

**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 receipt of an authorized written request, a school district shall provide equipment, including a video camera, to the school in the district specified in the request.

**Classroom or Other
Setting**

A school that receives equipment shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day, provided that:

1. A campus that receives equipment as a result of the request by a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable; and
2. A campus that receives equipment as a result of the request by a board of trustees, principal, or assistant principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings subject to Education Code 29.022

**Administrative
Coordinator**

Each district shall designate an administrator at the primary administrative office of the district with responsibility for coordinating the provision of equipment to schools and campuses.

**Authorized
Requestors**

The following people may request in writing that equipment be provided to a campus at which one or more children receive special education services in a qualifying classroom or setting:

1. A parent of a child who receives special education services for the campus at which the child receives those services;
2. The board of trustees for one or more specified campuses;
3. The principal or assistant principal for their campus; and
4. A staff member assigned to work with one or more children receiving special education services for the campus at which the staff member works.

Processing the Request

A written request must be submitted and acted on as follows:

1. A parent, staff member, or assistant principal must submit a request to the principal or the principal's designee of the campus addressed in the request, and the principal or designee must provide a copy of the request to the district's designated administrator;
2. A principal must submit a request by the principal to the district's designated administrator; and
3. A board of trustees must submit a request to the district's designated administrator, and the administrator must provide a copy of the request to the principal or the principal's designee of the campus addressed in the request.

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, for the remainder of the school year in which the campus received the request, unless the requestor withdraws the request in writing.

Video Cameras

The video cameras must be capable of:

1. Covering all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out; and
2. Recording audio from all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out.

The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

Written Notice

Before a school activates 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 each student attending class or engaging in school activities in the classroom or setting.

If for any reason a campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request. Not later than the tenth school day before the end

of each school year, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following school year unless a person eligible to make a request for the next school year submits a new request.

Retention Period

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

If a person requests to view a video recording from a video camera, a school district must retain the recording from the date of 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. If the recording documents an alleged incident, the district or school shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

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. An employee who is involved in an alleged incident that is documented by the recording and has been reported to the district, on request of the employee;
2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or school, on request of the parent;

3. 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;
4. 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 report of an alleged incident or an investigation of district personnel or a report of alleged abuse committed by a student; or
5. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording does not violate these confidentiality provisions.

Duty to Report

If a person described by item 4 or 5 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 3, 4, or 5 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 relating to the neglect or abuse of a student may be used as part of a disciplinary action against district personnel and shall be released at the request of the student's parent 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.

District Policy

A school district policy relating to the placement, operation, or maintenance of video cameras under this section must:

1. Include information on how a person may appeal an action by the district or school that the person believes to be in violation of law or a policy adopted in accordance with the law, including the appeals process under Education Code 7.057;
2. Require that the district provide a response to a request not later than the seventh school business day after receipt of the request by the person to whom it must be submitted that au-

thorizes the request or states the reason for denying the request;

3. Require that a school begin operation of a video camera in compliance with this section not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized unless the agency grants an extension of time;
4. Permit the parent of a student whose admission, review, and dismissal committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:
 - a. The date on which the current school year ends; or
 - b. The tenth school business day after the date of the placement determination by the admission, review, and dismissal committee; and
5. If a request is made by a parent in compliance with item 4, above, unless the agency grants an extension of time, require that a school begin operation of a video camera not later than the later of:
 - a. The tenth school day of the fall semester; or
 - b. The 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made.

Expedited Review

A school district, parent, staff member, or administrator may request an expedited review by the agency of the district's:

1. Denial of a request;
2. Request for an extension of time to begin operation of a video camera; or
3. Determination to not release a video recording.

If a school district, parent, staff member, or administrator requests an expedited review, the agency shall notify all other interested parties of the request.

If an expedited review has been requested, the agency shall issue a preliminary judgment as to whether the district is likely to prevail on the issue under a full review by the agency. If the agency determines that the district is not likely to prevail, the district must fully comply with this section notwithstanding an appeal of the agency's

decision. The agency shall notify the requestor and the district, if the district is not the requestor, of the agency's determination.

Governmental
Record

A video recording under this section is a governmental record only for purposes of Penal Code 37.10.

Operation of
Camera

These provisions apply to the placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services.

A video camera placed under this section is not required to be in operation for the time during which students are not present in the classroom or other special education setting.

Definitions

“Parent” includes a guardian or other person standing in parental relation to a student.

“School business day” means a day that campus or school district administrative offices are open.

“Self-contained classroom” does not include a classroom that is a resource room instructional arrangement under Education Code 42.151.

“Staff member” means a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a self-contained classroom or other special education setting.

“Time-out” has the meaning assigned by Education Code 37.0021.

Education Code 29.022