full-time early childhood special education setting
- e. **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 or open-enrollment charter school 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 adopted under §129.1025 of this title:

- i. residential care and treatment facility--separate campus; or**
 - ii. off home campus--separate campus.**
- f. Video camera means a video surveillance camera with audio recording capabilities.**
- g. Video equipment means one or more video cameras and any technology and equipment needed to place, operate, and maintain audio/video cameras as required by TEC, §29.022 and all other applicable rules. Video equipment also means any technology and equipment needed to store and access video recordings as required by TEC, §29.022, and this section.**
- h. Incident means an event or circumstance that:**
 - i. 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 charter school 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**
 - ii. allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under TEC, §29.022, and this section is conducted.**

III. Dispute resolution

The special education dispute resolution procedures in 34 Code of Federal Regulations, §§300.151-300.153 and 300.504-300.515, as well as District policies and procedures, do not apply to complaints alleging that the District has failed to comply with TEC, §29.022, and other applicable rules. Complaints alleging violations of TEC, §29.022, and other applicable rules, must be addressed through the District's local grievance procedures or other dispute resolution channels.

IV. Regular School Year and Extended School Year Services

TEC, §29.022, apply to video surveillance during the regular school year. The District will only provide video surveillance during the regular school year.

V. Policies

- a. Video surveillance is for the purpose of promoting student and staff safety in certain self-contained classrooms and other special education settings;**
- b. Video cameras will be operated at all times during the instructional day in any classroom in which video surveillance has been approved to be placed;**
- c. The District will continue to operate and maintain any video camera placed in a self-contained classroom or other special education setting for as long as the classroom or setting continues to satisfy the requirements in TEC, §29.022(a);**
- d. Video cameras placed in a self-contained classroom or other special education setting are capable of recording video and audio of all areas of the classroom or setting, except that no video surveillance may be conducted of the inside of a bathroom or other area used for toileting, diapering a student or removing or changing a student's clothes;**
- e. Video recordings will be retained for six months after the date the video was recorded;**
- f. Regular or continual monitoring of video is prohibited and video recordings must not be used for routine teacher evaluation or monitoring or for any purpose other than the promotion of student and staff safety;**
- g. The District and/or campuses are not required and therefore may not necessarily 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; and**

- h. Video recordings made under TEC, §29.022, and all other applicable rules are confidential and may only be viewed by the following individuals, to the extent not limited by the Family Educational Rights and Privacy Act of 1974 (FERPA) or other law:
 - i. a staff member or other school district or charter school employee or a parent of a student involved in an incident described in this document that is documented by a video recording for which a complaint has been reported to the district or charter school;
 - ii. appropriate Texas Department of Family and Protective Services personnel as part of an investigation under Texas Family Code, §261.406;
 - iii. a peace officer, school nurse, or administrator trained in de-escalation and restraint techniques as provided by commissioner rule or a human resources staff member designated by the school district's board of trustees or open-enrollment charter school's governing body in response to a complaint or an investigation of an incident described in subsection (b)(9) of this section; or
 - iv. appropriate Texas Education Agency or State Board for Educator Certification personnel or agents as part of an investigation.
 - v. appropriate technical support personnel responsible for maintaining the surveillance system and/or exporting recordings
- i. If a person described in this document views a video recording and has cause to believe that the recording documents possible abuse or neglect of a child under Texas Family Code, Chapter 261, the person must notify the Texas Department of Family and Protective Services or other authority in accordance with the local policy adopted under §61.1051 of this title (relating to Reporting Child Abuse and Neglect and Texas Family Code, Chapter 261).
- j. If a person described in this document views a video recording and believes that it documents a possible violation of school district or campus policy, the person may allow access to the recording to appropriate legal and human resources personnel of the district to the extent not limited by FERPA or other law. A recording believed to document a possible violation of school district or campus policy may be used in a disciplinary action against district personnel and must be released in a legal proceeding at the request of a parent of the student involved in the incident documented by the recording.
- k. These policies do not limit the access of a student's parent to an educational record of the student under FERPA or other law. To the extent any provisions in TEC, §29.022, and these policies conflict with FERPA or other federal law, federal law prevails.

VI. Procedures

- a. Requesting video surveillance
 - i. Form
 - 1. [Form is available online](#) on the policy page as an exhibit with the corresponding policy
 - 2. What information on the form?
 - a. Requester's name
 - b. Requester's phone number, address and email address
 - c. Student's Name and relationship to requester (student/child)
 - d. Campus
 - e. Room number
 - f. Parent or guardian, trustee, staff member
 - i. If parent or guardian, student name
 - g. Email or physical address of where to send completed form
 - h. The dates that the requester is interested in viewing.

3. Form available online. Fillable PDF, Print, sign, and submit, will accept electronic signature, can be emailed or turned in to Director of Special Education
 4. Approved or Denied and signature of Special Ed Director and Campus Principal
 - a. If denied, reason
- ii. Request goes to Director of Special Education
 1. Determination of validity of request within 10 business days of receipt of request
 2. If denied, form goes with reason for denial back to requester
 3. Identification of room(s)
 4. Full video and audio or audio only
 5. Director of Special Education emails signed, approved form to Information Technology Director, Campus Principal and Superintendent
- iii. Request to IT Director
 1. Orders video and/or audio surveillance per approved request and using open Purchase Order
 2. Surveillance will begin within 10 business days of receiving request from Director of Special Education
 - a. Providing written notice to the campus staff and parents of the students assigned to a self-contained classroom or other special education setting that video and audio surveillance will be conducted in the classroom or setting;
 - b. Reporting a complaint alleging that an incident occurred in a self-contained classroom or other special education setting in which video surveillance under TEC, §29.022, and this section is conducted;
 - c. The local grievance procedures for filing a complaint alleging violations of TEC, §29.022, and/or this section.