

Cameras in the Special Education Classroom

SB 507



Background

- SB 507 was passed during the 84th Texas Legislature
- Relates to the placement of video cameras in self-contained classrooms providing special education services
- Author: Sen. Eddie Lucio Jr. (D-Brownsville)
- Applies beginning with the 2016-2017 school year

Trigger

- Upon the request of a parent, trustee, or staff member this bill requires school districts and open-enrollment charters to provide video camera equipment to each school with particular special education classrooms
- Audio recording is also required

Location

- Requires cameras to be placed in each self-contained classroom or other special education setting in which the majority of students in regular attendance are:
 - Provided special education and related services
 - Assigned to a self-contained classroom or other special education setting for at least 50 percent of the instructional day
- The cameras are required to cover all areas of the classroom except bathroom or changing room areas where only audio will be recorded
- The cameras are required to be operational and maintained as long as the classroom/setting meets the conditions above

Notice

- Prior to placing a camera in a classroom/setting a written notice must be provided to
 - The parents of students in the classroom/setting
 - All school or campus staff
- Parental consent for placement of the cameras is not required

Retention

Videos would be required to be retained for at least six months after the date recorded

Monitoring

- Regular or continual monitoring of the video would not be allowed
- Video cannot be used for teacher evaluation or for any other purpose than student safety

Confidentiality

A video recording of a student is confidential and may not be released or viewed except as part of a complaint or investigation

Viewing

- The video recording shall be released or viewed by:
 - A school district employee or parent or guardian of a student (upon request) who is involved in a documented incident for which a complaint has been reported to the district
 - Appropriate Department of Family and Protective Services personnel as part of an investigation under Section 261.406, Family Code

Viewing

- The video recording shall be released or viewed by:
 - Peace officer, school nurse, district administrator trained in de-escalation and restraint techniques, human resources staff member designated by the board or governing body in response to a complaint or investigation of district or school personnel or a complaint of abuse committed by a student
 - Appropriate agency or SBEC personnel or agents as part of an investigation

Viewing

The images of other students will be blurred when video recording is released for viewing

Response

- If a person viewing the video believes the recording documents a possible violation of the Family Code, the person shall notify Department of Family and Protective Services
- If the person viewing the video determines that a recording documents a violation of district or school policy, the person may allow access to the recording to appropriate legal and human resources personnel
- A recording determined to document a violation of district or school policy could be used as part of a disciplinary action against district or school personnel and could be released at the request of the student's parent or guardian in a legal proceeding

Funding

- Districts and charters may solicit and accept gifts, grants, and donation
- In the event of excess funds from the foundation school program, the commissioner shall create a grant program for the purchase of video equipment giving priority to districts with:
 - maintenance and operations tax rates at the greatest rates permitted by law
 - maintenance and operations tax rates at least equal to the state maximum compressed tax rate and lowest amounts of maintenance and operations tax revenue per weighted student
 - debt service tax rates near or equal to the greatest rates permitted by law

Liability

- This bill does not
 - Waive any immunity from liability of a school district or charter school, or of their or school officers or employees
 - Create any liability for a cause of action against a school district or charter school or their or school officers or employees

Policy

- The district has developed policy EHBAF (Legal)
- This policy may need to be revised based on recent rules published August 3, 2016
- The TEA has requested expedited decision from the Attorney General on whether a request for camera surveillance is only applicable to a specific classroom or triggers a request for the district

HISD Implementation

- Special Education Video/Audio Monitoring Request Form
- Special Education Video/Audio Monitoring New Video Surveillance Request Process
- Special Education Video/Audio Monitoring Incident Report Form
- Special Education Video/Audio Monitoring Review Access
- Letters

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