

**EDGEWOOD INDEPENDENT SCHOOL DISTRICT  
SPECIAL EDUCATION VIDEO AND AUDIO MONITORING  
ADMINISTRATIVE GUIDELINES AND PROCEDURES**

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**Board Policy Title:** Special Education

**Board Policy Subtitle:** Video/Audio Monitoring

**Board Policy Code:** EHBAF

**Statutory Authority:** TEC, § 29.022

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**Purpose:** To promote the safety of students who receive special education services in self-contained classrooms or other special education settings, the District shall provide video equipment to each campus in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled, upon request by a parent, staff member, or trustee.

**Effective Date:** September, 2017

**Applies to:** Students who receive special education services in self-contained classrooms or other special education settings.

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**Reason for Guidelines:** To comply with Senate Bill 507 and Texas Education Code § 29.022 and to establish procedures for parents, staff members, and trustees when requesting video and audio monitoring in special education classrooms

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**I. DEFINITIONS**

- A. **PARENT.** "Parent" is a person as described in TEC § 26.002, whose child receives special education and related services for at least 50% of the instructional day in a self-contained classroom or other special education setting. "Parent" also includes any person standing in parental relation to the student.
- B. **STAFF MEMBER.** "Staff member" is a teacher, related service provider, paraprofessional, counselor or educational aide who is assigned to work with a child in the self-contained classroom or other special education setting.
- C. **BOARD OF TRUSTEES.** "Board of Trustees" is the governing body of the District, and does not include an individual member or trustee of that body.
- D. **DESIGNATED ADMINISTRATOR:** The "Designated Administrator" is tasked with the coordination of compliance with Section 29.022. All requests from trustees shall be received by the Designated Administrator and shall be provided to the principal, or principal's designee, at the affected campus. All other requests shall be provided to the campus principal who shall notify the Designated Administrator. The Designated Administrator is the Superintendent of Schools.
- E. **ELIGIBLE LOCATIONS:** Self-contained classrooms and other special education settings in which a majority of students in regular attendance are provided special education and related

serves and are assigned to one or more such locations for at least 50 percent of the instructional day. A resource room is not a self-contained classroom.

- F. **OTHER SPECIAL EDUCATIONAL SETTING.** “Other special education setting” means a classroom in which a majority of students in regular attendance are provided special education and related services and are assigned to one or more such locations for 50 percent of the instructional day.
- G. **VIDEO CAMERA.** “Video camera” is a video surveillance camera with audio recording capabilities.
- H. **VIDEO EQUIPMENT.** “Video equipment” means one or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras, as required by TEC § 29.022 and 19 TAC § 103.1301.
- I. **INCIDENT.** “Incident” means an event or circumstance that:
  - 1. Involves alleged “abuse” or “neglect,” as those terms are described in Family Code § 261.001, of student by an employee of the District or alleged “physical abuse” or “sexual abuse,” as those terms are described in 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 19 TAC § 103.1301 is conducted.

## **II. PROCEDURES AND GUIDELINES**

### **A. REQUEST FOR THE INSTALLATION OF VIDEO AND AUDIO EQUIPMENT.**

- 1. A parent, staff member, or assistant principal as defined above (“Requestor”), making a formal request for video surveillance under Board Policy EHBAF shall:
  - a. Complete the EHBAF Special Education Video and Audio Monitoring Request Form (“Request Form”—Exhibit A) provided by the District.
  - b. The Request Form may be obtained from the District website located at [www.edgewood-isd.net](http://www.edgewood-isd.net), the Campus Administrative Office, or the District Administrative Office.
  - c. The completed Request Form must be submitted to the Campus Principal (“Principal”) via hand delivery, facsimile, or U.S. first class mail.
  - d. The Principal will review the request in accordance with Board Policy EHBAF (LEGAL) and (LOCAL).
  - e. The Principal shall provide a copy of the request to the Designated Administrator.
- 2. A Board of Trustees as defined above (“Requestor”), making a formal request for video surveillance under Board Policy EHBAF shall:

