The forms on the following pages are provided to assist the District in relation to operation of video and audio equipment in certain special education classrooms and other settings as required by law.

Exhibit A: Request for the Installation of Video and Audio Recording Equipment—1 page

Exhibit B: Response to Request for the Installation of Video and Audio Recording Equipment—1 page

Exhibit C: Notice of Installation of Video and Audio Recording Equipment—1 page

Exhibit D: Incident Report Form—1 page

Exhibit E: Written Confirmation Of Receipt Of Incident Report Form

Exhibit F: Operating Guidelines for Video Surveillance of Special Education Settings—6 pages

EXHIBIT A

REQUEST FOR THE INSTALLATION OF
VIDEO AND AUDIO RECORDING EQUIPMENT

A parent, Trustee, or staff member, as defined by law, may request that video and audio equipment be installed in a self-contained classroom or other special education setting that meets the requirements of state law for such video and audio monitoring. In order to make a request, complete the information below and submit this form to the campus principal. For more information, see EHBAF(LEGAL) and (LOCAL).

1. Requestor's information:

   Name (*print*): _____

   Phone number: _____

   E-mail address: _____

   I am a: ☐ Parent ☐ Trustee ☐ Staff member

   If a parent/guardian, child's name: _____

2. Campus: _____

3. Classroom/setting (*room number or teacher's/related service provider's name*):

   _____

To the best of my knowledge, this request meets the criteria in state law to require the District to conduct video and audio monitoring upon request.

Signature: _____ Date: _____

For Office Use Only

Principal's signature: _____

Date received: _____

EXHIBIT B

RESPONSE TO REQUEST FOR THE INSTALLATION OF
VIDEO AND AUDIO RECORDING EQUIPMENT

Dear _____,

In response to your request dated _____ *(date)* to install video and audio recording equipment in _____ *(specify classroom or instructional setting)*, the District has determined the following:

☐ The request will be granted. The District will work as expeditiously as possible to install the equipment. However, several factors may affect timing of the installation, such as obtaining equipment that meets the legal requirements and District compliance with purchasing and contracting requirements. At this time, we anticipate the equipment becoming operational within ____ *(number)* weeks of the date of this letter. The school will notify you as soon as possible if unexpected delays occur.

As always, do not hesitate to contact me or other appropriate school staff if you are concerned about the safety of any child on our campus. If you suspect an incident may have occurred that violates a child's safety, please let me know right away.

☐ The request is denied because the request does not meet the requirements of state law for video and audio monitoring of certain special education classrooms or other settings. Please contact me as soon as possible so we can work together to address any concerns you may have about student safety.

_____ _____
Principal Date

EXHIBIT C

NOTICE OF INSTALLATION OF VIDEO AND
AUDIO RECORDING EQUIPMENT

DATE: _____

To Whom It May Concern:

Before San Felipe Del Rio CISD installs video and audio recording equipment in a self-contained classroom or other special education setting in accordance with Education Code 29.022, and EHBAF(LEGAL) and (LOCAL), the District is required to provide advance written notice to all staff assigned to the applicable campus and to the parents of the students receiving special education services in the classroom or setting.

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):

Campus: _____

Room No. _____

The sole purpose of video and audio monitoring is to promote the safety of students receiving special education services, and the recordings may not be used for any other purpose. Regular or continual monitoring of these recordings is prohibited. The District will maintain the footage from these recordings for at least six months, as required by law.

Please contact the campus principal with any questions.

Respectfully,

Campus Administrator Name

Contact Information

XC: Monica Luna, Director of Special Education

[Note to school administrator: If the District has determined that the request requires placing video and audio equipment in multiple special education classrooms or settings, be sure to indicate all the locations subject to the request.]

EXHIBIT D

INCIDENT REPORT FORM

This form is to be completed by a parent or guardian, 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 where audio and video equipment is operational.

Upon receipt of this incident report form, appropriate District staff will begin viewing the footage recorded on the date(s) described below to determine whether any incident(s) as described below were recorded. If the recording documents an incident as defined by law, the District will release, on request, the recording for viewing by an employee or a parent or guardian of a student who is involved in the incident. Depending on the nature of the recorded incident, the District may also be required by law to release the recording for viewing to individuals described in EHBAF(LOCAL), including appropriate personnel or agents of the Department of Family and Protective Services and/or State Board for Educator Certification. For more information, see EHBAF(LEGAL) and (LOCAL).

