**SPECIAL EDUCATION VIDEO/AUDIO MONITORING**

**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
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.
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*