

## UH Charter School

### Policy regarding Video Surveillance of Certain Special Education Settings

#### I. Summary and Overview of the Policy

This policy regarding video surveillance of Certain Special Education Settings is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings.

- A. In order to promote student safety, on request by a parent, staff member, or a member of the governing board, UHCS shall provide video equipment to a qualifying self-contained classroom, in accordance with Texas Education Code (TEC), §29.022. UHCS shall place, operate, and maintain video cameras in a qualifying self-contained classroom or other special education settings in accordance with TEC §29.022.
- B. Video surveillance is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings. Video recordings shall only be viewed in the limited circumstances outlined in *Paragraph V. Confidentiality of Recordings* below.
- C. Parent means a person whose child receives special education and related services for at least 50% of the instructional day in the self-contained classroom or other special education setting.
- D. Self-contained classroom means a classroom in which a majority of the students in regular attendance are provided special education and related services for at least 50% of the instructional day. UHCS does not have any classrooms on a separate campus, and therefore does not educate students in a qualifying “other special education setting” under the law.

#### II. Procedures for Requesting Video Surveillance and for Responding to a Request for Video Surveillance

- A. Requests for video surveillance should be in writing on a UHCS Video Surveillance Request form.
- B. The written request shall be forwarded, as soon as practicable, to:
  - 1. The Special Education Case Manager; and
  - 2. The Superintendent/Principal.
- C. The Principal shall notify the requestor that the request has been received and is being reviewed and that a determination will be made within five (5) days.
- D. The Superintendent/Principal and the Special Education Case Manager shall review the Request, and may consult with University employees to ensure appropriate applicability and response. If it is deemed that the request for video surveillance is not appropriate under the law, UHCS shall notify the requestor in writing of the reasons for the denial of the request.
- E. If it is deemed that the request for video surveillance is appropriate under the law, UHCS shall procure the video surveillance equipment upon consultation with University Information Technology regarding installation and operation of the equipment; and shall notify the

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requestor in writing of the acceptance of the request, including a projected date for the installation and operation of the equipment.

### III. Procedures for Providing Advanced Written Notice to Staff and Parents of Students

- A. If it is determined that installation and operation of video cameras in the special education classroom is appropriate under Tex. Education Code 29.022, the school shall provide written notice to the staff and parents of students assigned to the classroom prior to the initiation of the video and audio surveillance, and shall include the following information:
  - 1. Notice that video and audio surveillance will be conducted in the classroom.
  - 2. Notice that the video cameras will be operated at all times during the instructional day when students are in the self-contained classroom or other special education setting.
  - 3. Notice that the regular or continual monitoring of the video recordings is prohibited by law, and that staff members will not monitor the recordings.
  - 4. Notice that the video recording is protected by the Family Educational Rights and Privacy Act of 1974 (FERPA).
  - 5. A statement regarding the personnel who will have access to video cameras and video recordings and the roles and responsibilities of those individuals.
- B. The written notice will be sent by email and by hard copy to school employees and parents of students assigned to the classroom.
- C. At the school's discretion, a notice may be posted at the entrance of the self-contained classroom in which video cameras are placed stating that video and audio surveillance are conducted in the classroom.

### IV. Rules Regarding Video Surveillance

- A. Once video equipment has been installed and is operational pursuant to an approved request, the video cameras will be operated at all times during the instructional day when students are in the self-contained classroom.
- B. The personnel who will have access to video equipment and video recordings for the purposes of operating and maintaining the equipment or recordings, are:
  - 1. The Superintendent/Principal – to ensure that the recordings and access are compliant with Texas Education Code 29.022, and 19 Texas Administrative Code 103.1301.
  - 2. The Special Education Case Manager – to ensure that the recordings and access are compliant with Texas Education Code 29.022, and 19 Texas Administrative Code 103.1301.
  - 3. A Special Education Teacher or Service Provider – to the extent necessary and under the supervision or direction of the Superintendent/Principal, to ensure that the recordings and access are compliant with Texas Education Code 29.022, and 19 Texas Administrative Code 103.1301.
  - 4. Under the supervision or direction of the Superintendent/Principal, an investigator as provided under Texas Government Code 29.022(i).

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- C. UHCS shall 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 continues to satisfy the requirements in TEC, §29.022(a).
- D. Video cameras placed in a self-contained classroom or other special education setting shall be 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 or diapering a student or removing or changing a student's clothes.
- E. Video recordings must be retained for at least six months after the date the video was recorded.
- F. The regular or continual monitoring of video is prohibited. Video recordings must not be used for routine teacher evaluation or monitoring or for any purpose other than the promotion of student safety. Video recordings may only be viewed by individuals as listed in *Paragraph V. Confidentiality of Recordings* below.
- G. Grievance procedures – Complaints alleging violations of this video surveillance policy or corresponding state law shall be addressed through the UHCS Charter School Grievance Policy
- H. UHCS shall not use Individuals with Disabilities Education Act, Part B, funds or state special education funds to implement this policy.
- I. This video surveillance policy is applicable during the regular school year and during the administration of extended school year services.

### **V. Confidentiality of Recordings**

- A. Video recordings of students are confidential and may not be released or viewed except as part of a complaint or investigation.
- B. Video recordings may only be viewed by:
  - 1. A staff member or other UHCS employee involved in an incident that is documented by a video recording for which a complaint has been reported to UHCS;
  - 2. A parent of a student involved in an incident that is documented by a video recording for which a complaint has been reported to UHCS;
  - 3. Appropriate Texas Department of Family and Protective Services personnel as part of an investigation;
  - 4. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the UHCS governing body in response to a complaint or an investigation of school personnel or a complaint of abuse committed by a student; or
  - 5. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation; and
  - 6. The UHCS Principal/Superintendent, in conjunction with any of the above scenarios.

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- C. Incident means an event or circumstance that:
1. 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; and
  2. 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.
- D. Reporting an incident – The procedures for reporting a complaint alleging that an incident occurred in a self-contained classroom or other special education setting in which video surveillance is conducted are as follows:
1. The complaint shall be made in writing to the UHCS Superintendent/Principal, as soon as practicable after the alleged incident.
  2. The complaint shall contain the following information:
    - the date of the complaint
    - the name(s) of the student(s) involved;
    - the name(s) of the staff member(s) involved;
    - the date of the alleged incident;
    - detailed factual description of the circumstances giving rise to the complaint; and
    - the name of the person filing the complaint.
- E. Disciplinary actions and legal proceedings – If a person views a video recording and believes that it documents a possible violation of school district 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 policy may be used in a disciplinary action against district personnel and must be released in a legal proceeding:
1. at the request of a parent of the student involved in the incident documented by the recording; or
  2. at the request of the employee who is the subject of the disciplinary action.
- F. Access rights – This does not limit the access of a student's parent to an education record of the student under FERPA or other law. In cases of conflict between laws, federal law prevails.

## VI. Child Abuse and Neglect Reporting

If a person 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: submit a report to the Texas Department of Family and Protective Services or other authority in accordance with local policy adopted. (See Reporting Child Abuse and Neglect and Texas Family Code, Chapter 261.)

[Policy approved on 10/25/2016.]