
Note: The Eagle Mountain-Saginaw Independent School District (“Eagle Mountain-Saginaw ISD” or “District”) shall implement the following procedures for purposes of complying with Texas Education Code Section 29.022, Texas Administrative Code §103.1301 and District Policy EHBAF (LEGAL).

The District shall comply with requests for video and audio monitoring of certain self-contained special education classrooms and settings as required by law to promote student safety in those settings. Regular or continual monitoring of video recordings shall be prohibited. Video recordings shall not be used for teacher evaluation or monitoring or for any purpose other than the promotion of student safety.

PURPOSE

Video surveillance conducted pursuant to Texas Education Code Section 29.022, Texas Administrative Code §103.1301 and District Policy EHBAF (LEGAL) is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings.

DEFINITIONS

For purposes of implementing TEC §29.022 and District Policy EHBAF (LEGAL), the following terms shall have the meanings, as defined under TAC §103.1301(b):

Parent means a person whose child is enrolled in EMS ISD and receives special education and related services for at least 50 percent of the instructional day in the self-contained classroom or special education setting. Parent also means a student who receives special education and related services for at least 50 percent of the instructional day in the self-contained classroom or other special education setting and who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Texas Family Code, Chapter 31, unless the student has been determined to be incompetent or the student’s rights have been otherwise restricted by a court order.

Staff Member means a teacher, related service provider, paraprofessional, or educational aide assigned to work in the self-contained classroom or other special education setting. Staff member also includes the principal or assistant principal of the campus at which the self-contained classroom or other special education setting is located.

Board of Trustees refers to the seven elected officials who adopt policies that give the District direction to set priorities and achieve its goals.

Self-contained Classroom means a classroom on a regular school campus (i.e., a campus that serves students in general education and students in special education) of a school district in which a majority of the students in regular attendance are provided special education and related services and have one of the following instructional arrangements/settings described in the Student Attendance Accounting Handbook under Chapter 103. Health and Safety:

1. Self-contained (mild/moderate/severe) regular campus;
2. Full-time early childhood (preschool program for children with disabilities) special education setting;
3. Residential care and treatment facility – self-contained (mild/moderate/severe) regular campus;
4. Residential care and treatment facility – full-time early childhood special education setting;
5. Off home campus – self-contained (mild/moderate/severe) regular campus; or
6. Off home campus – full-time early childhood special education setting.

Other special education setting means a classroom on a separate campus (i.e., a campus that serves only students who receive special education and related services) of a school district in which a majority of the students in regular attendance are provided special education and related services and have one of the following instructional arrangements/settings described in the Student Attendance Handbook under Chapter 103. Health and Safety;

1. Residential care and treatment facility – separate cam
2. Off home campus - separate campus.

Video Camera means a video surveillance camera with audio recording capabilities.

Video equipment means one or more cameras and any technology and equipment needed to place, operate, and maintain video cameras as required by TEC 29.022, and TAC 103.1301. Video equipment also means any technology and equipment needed to store and access video recording as required by TEC 29.022 and TAC 103.1301.

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 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. Relates to the issue of student safety and allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under TEC 29.022 is conducted.

REQUESTING VIDEO
SURVEILLANCE

A parent, staff member, or the Board of Trustees shall initiate the process for requesting video surveillance by completing and filing a written request form provided by the District (Exhibit A) with the Director of Special Programs.

Within seven (7) school days of receiving a written request for video surveillance, the Director of Special Programs will review the written request and respond to the requestor. (Exhibit B).

A request form that is incomplete in any material aspect and/or has been filed by an individual other than a parent, trustee, or staff member may be dismissed.

Upon making a determination that the request is valid and properly filed, the Director of Special Programs will contact the Director of Technology, who will coordinate with other departments as necessary to develop of a timeline for procuring and installing the necessary equipment.

Not Later than twenty (20) school days after the initial receipt of the written request, the Director of Technology will convey the timeline information to the Director of Special Programs, who will communicate the estimated timeline for installing the video surveillance in writing to the Requestor. The purchase, installation, and operation of equipment will take place not later than the 45th school business day after the request is authorized.

SIGNAGE AND
NOTIFICATION

Written notice (Exhibit C) shall be provided to all staff members and to the parents of any student receiving special education services in a classroom or setting subject to surveillance not later than ten (10) school days prior to the initial installation of video surveillance.