Contact Information:

Name: _____

Home phone: _____ Mobile phone: _____

E-mail address: _____

Date(s) of alleged incident(s): _____

Time(s) of alleged incident(s): _____

Location(s) of alleged incident(s): _____

List any witness(es): _____

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

_____

_____

_____

☐ I am requesting to view the applicable recording.

I hereby certify that the information I have provided is true, correct, and complete to the best of my knowledge and belief.

Name *(print)*: _____

Signature: _____ Date: _____

EXHIBIT E

WRITTEN CONFIRMATION OF RECEIPT OF INCIDENT REPORT FORM

Within 48 hours from receipt of the Incident Report form, the campus principal will provide written confirmation of receipt of the Incident Report to the person making the report.

[To be Placed on District Letterhead]

[Date]

[Name]

[Address]

[City, State, Zip]

RE: RECIEPT OF INCIDENT REPORT

Dear _____:

This is to confirm that I received your Incident Report on [date]. In accordance with Texas Education Code §29.022 and [District]'s Operating Guidelines for Video Surveillance of Special Education Settings Implementing TEC §29.022 [SB 507], within 10 school days from the receipt of the Incident Report, the appropriate administrator, as allowed by TEC §29.022, will review the video and/or audio footage recorded on [the date(s) and times set forth in the Incident Report] in the location(s) set forth on the Incident Report form to determine if any Incident, as defined in TEC 29.022, is recorded.

Within 10 school days from the receipt of the Incident Report, San Felipe Del Rio CISD will provide you a written response stating whether the review substantiated an Incident.

A copy of the San Felipe Del Rio CISD's Operating Guidelines for Video Surveillance of Special Education Settings Implementing TEC §29.022 [SB 507] are enclosed.

If you have further questions or need additional information, please let me know.

Sincerely,

[administrator name], [administrator title]

Campus Name

Enclosure: Operating Guidelines for Video Surveillance of Special Education Settings Implementing TEC §29.022 (SB 507)

Cc: [Campus Principal] w/o enclosure

[Special Education Director] w/o enclosure

EXHIBIT F

Operating Guidelines for Video Surveillance of Special Education Settings

Implementing TEC §29.022 (SB 507)

Definitions

Parent – A person standing in parental relation whose rights have not been terminated and whose child 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. "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, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.

Staff Member – A teacher, related service provider, paraprofessional, or educational aide assigned to work in the self-contained classroom or other special education setting; and a principal or an assistant principal of the campus at which the self-contained classroom or other special education setting is located.

Trustee – A member of the District's Board of Trustees.

Self-contained Classroom – A classroom on a regular school campus (i.e. a campus that serves students in general education and students in special education), in which a majority of the students in regular attendance are provided special education and have one of the following instructional arrangements (i.e. PEIMS codes) described in the Student Attendance Accounting Handbook: 43, 44, 45, 84, 89, 94, 95, or 98.

Other Special Education Setting – A classroom on a separate campus (i.e. a campus that serves only students who receive special education and related services), in which a majority of the students in regular attendance are provided special education and have one of the following instructional arrangements (i.e. PEIMS codes) as described in the Student Attendance Accounting Handbook: 86 or 96.

Video Camera – A video surveillance camera with audio recording capabilities.

Video Equipment – One or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras, and any technology and equipment needed to store and access video recordings as required by TEC §29.022.

Incident – A event or circumstance that allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under TEC §29.022 is conducted that involves alleged "abuse" or "neglect," as defined in the Texas Family Code, of a student

by an employee of the District, or alleged “physical abuse” or “sexual abuse,” as defined in the Texas Family Code, of a student by another student.

Incident Report (i.e. Complaint) – Notification to the District of a suspected incident that occurred in a self-contained special education classroom or other special education setting in which video surveillance under TEC §29.022 is conducted by completing and providing an Incident Report form to the campus principal.

