

SPECIAL EDUCATION
VIDEO/AUDIO MONITORING

EHBAF
(LEGAL)

PARENTAL CONSENT NOT REQUIRED An employee of a school district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used for a purpose related to the promotion of student safety as described by this policy. *Education Code 26.009(b)*

VIDEO SURVEILLANCE UPON REQUEST TO PROMOTE STUDENT SAFETY In order 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 in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled.

CLASSROOM OR OTHER SETTING Each school that receives equipment shall place, operate, and maintain one or more video cameras in each self-contained classroom or other special education setting in which a majority of the students in regular attendance are:

1. Provided special education and related services; and
2. Assigned to a self-contained classroom or other special education setting for at least 50 percent of the instructional day.

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.

VIDEO CAMERAS The video cameras must be capable of:

1. Covering all areas of the classroom or setting, except that the inside of a bathroom or any area in the classroom or setting in which a student's clothes are changed may not be visually monitored; and
2. Recording audio from all areas of the classroom or setting.

WRITTEN NOTICE Before a school places a video camera in a classroom or setting, the school shall provide written notice of the placement to all school staff and to the parents of a student receiving special education services in the classroom or setting.

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

GIFTS, GRANTS, AND DONATIONS A school district may solicit and accept gifts, grants, and donations from any person for use in placing video cameras in classrooms or settings.

NO WAIVER OF IMMUNITY The requirements described by this policy do not:

1. Waive any immunity from liability of a school district, or of district officers or employees; or

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2. Create any liability for a cause of action against a school district or against district officers or employees.
- NO MONITORING A school district may not:
1. Allow regular or continual monitoring of video recorded under Education Code 29.022; or
 2. Use video for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services.
- CONFIDENTIALITY A video recording of a student is confidential and may not be released or viewed except as provided below.
- LIMITED
RELEASE A school district shall release a recording for viewing by:
1. 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;
 2. 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;
 3. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioner's rule, or a human resources staff member designated by the board in response to a complaint or an investigation of district personnel or a complaint of abuse committed by a student; or
 4. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.
- DUTY TO
REPORT If a person described by item 3 or 4 above who views the video recording believes that the recording documents a possible violation under Family Code, Chapter 261, Subchapter E, the person shall notify DFPS for investigation in accordance with Family Code 261.406.
- USE IN
DISCIPLINARY
ACTIONS
AGAINST
DISTRICT
PERSONNEL If any person described by item 2, 3, or 4 above who views the recording believes that the recording documents a possible violation of district policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of district policy may be used as part of a disciplinary action against district personnel and shall be released at the request of the student's parent or guardian in a legal proceeding.

FERPA

State law does not limit the access of a student's parent to a record regarding the student under the Family Educational Rights and Privacy Act or other law.

Education Code 29.022