- a. Complete the EHBAF Special Education Video and Audio Monitoring Request Form ("Request Form"—Exhibit A) provided by the District.
  - b. The Request Form may be obtained from the District website located at [www.edgewood-isd.net](http://www.edgewood-isd.net), the Campus Administrative Office, or the District Administrative Office.
  - c. The completed Request Form must be submitted to the Designated Administrator, designated above, via hand delivery, facsimile, or U.S. first class mail.
  - d. The Designated Administrator will review the request in accordance with Board Policy EHBAF (LEGAL) and (LOCAL).
  - e. The Designated Administrator shall provide a copy of the request to the principal at the effected campus.
- B. NOTICE OF INSTALLATION.** Should the video request be granted, the Principal shall provide at least ten District business days' advanced written notice to staff on the campus and to parents of the students assigned to the classroom or setting in which video and audio surveillance will be conducted.
1. The Principal shall complete the EHBAF Special Education Video and Audio Monitoring Notice of Installation ("Installation Notice"—Exhibit B).
  2. The Principal shall disseminate the Installation Notice to campus staff via District electronic mail.
  3. The principal shall post notice of the recording on the outside entrance of the classroom to be monitored.
  4. The Principal shall disseminate the Installation Notice to the respective parents via electronic mail and U.S. first class mail.
    - a. An employee of the District is not required to obtain parental consent before the employee may make a videotape of a student or authorize the recording of a student's voice if the videotape or voice recording is used for a purpose related to the promotion of student safety under TEC § 29.022.

**C. INSTALLATION AND OPERATION OF VIDEO AND AUDIO EQUIPMENT.**

1. The installation of video cameras in the classroom or other setting, as required by law, shall be completed by the District.
2. The installation shall be completed no sooner than ten (10) District business days after the Installation Notice has been disseminated to staff and parents.
  - a. Video cameras must be able to record video and audio of all areas of the classroom or setting.
  - b. Video cameras must be able to record video and audio off any room attached to the classroom or a setting used for time-out as that term is defined by TEC § 37.0021.

- c. No video surveillance shall be conducted inside a bathroom or other area used for toileting or diapering a student or removing or changing a student's clothes.
- 3. The Principal shall provide the staff member, who is assigned to work in the self-contained classroom or other setting in which video cameras are placed, with a notice that the staff member will post at the entrance of the classroom or other setting, stating: "Video and Audio Surveillance is Conducted in This Classroom."
- 4. The Principal shall designate District personnel who will be responsible for operating and maintaining the video equipment and video recordings. Only these personnel may access the video equipment or video recordings for purposes of operating and maintaining the equipment or recordings:
  - a. Video cameras must be operated at all times during the instructional day when students are in the self-contained classroom or other special education setting. The instructional day, used herein, is defined as the portion of a school day during which instruction is taking place in the classroom or other setting. This includes extended school year services, but excludes any time when students are not present.
  - b. The campus must continue to operate and maintain any video camera placed in an eligible setting for the remainder of the school year in which the request was received, unless the requestor withdraws the request in writing. If the recording is discontinued, the campus must notify the parents of each student in regular attendance in the classroom at least five (5) days in advance. No later than 10 school days before the end of the school year, the parents of each student must be notified that surveillance will not continue during the following year unless there is a new request.

#### **D. RETENTION OF RECORDINGS.**

- 1. Video recordings will be retained for at least three months after the date of the recording. Video recordings will be logged according to the date on which the surveillance was captured.
- 2. If an authorized person requests to access the recording, the district must maintain the records from the date the request is received until the person has viewed the recording or a decision has been made as to whether the recording documents an incident.
- 3. Video recordings will be maintained in a fireproof cabinet solely designated for recordkeeping that is located at the Campus or District Administration Office.
- 4. The fireproof cabinet is to be locked at all times, except when retrieving records to be reviewed and must be relocked once the record in question has been retrieved.
- 5. Only the authorized personnel listed in the above Subsection C may have key access.
- 6. Authorized personnel may not transfer the key to unauthorized personnel.
- 7. Unauthorized personnel may not access the cabinet in which the video recordings are stored.