Procedures for Requesting Video/Audio Surveillance

A parent, trustee, or staff member may make a request for installation and operation of video/audio recording of a self-contained classroom or other special education setting by completing and submitting to the campus principal a Request for the Installation of Video and Audio Recording Equipment (“Request for Installation”) form, including identification of the specific self-contained classroom or other special education setting for which the request is being made. The Request for Installation form may be obtained from the campus principal.

Procedures for Responding to Requests for Video/Audio Surveillance, Including Notice

1. Upon receipt of a Request for Installation form, the District will determine if the requested location is subject to video/audio surveillance.

2. Within 10 school days from receipt of the Request for Installation form, the District will provide a written response to the requestor, with a copy to the campus principal, stating whether the Request for Installation will be granted. The response shall include a copy of these Operating Guidelines.

3.If the requested location is subject to video/audio surveillance, the District will purchase, install, and operate video/audio recording equipment in the parent’s child’s self-contained classroom or other special education setting, in the self-contained classroom or other special education setting in which a staff member is assigned to work, in the self-contained classroom or other special education setting requested by a principal or assistant principal on the campus at which the self-contained classroom or other special education setting is located, or in the self-contained classroom or other special education setting requested by a trustee. The purchase, installation, and operation of the video/audio recording equipment will take place within a reasonable period of time without undue delay.

4.The video/audio recording equipment will not become operational until ***after*** the school provides at least five school days individualized advanced written notice of the placement of the video camera to the parents of all students receiving special education services in the classroom or setting, and providing advanced written notice to all campus staff by posting a notice at the entrance to the classroom or setting stating “This classroom is subject to ongoing video and audio surveillance that is not regularly live monitored.”

5.The video recording will cover all areas of the classroom or setting, except the inside of a bathroom or area used for toileting or diapering a student or removing or changing a student's clothes, and the audio recording will cover all areas of the classroom or setting, including a bathroom or changing area.

6. Once the video equipment is installed, the District will confirm that any live monitoring capabilities of the equipment is disabled.

7. The video camera will be operated at all times during the instructional day when students are in the self-contained classroom or other special education setting. The video camera may also be operational at times when students are not in the classroom or setting.

8. The District will continue to operate and maintain the video/audio recording in the self-contained classroom or other special education setting as long as the classroom or setting continues to meet the definition of a self-contained classroom or other special education setting. If the make-up of the classroom or setting changes such that the location no longer meets the definition of a self-contained classroom or other special education setting, the video/audio recording may be discontinued, and written notice of the discontinuation of video/audio surveillance will be provided to the parents of the students receiving special education services in the classroom or setting.

9. The video/audio recordings will be stored in a safe and secure manner whether on on-site or off-site servers or in cloud storage.

10. The District will maintain the video/audio recordings for at least six months.

11. These requirements apply to video/audio surveillance during the regular school year and during Extended School Year ("ESY") services.

Procedures for Making an Incident Report

A person may notify the District of an alleged incident occurring in a self-contained classroom or other special education setting where video/audio surveillance is in effect by completing an Incident Report form and providing it to the campus principal. The Incident Report form may be obtained from the campus principal. The person making the Incident Report should be as specific as possible regarding the date, time, and location of the suspected incident, should include any witnesses, and should describe the suspected incident as clearly as possible. The Incident Report should be provided to the campus principal as soon as possible but no later than 48 hours after the reporter becomes aware of a suspected incident.

Procedures for Responding to an Incident Report

1. Within 48 hours from receipt of the Incident Report form, the campus principal will provide written confirmation of receipt of the Incident Report to the person making the report.

2. The District will determine whether any additional safety measures should be taken in the classroom or setting pending a review of the relevant video/audio recording.

3. Within 10 school days from receipt of the Incident Report, the campus or other administrator trained in de-escalation and restraint techniques will review the footage recorded on the date(s) and in the location set forth on the Incident Report form to determine if any incident is recorded.

4. Within 10 school days from the receipt of the Incident Report, the administrator will provide a written response to a parent who submitted an Incident Report form stating whether the review substantiated an incident or identified a significant event involving the parent's child.