Staff members assigned to a classroom or setting subject to surveillance shall receive written notice (Exhibit C) that video and

SPECIAL EDUCATION
VIDEO/AUDIO MONITORING

EHBAF (LOCAL)
ADMINISTRATIVE REGULATION

audio surveillance will be conducted in the classroom or setting to which they are assigned prior to the first day of the assignment.

Parents of students assigned to a classroom or setting or setting subject to surveillance shall receive written notice (Exhibit C) that video and audio surveillance will be conducted in the classroom or setting prior to the first day of the assignment.

Each campus will post a notice at the entry of the self-contained classroom or special education setting in which video cameras are operated stating, "**Surveillance Cameras in Use.**" Beginning with the 2017-2018 school year, students and staff shall receive additional advanced notifications regarding the video surveillance of self-contained classrooms or other special education settings through employee and student handbooks.

VIDEO EQUIPMENT
PROCUREMENT
AND PLACEMENT

The procurement, installation and operation of video surveillance equipment shall conform to state and federal laws.

The purchase, installation and operation of all video surveillance equipment shall be coordinated through the Technology, Purchasing and Maintenance and Operations departments.

The District may solicit and accept gifts, grants, and donations from any person for purposes of implementing the requirements of TEC §29.022.

The District is prohibited from using IDEA, Part B, funds or state special education funds to implement the requirements of TEC §29.022.

OPERATION OF
SURVEILLANCE
EQUIPMENT

The Director of Technology shall oversee video surveillance in the district.

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.

Video cameras shall be operated at all times during the instructional day when students are in the self-contained classroom or other special education setting.

Each campus 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 or setting continues to satisfy the requirements in TEC §29.022(a).

Video recordings shall be retained for at least three (3) months from the date the video was recorded.

ACCESS AND
CONFIDENTIALITY

The following personnel shall have access to video equipment or video recordings for the purpose of operating and maintaining the equipment or recordings:

Director of Technology.

Regular or continual monitoring of video is prohibited.

Use of video recordings for teacher evaluation or monitoring or for any purpose other than the promotion of student safety is prohibited.

Video recordings made under TEC §29.022, are confidential and may only be viewed by the following limited circumstances, to the extent not limited by the Family Educational Rights and Privacy Act of 1974 (FERPA) or other law.

1. A District employee involved in an incident that is documented by a video recording for which a complaint has been filed pursuant to District policy;
2. A parent involved in an incident that is documented by a video recording for which a complaint has been filed pursuant to District policy;
3. Appropriate Texas Department of Family and Protective Services personnel as part of an investigation under Texas Family Code, §261.406;
4. A peace officer, school nurse, administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the Board of Education in response to a complaint or an investigation of an incident; or
5. Appropriate Texas Education Agency or State Board for Educator Certification personnel or agents as part of an investigation.

If a person views a video recording and believes that it documents a possible violation of school district or campus 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 or campus policy may be used in a disciplinary action against District personnel and must be released, in accordance with FERPA, in a legal proceeding at the request of a parent of the student involved in the incident documented by the recording.

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 notify the Texas Department of Family and Protective Services or other law enforcement authority in accordance with District Policy FFG.

The Deputy Superintendent shall make a case-by-case determination as to whether a video recording of a student made under TEC §29.022 constitutes an educational record of the student under FERPA.

To the extent any provisions in TEC §29.022 or District policy conflicts with FERPA or other federal law, federal law shall prevail.

COMPLAINTS

Complaints alleging that an incident occurred in a self-contained classroom or other special education setting in which video surveillance under TEC §29.022 is conducted shall be submitted in writing in accordance with the applicable grievance policy, as set forth in District Board Policy DGBA (Parents/Students), FNG (Employee), and/or GF (Public Complaints). (Exhibit D)

Complaints alleging a violation of TEC §29.022 shall be submitted in writing in accordance with the applicable grievance policy as set forth in District Board policy DGBA (Parents/Students), FNG (Employee), and/or GF (Public).

The special education dispute resolution procedures in 34 Code of Federal Regulations, §§300.151-300.153 and 300.504-300.515, do not apply to complaints alleging a violation of TEC §29.022.