

Vantage Points

A Board Member's Guide to Update 106

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and the thumbnail descriptions focus attention on key issues to assist local officials in understanding changes found in the policies. **The description of policy changes in *Vantage Points* is highly summarized and should not substitute for careful attention to the more detailed, district-specific Explanatory Notes and the policies within the localized update packet.**

This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.

We welcome your comments or suggestions for improving *Vantage Points*. Please write to us at TASB Policy Service, P.O. Box 400, Austin, TX 78767-0400, e-mail us at policy.service@tasb.org, or call us at 800-580-7529 or 512-467-0222.

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Education Code 29.022 contains a requirement to install and operate video and audio equipment in certain special education classrooms or other special education settings on request of a parent, staff member, or trustee. As authorized in Section 29.022, the commissioner of education has recently adopted rules to assist in the implementation of this requirement. The rules, effective August 15, 2016, require a board to adopt written policy addressing certain items.

Update 106 contains revisions to EHBAF(LEGAL) to incorporate the recently adopted rules and a new recommended local policy at this code to comply with the local policy requirement.

Relevant definitions are included in the commissioner rules, including definitions of "parent," "staff member," and "trustee," as well as the classrooms and other settings subject to a request.

Because these recordings are solely for the promotion of student safety and regular or continual monitoring is prohibited, the rules highlight the limited circumstances by which a recording can be viewed or released for viewing. Among these limited circumstances is when an "incident" is alleged to have occurred, defined in the rule as an event or circumstance occurring in the classroom or setting that involves abuse or neglect as defined by the Texas Family Code.

EHBAF(LOCAL) POLICY RECOMMENDATION

This policy is recommended for inclusion in the district's policy manual to address the local policy elements required by the commissioner rules.

The rules require that local policy repeat several provisions of the law, such as statements that video surveillance is for the purpose of promoting student safety, that video recordings must be retained for at least six months, and that regular or continual monitoring of the video is prohibited. Procedures for requesting video surveillance, for responding to a request, for providing advance written notice to staff and the affected parents, and for reporting a complaint of an alleged incident must also be addressed in the local policy.

The recommended local policy clarifies the term "instructional day" as referenced in the commissioner rules, describes individuals who may have access to the equipment or recordings for operation and maintenance purposes, and requires that campuses post notice at the entrance of each self-contained classroom or setting in which video cameras are placed stating that such surveillance is conducted.

Details are also included on the importance of timely reports of alleged incidents and the principal's obligations once an incident report is filed.

In late August, Policy Service will publish additional sample forms in Update 52 to the *Regulations Resource Manual*, available to superintendents and policy contacts in the myTASB Policy Service Resource Library, to help district administrators implement this law. Until then, superintendents and policy contacts can also access the forms through the Video Cameras in Special Education Classrooms *Policy Alert*, also on myTASB.

Please note: Because the commissioner rules were effective August 15, 2016, districts in which the local policy adoption process calls for two readings of a proposed policy may wish to implement the process for emergency adoption with one reading. [See BF(LOCAL).]

**More
Information**

For more information on these policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district's policies—and the policies themselves, found in your district's localized update packet.