



## ALEDO ISD BOARD MEETING TEMPLATE

**MEETING DATE:** September 19, 2016

**AGENDA ITEM:** Action Item on Policy Updates Related to Update 106

**PRESENTER:** Kathy Allen

**ALIGNS TO BOARD PRIORITIES(S):**

- Safety – The District shall maintain a safe and orderly environment.

**BACKGROUND INFORMATION:**

- Update 106 is a special update in response to the commissioner of education rules adopted as authorized by Education Code 29.022, which requires installation and operation of video and audio equipment in certain special education classrooms or other special education setting on request of a parent, staff member, or trustee.
- Legal policy is not adopted by the Board of Trustees, but administration decided attached Legal policy to this template as a guide to inform local decision making for this policy.
- Update 106 only includes one policy for consideration which is EHBAF(LOCAL).
- E Policy: Special Education
  - EHBAF(LOCAL): Special Education – Video/Audio Monitoring – many of the required policy statements found in EHBAF are restatements of the statutory requirements.
  - The policy includes procedures for requesting a camera using a form provided by the district.
  - The principal role in administering this policy requires the principal to:
    - Respond to the camera request within 10 school business days; and
    - Provide advanced written notice to staff and parents of students in the special education classroom about surveillance.
  - Policy text requires cameras to be operational during the instructional day and defines the instructional day.
  - Policy text also includes procedures for reporting alleged incidents and filing complaints. It also requires the person alleging the incident to complete a form provided by the district within 48 hours, if possible.

**ADMINISTRATIVE CONSIDERATIONS:** Consider approval of Update 106

**FISCAL NOTE:** None

**ADMINISTRATIVE RECOMMENDATIONS:** Administration recommends the approval of Local Update 106 as written by TASB and presented.

(LOCAL) Policy Action List  
ALEDO ISD(184907) - Update / LDU 106

**EHBAF(LOCAL): SPECIAL EDUCATION – VIDEO/AUDIO MONITORING**

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**Note:** Unless otherwise noted, the terms “video recording,” “video surveillance,” and “video monitoring” shall also include any associated audio recordings.

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REQUESTS AND  
NOTICE

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.

A parent, Trustee, or staff member making a request for video surveillance under this policy shall submit the request to the campus principal on a form provided by the District, and the principal shall provide a response to the requestor within ten District business days. The principal shall provide advance written notice to staff on the campus and to parents of the students assigned to the classroom or setting that video and audio surveillance will be conducted in the classroom or setting. The Superintendent shall develop administrative regulations as necessary to implement these request, response, and notice provisions. F

INSTALLATION AND  
OPERATION

When the District has installed video cameras in a classroom or other setting as required by law, the District shall operate the cameras during the instructional day at all times when students are in the classroom or other setting. For purposes of this policy, the instructional day shall be defined as the portion of a school day during which instruction is taking place in the classroom or other setting.

A campus shall continue to operate and maintain any video cameras placed in the classroom or other setting for as long as the classroom or other setting continues to satisfy the requirements in Education Code 29.022(a).

Video cameras must be capable of recording video and audio of all areas of the classroom or setting, except that no video surveillance shall 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.

The District shall post notice at the entrance to a classroom or other setting in which video cameras are placed stating that video and audio surveillance is conducted in that classroom or setting.

RETENTION OF  
RECORDINGS

Video recordings shall be retained for at least six months after the date of the recording but may be retained for a longer period in accordance with the District's records management program or as required by law. [See CPC]

CONFIDENTIALITY OF  
RECORDINGS

Video recordings made in accordance with this policy shall be confidential and shall only be accessed or viewed by the individuals and in the limited circumstances permitted by law. 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 recordings when performing regular job duties such as ensuring the proper functioning of the equipment or pulling specific footage shall not be considered in violation of the confidentiality provisions.

The following individuals shall have authority to view video recordings to the extent permitted by the Family Educational Rights and Privacy Act (FERPA):

1. A District employee or a parent of a student who is involved in an incident documented by a recording for which a complaint has been reported to the District;
2. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged abuse or neglect of a child;
3. A peace officer, school nurse, District administrator trained in de-escalation and restraint techniques, or human resource staff member in response to a complaint or an investigation of an incident; and
4. Appropriate TEA or State Board for Educator Certification personnel or their agents as part of an investigation.

For purposes of this policy, the term "human resource staff member" shall include the Superintendent, a principal, an assistant principal or other campus administrator, and any supervisory position within the District's human resources office. If an individual listed in items 2 through 4 above believes that a recording shows a violation of District policy or campus procedures, the individual may allow access to the recording by appropriate legal and human resources personnel designated by the District for the purpose of determining whether a policy or procedure has been violated.

Any person who suspects that child abuse or neglect has occurred shall report this suspicion as required by law and District policy. [See FFG]

REPORTING AN  
INCIDENT

A person alleging that an incident, as defined by law, has occurred in a classroom or other setting in which video surveillance is conducted shall file a report on the form provided by the District with the principal as soon as possible after the person suspects the alleged incident. If possible, an incident report form shall be filed within 48 hours of the facts giving rise to the allegation. The principal shall promptly view, or direct an authorized individual to view, the video surveillance footage to identify the relevant portion of the recording. No later than ten District business days after the report is filed, the principal or designee shall respond by notifying the person whether the alleged incident was recorded in the District's video surveillance footage and shall initiate other steps as required by law, District policy, or local procedures.

COMPLAINTS

Complaints related to video and audio recordings under this policy shall be filed in accordance with DGBA, FNG, or GF, as applicable.