#### **E. CONFIDENTIALITY OF RECORDINGS.**

1. Contractors and District personnel with job duties related to the installation, operation, or maintenance of video equipment, or the retention of video recordings, who incidentally view recording when performing regular job duties, such as ensuring the proper functioning of the equipment or retrieving specific footage, will not be considered in violation of the confidentiality provisions.
2. No person shall be permitted to continually monitor the video feed from the classroom. Any viewing must be in strict compliance with EHBAF and these procedures.
3. Video and audio recordings made in accordance with Board Policy EHBAF shall be confidential and may only be accessed or viewed by the following individuals under limited circumstances permitted by law:
  - a. A District employee or parent of a student who is involved in an incident documented by a recording for which a complaint has been reported to the District.
  - b. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged abuse or neglect of a child.
  - c. Appropriate TEA or SBEC personnel or their agents as part of an investigation.
  - d. A peace officer, school nurse, District administrator trained in de-escalation and restraint techniques, or human resource staff member (Superintendent, Principal, Assistant Principal or other campus administrator, and any supervisory position within the District's human resources office) in response to a complete or an investigation or an incident.

#### **F. REPORTING AN INCIDENT.**

1. A person alleging that an incident, as defined by law, has occurred in a self-contained classroom or other special education setting in which video surveillance is being conducted shall complete the EHBAF Special Education Video and Audio Monitoring Incident Report form ("Incident Report"—Exhibit C).
  - a. The Incident Report may be obtained from the District website located at [www.edgewood-isd.net](http://www.edgewood-isd.net), the Campus Administrative Office, or the District Administrative Office.
2. If possible, the Incident Report must be filed within 48 hours or 2 calendar days of the facts giving rise to the allegation.
3. The completed Incident Report may be submitted to the Principal via hand delivery, facsimile, or U.S. first class mail.
4. The Principal, or other authorized individual, shall promptly view the video surveillance footage to identify the relevant portion of the recording.

5. The Principal or designee shall notify the Reporter whether the alleged incident was recorded in the District's video surveillance footage within 10 District business days after the filing date of the Incident Report, and initiate other steps as required by law, District policy, or local procedures.
6. If TEA or SBEC personnel or their agents, or a peace officer, school nurse, or District administrator views a video recording and has cause to believe that the recording documents possible abuse or neglect of a child under Family Code, Chapter 261, the person must submit a report to DFPS or other authority in accordance with FFG.
7. If the Principal or designee has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect must report the case immediately to law enforcement or the Texas Department of Family and Protective Services.

**G. Complaints.**

1. Complaints related to video and audio recordings under this policy shall be filed in accordance with EHBAF, DGBA, FNG, or GF, as applicable.
  - a. If any person described in Subsections E and F views a video recording and believes that it documents a possible violation of District or campus policy, the person may grant access to the recording to the appropriate legal and human resources personnel of the District to the extent not limited by FERPA or other law.
  - b. A recording that documents a possible violation of District or campus policy may be used in disciplinary action against District personnel and will be released in a legal proceeding at the request of a parent of the student in involved in the incident documented by the recording.

**III. FORMS**

- A. **EXHIBIT A.** EHBAF Special Education Video and Audio Monitoring Request Form
- B. **EXHIBIT B.** EHBAF Special Education Video and Audio Monitoring Notice of Installation
- C. **EXHIBIT C.** EHBAF Special Education Video and Audio Monitoring Incident Report

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## EDGEWOOD INDEPENDENT SCHOOL DISTRICT

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### REQUEST FOR THE INSTALLATION OF VIDEO AND AUDIO RECORDING EQUIPMENT

*A parent, staff member, or Board of Trustees, as defined by law, may request for the installation of video and audio equipment in a self-contained classroom or other special education setting that meets the state law requirements for such video and audio monitoring. To file a formal request, please complete this form and submit it by hand delivery, fax, or U.S. mail to the campus principal. All requests will be reviewed in accordance with Board Policy EHBAF (LEGAL) and (LOCAL).*

#### A. Requestor Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: (\_\_\_\_) \_\_\_\_\_ Mobile Phone: (\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

