

Seguin Independent School District

Procedure for Cameras in Special Education Classrooms

1. **A camera request can be made by a parent, staff member, principal, assistant principal, or the board of trustees. A camera request must be made in writing utilizing the forms found on the Seguin ISD Website. The district will place the camera equipment in the classroom where the relevant student or staff member referenced in the camera request is assigned.**
2. **Only special education classrooms that are self-contained are subject to having cameras installed.** A self-contained classroom is a setting in which a majority of the students in regular attendance are: (1) provided special education and related services; and (2) assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.
3. **The district will designate a central office administrator responsible for handling camera requests. Seguin ISD has designated this to be The Director of Special Education. The Director of Special Education will respond to the written request for the installation of camera equipment within seven school business days of the designated administrator's receipt of written request for camera equipment.**
4. **If the request is authorized, the cameras must be operational by the 45th school business days after the date of the authorization (or the first school day after that day, if the 45th school business day is not a school day).** The district shall appeal to TEA for an extension to the statutory timeline if the district is unable to procure the required equipment despite using diligent efforts.
5. **For parents of incoming students, the law sets out an alternative timeline.** District policy allows a parent of a student who will be in a eligible classroom or setting the following school year to request surveillance by the later of the last day of the current school year of the 10th school business day after the student's special education admission, review and dismissal (ARD) committee decides to place the student in the eligible location. If a request is made under these circumstances, district policy requires that the camera be operational by the later of the 10th school business day of the fall semester or the 45th school business day after the date the request is made.
6. **The video cameras will be capable of covering all areas of an applicable classroom or setting, including any attached room used for time-out, defined as a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in an unlocked area.** Video surveillance is prohibited inside a bathroom or any other area in which a student's clothes are changed, incidental visual recording of a minor portion of a bathroom or changing area is permitted only to the extent that such coverage is due to the layout of the classroom or setting. . The law does not require audio recording in every locker room or restroom that a student receiving special education might visit during the school day. Rather, the duty to record video or audio depends on whether the location meets the statutory criteria based on the students in regular attendance.

7. **Before a camera is activated under Section 29.022, the campus must provide written notice to all staff and to the parents of each student attending class or engaging in school activities in the classroom or setting. Tex. Education. Code section 29.022(d)**
8. **Camera recordings are considered confidential under state law and may not be routinely monitored or used for any purpose other than promoting the safety of students receiving special education services. T**
9. **Section 29.022 spells out specific circumstances in which a district must release a recording to an employee or a parent of a student who is involved in an alleged incident documented by the recording for which a complaint has been reported to the district. TEA rules define an incident as an event or circumstance that: (1) involves alleged abuse or neglect as defined by the Texas Family Code, or a student by a staff member, or physical abuse or sexual abuse as defined by the Texas Family Code, or a student by another student; and (2) allegedly occurred in a self-contained classroom or other special education setting in which video surveillance is conducted. . In addition, district officials may be required to release a recording for review by law enforcement, Department of Family and Protective services or State Board for Educator Certification personnel for investigation purposes.**
10. **The district may not use the recordings for any other purpose other than the promotion of safety of students receiving special education services in a self-contained classroom or other special education setting. Tex. Education Code section 29.022(h).**
11. **A recording of a student in a special education classroom may meet the definition of an educational record under the Family Educational Rights and Privacy Act (FERPA) if the recording is directly related to the student and maintained by the district. Each case will be considered on an individual basis.**
12. **Camera surveillance will continue for the remainder of the school year in which the request was received, unless the request or withdraws the request in writing. Recording may also be discontinued mid year if the room or setting no longer meets the statutory criteria for recording. If for any reason recording will be discontinued, the campus must notify the parents of each student in regular attendance in the classroom or setting at least five school days in advance that surveillance will stop unless requested by an authorized person. No later than 10 school days before the end of a school year, the parents of each student must be notified that surveillance will not continue during the following year unless there is a new request.**
13. **Recordings will be retained by the district for at least three months.**
14. **A person who disagrees with a district decision under Section 29.022 may file a complaint using the district's local grievance policies (DGB, FNG or GF, as applicable).**