

SENATE BILL 507 CAMERAS IN THE CLASSROOM
DEPARTMENT OF SPECIAL EDUCATION
SEPTEMBER 13, 2016

Purpose of Report

To provide the Board of Trustees with a summary of Senate Bill 507, TAC Chapter 103, Health and Safety, Subchapter DD, Commissioner's Rules Concerning Video Surveillance of Certain Special Education Settings, 103.1301, Video Surveillance of Certain Special Education Settings

Board Goals

III. Climate in Pursuit of Excellence. Provide support services and promote health, wellness and safety for students and families.

IV. Parent and Community Involvement. Encourage and nourish a safe learning and compassionate working environment which ensures open and transparent communication and is supportive, cooperative, and ethical.

History

In order to promote the safety of students receiving special education and related services in certain self-contained classrooms and other special education settings, SB 507, 84th Texas Legislature 2015, added TEC 29.022 to require video surveillance. Beginning with the 2016-2017 school year, upon request by a parent, trustee or staff member, a school district must provide video equipment, including video cameras with audio recording capabilities, to campuses. The campuses that receive such equipment must place, operate and maintain video cameras in certain self-contained classrooms or other special education settings. Video recordings are confidential under the section and may only be released for viewing to certain individuals. The Commissioner's Rules have clarified definitions, exclusions, use of funds, dispute resolution regular school year and extended school year services, policies and procedures, confidentiality of video recordings, child abuse and neglect reporting, disciplinary actions and legal proceedings, and access rights (See attachment). SB 507 is an unfunded mandate.

In summary the Commissioner's Rule states:

- A parent or staff member or trustee may request, in writing, the installation of the video surveillance camera in a self-contained classroom or other setting. Specifically:
 - The parent must be of the child who receives special education services and related services for at least 50% of the instructional day in the self-contained classroom or other special education setting may
 - The student must be one that receives special education or related services for at least 50% of the instructional day in the self-contained classroom or other special education setting.
 - A staff member includes a teacher, related service provider, paraprofessional or educational aide assigned to work in the self-contained classroom or other special education setting. Assistant principals and principals are included as staff member.
- Video cameras must have the capability of recording video and audio of all areas of the classroom or special education setting, with the exception of the inside of the bathroom or other area used for toileting, diapering, or removing or changing of student's clothes.
- The camera must be operated at all times during the instructional day when students are in the self-contained classroom or other special education setting.
- The recordings must be maintained by the district for 6 months.
- The District is not permitted to use Individuals with Disabilities Education Act, Part B funds or state special education funds to implement the requirements of TEC 29.002.

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- The District must create and adopt written policies relating to video surveillance. 103.1301 (g) (1 – 13) dictate specifics to include in the written policy.
- Continuous monitoring of the video is prohibited and may not be used for teacher evaluation or monitoring.
- The campus must inform all parents of students and staff in the classroom of the camera and recording.
- Only specific individual may review the video in response to a complaint or an investigation of an “incident” as defined by the Texas Department of Family and Protective Services.

Implications

- Currently Denton ISD has 79 self-contained classrooms. In collaboration with the Technology Department, the estimated cost for a system for one classroom and bathroom is \$1500. This cost include 2 cameras and audio recording equipment for a classroom. Installation of the equipment is estimated at \$500 per unit. The potential cost for equipment and installation in 79 self-contained classrooms is estimated at \$158,000. Unfortunately, the cost of the equipment and installation is the lesser of the cost as the storage cost is excessively expensive. The District does not believe that parents of students in each of the 79 self-contained classrooms will request the equipment.
- Campus administrators or assistant principals must be trained in de-escalation and restraint techniques.
- Area superintendents, in collaboration with the campus administrator, have agreed to be involved in the implementation of this mandate as SB 507 is as a health and safety issue.
- Collaboration between departments will continue to occur to ensure timely installation of the equipment: principals, area superintendents, business office, technology, special education, and potentially human resources.

Current Status

The Department of Special Education leadership facilitated a meeting with the area superintendents, technology, business office, student services, human resources to view the requirements of SB 507, TAC Chapter 103, Health and Safety, Subchapter DD, Commissioner’s Rules Concerning Video Surveillance of Certain Special Education Settings, 103.1301, Video Surveillance of Certain Special Education Settings to begin the development of the process and procedures for written request from parents, staff members or trustees. The committee reviewed and modified draft procedures. The draft proposed policy will be presented to the Board of Directors in the upcoming meetings.

Currently, the District has received one written request for installation. This request met all the criteria for installation; therefore, the process has begun for installation in the specific classroom. A second request was submitted; however, that request did not meet all the criteria as defined by the Commissioner’s Rule therefore, the request was denied. A third, informal verbal request has been made; however, a written request has not been submitted.