Select One: ☐ Parent ☐ Staff Member ☐ Board of Trustees

#### B. Student Information

Name: \_\_\_\_\_

Campus: \_\_\_\_\_ Grade Level: \_\_\_\_\_

Teacher: \_\_\_\_\_ Classroom: \_\_\_\_\_

#### C. Verification of Information and Understanding of Request Procedures

*A request form that is incomplete in any material way may be dismissed. You may refile a request with all the required information. Please keep a copy of the completed form for your records.*

*By signing this form, you verify that the information you have provided or asserted is true to the best of your knowledge and that you have read and understand the procedure and requirements found in Board Policy EHBAF (LEGAL) and (LOCAL).*

Requestor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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#### For Office Use Only:

\_\_\_\_\_  
Principal Date: \_\_\_\_\_

\_\_\_\_\_  
Designated Administrator Date: \_\_\_\_\_

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## EDGEWOOD INDEPENDENT SCHOOL DISTRICT

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### NOTICE OF INSTALLATION OF VIDEO AND AUDIO RECORDING EQUIPMENT

*The District is required to provide written notice to all staff assigned to the applicable campus and to the parents of the students receiving special education services before the District installs video and audio recording equipment in a self-contained classroom or other special education setting in accordance with Education Code 29.022. Please see Board Policy EHBAF (LEGAL) and (LOCAL) for further information.*

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**Campus:** \_\_\_\_\_

**Date:** \_\_\_\_\_

As required by law, this letter serves as notice that the campus has received a request to install and operate video and audio recording equipment in the following location(s):

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

The purpose of such video and audio monitoring is to promote the safety of students who receive special education services. These video and audio recordings may not be used for any other purpose. Regular or continual monitoring of these recordings is prohibited.

The District will retain the footage from these recordings for at least three (3) months, as required by law.

Please contact the campus principal should you have any questions.

\_\_\_\_\_  
Campus Principal, Edgewood ISD

Street Address

City, State, Zip Code

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Date: \_\_\_\_\_

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## EDGEWOOD INDEPENDENT SCHOOL DISTRICT

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### INCIDENT REPORT FORM

*This form is to be completed by a parent or guardian, a representative on behalf of a parent or guardian, or by an employee who notifies the school of an alleged incident that occurred in a self-contained classroom or other special education setting in which audio and video equipment are currently in operation.*

*Upon receipt of this incident report form, appropriate District staff will begin reviewing the recorded footage on the date(s) described below to identify whether any of the incidents, as described below, were recorded. If the recorded footage documents an incident, as defined by law, the District, on request, will release the recording to be viewed by an employee or a parent or guardian of a student who was involved in the incident.*

*Depending on the nature of the incident, the District may be required by law to release the recording to be viewed by to individuals described in EHBAF (LOCAL), including appropriate personnel or agents of the Department of Family and Protective Services (DFPS) and/or the State Board for Educator Certification (SBEC). Please see EHBAF (LEGAL) and (LOCAL) for more information.*

#### A. Reporter Contact Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: (\_\_\_\_) \_\_\_\_\_ Mobile Phone: (\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_ Select One: ☐ Parent ☐ Staff Member

#### B. Student Information

Name: \_\_\_\_\_

Campus: \_\_\_\_\_

Grade Level: \_\_\_\_\_

#### C. Representation

If you will be represented in voicing your complaint, please identify the person representing you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_

### D. Details of the Incident

Date(s) of alleged incident: \_\_\_\_\_

Time(s) of alleged incident: \_\_\_\_\_

Location(s) of alleged incident: \_\_\_\_\_

Name(s) of witness(es): \_\_\_\_\_

Describe the incident(s) as clearly as possible, including names of the individuals involved and any District policy or law you think may have been violated. (Attach additional pages if more space is required.)

☐ *I am requesting to view the applicable recording.*

### E. Verification of Information and Understanding of Request Procedures

*By signing this form, you verify that the information you have provided or asserted is true to the best of your knowledge and that you have read and understand the procedure and requirements found in Board Policy EHBAF (LEGAL) and (LOCAL).*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

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#### ***For Office Use Only:***

\_\_\_\_\_  
Principal

Date: \_\_\_\_\_

\_\_\_\_\_  
Director of Special Education Services

Date: \_\_\_\_\_

\_\_\_\_\_  
Superintendent of Schools

Date: \_\_\_\_\_