Access to Video/Audio Recordings

1. A video/audio recording made as a result of these provisions is confidential.

2. The District will not allow regular or continual monitoring of video/audio recordings.

3. The District will not use the video/audio recording for teacher evaluation or monitoring or for any purpose other than the promotion of safety of students receiving special education in a self-contained classroom or other special education setting.

4. In response to an Incident Report, the District will allow viewing of the video/audio recording only by the following:

a. A District employee who is involved in an incident documented by the recording and who requests to view the recording;

b. A parent/guardian of a student who is involved in an incident documented by the recording and who requests to view the recording;

c. A peace officer;

d. A school nurse;

e. A District administrator trained in de-escalation and restraint techniques; and

f. A human resources staff member designated by the Board of Trustees.

5. As part of an investigation of district or school personnel, or a complaint of abuse committed by a student, the District will allow viewing of the video/audio recording only by the following:

a. A peace officer;

b. A school nurse;

c. A District administrator trained in de-escalation and restraint techniques; and

d. A human resources staff member designated by the Board of Trustees.

6. The District will also allow viewing of the video/audio recording to the following under the following conditions:

a. Appropriate Department of Family and Protective Services personnel as part of an investigation of alleged or suspected abuse or neglect of a child in a public or private school under the jurisdiction of the Texas Education Agency;

b. Appropriate Texas Education Agency or State Board for Educator Certification personnel or agents as part of an investigation; and

c. If DFPS personnel, a peace officer, school nurse, administrator human resources staff member of SBEC personnel/agent view the video/audio recording and believes that the recording documents a possible violation of district or school policy, the person may allow appropriate legal and human resources personnel access to the recording, and the recording may be used as part of a disciplinary action against district or school personnel.

d. A District employee who is the subject of the disciplinary action must be allowed to view a recording believed to document a possible violation of District or campus policy if the employee requests to view the recording.

e. In accordance with Board Policy FL (LEGAL and LOCAL), District personnel whose positions have some role or responsibility for the operation or maintenance of the video equipment or the video recordings will have access to the equipment and recordings only to the extent necessary to ensure the functionality of the equipment.

7. No one has any right to obtain a copy of a video/audio recording except that a copy will be released at the request of the student's parent or guardian in a legal proceeding.

8. Nothing in these procedures limit a parent's right to access educational records of a child under the Family Educational Rights and Privacy Act. However, not all surveillance video/audio recordings are educational records of a student. If the recording depicts a student engaged in a significant act, only that portion of the recording is an educational record of that student and may be viewed by that student's parent upon request. The recording is not an educational record of students who are merely present and not engaged in a significant act and may not be viewed by the parents of these students.

9. If the District receives a request to view a recording, the District will provide a written response to the requestor within 10 school days that access will or will not be provided.

A recording determined to document a violation of district or school policy can be used as part of a disciplinary action against district or school personnel and can be released at the request of the student's parent/guardian in a legal proceeding.

Steps for Responding:

1. Any indication of physical abuse shall be forwarded to the SFDRCISD Police Chief for investigation. If the incident does not rise to the level of criminal charges, the video shall be forwarded back to the appropriate supervisor for an administrative investigation.
2. Any indication of violation of district or school policy shall be forwarded to the Superintendent and/or the Chief Human Resources and Instructional Support Officer for viewing and documentation.

3. Campus Administration will communicate to the appropriate officials and parent/guardian the outcome of the viewing and, subject to the requirements of FERPA and the confidentiality of personnel matters, if applicable the plan of resolution.

Child Abuse Reporting

If a peace officer, school nurse, administrator, human resources staff member, or SBEC personnel/agent views the recording and believes that the recording documents possible abuse of a child as defined by the Family Code, the person shall submit a report to the Department of Family and Protective Services for investigation in accordance with the Family Code.

Dispute Resolution

Special education dispute resolution procedures (i.e. due process hearing, mediation, TEA complaint) do not apply to any dispute arising under TEC §29.022 or these provisions. Such disputes must be addressed through the District's grievance procedures or other local dispute resolution channels. Employee complaints/grievances must be made in accordance with Board Policy DGBA (LEGAL and LOCAL); Students and/or Parent complaints/grievances must be made in accordance with Board Policy FNG (LEGAL and LOCAL) and public complaints must be made in accordance with Board Policy GF (LEGAL and LOCAL).