

**Sec. 6.26.1. DEFINITIONS**

For purposes of this policy, the following terms will have the meanings set forth below:

**“Parent”** means a person standing in parental relation to a child, including a guardian, and whose child receives special education and related services and assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day. “Parent” also means a student who receives special education and related services in one or more self-contained classrooms or other special education settings 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”** means a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a self-contained classroom or other special education setting.

**“Board”** means a majority of the Life School Board of Directors.

**“School business day”** means a day that campus or Life School administrative offices are open.

**“Time-Out”** has the meaning assigned by Texas Education Code § 37.0021.

**“Self-contained classroom”** means a classroom on a regular Life School campus (*i.e.*, a campus that serves students in general education and students in special education), including a room attached to the classroom used for time-out but not including a classroom that is a resource room instructional arrangement, in which a majority of the students in regular attendance are provided special education and related services for at least 50 percent of the instruction day and have one of the following instructional arrangements/settings described in the Student Attendance Accounting Handbook (“SAAH”) adopted by the Texas Education Agency (“TEA”):

1. self-contained (mild/moderate/severe) regular campus;
2. full-time early childhood (preschool program for children with disabilities) special education setting;
3. residential care and treatment facility--self-contained (mild/moderate/severe) regular campus;
4. residential care and treatment facility--full-time early childhood special education setting;
5. off home campus--self-contained (mild/moderate/severe) regular campus; or
6. off home campus--full-time early childhood special education setting.

**“Other special education setting”** means a classroom on a separate Life School campus (*i.e.*, a campus that serves only students who receive special education and related services), including a room attached to the classroom or setting used for time-out, in which a majority of the students in

regular attendance are provided special education and related services, are assigned to the setting for at least 50 percent of the instructional day, and have one of the following instructional arrangements/settings described in the SAAH:

1. residential care and treatment facility--separate campus; or
2. off home campus--separate campus.

**“Incident”** means an event or circumstance that involves alleged “abuse” or “neglect,” as those terms are described in Texas Family Code §261.001, of a student by a Life School employee or alleged “physical abuse” or “sexual abuse,” as those terms are described in Texas Family Code § 261.410, of a student by another student; and allegedly occurred in a self-contained classroom or other special education setting in which video surveillance is conducted under Texas Education Code §29.022.

**“Video Camera”** means a video surveillance camera with audio recording capabilities.

**“Video Equipment”** means one or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras as required under Texas Education Code § 29.022, as well as any technology and equipment needed to store and access video recordings.

**“School Business Day”** means a day that campus or Life School administrative offices are open.

#### **Sec. 6.26.2. PROMOTION OF STUDENT SAFETY**

Video surveillance under this policy is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings.

Life School will, upon receipt of a written request authorized by this policy, provide equipment, including a video camera, to the school or schools specified in the request

A school or campus that receives equipment due to a video surveillance request shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.

Life School may not:

1. allow regular or continual monitoring of video recorded under this policy; or
2. use video recorded under this policy for routine teacher evaluation or monitoring or for any purpose other than the promotion of student safety.

**Sec. 6.26.3. PROCEDURES FOR REQUESTING VIDEO SURVEILLANCE**

**Sec. 6.26.3.1. Parent Request**

A parent may request in writing that equipment be provided to the school or campus at which the parent's child receives special education services in one or more self-contained classrooms or other special education settings.

**Sec. 6.26.3.2. Board Request**

The Board may request in writing that equipment be provided to one or more specified schools or campuses at which one or more children receive special education services in self-contained classrooms or other special education settings.

**Sec. 6.26.3.3. Principal or Assistant Principal Request**

The Principal or Assistant Principal of a school or campus at which one or more children receive special education services in self-contained classrooms or other special education settings may request in writing that equipment be provided to the Principal's or Assistant Principal's school or campus.

**Sec. 6.26.3.4. Staff Member Request**

A staff member assigned to work with one or more children receiving special education services in a self-contained classroom or other special education settings may request in writing that equipment be provided to the school or campus at which the staff member works.

**Sec. 6.26.3.5. Additional Procedures**

A school or campus that receives equipment as a result of the request of a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable.

A school or campus that receives equipment as a result of the request by the Board, Principal, or Assistant Principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings.

Life School shall designate an administrator (the "Administrator") at the Life School Central Office with responsibility for coordinating the provision of equipment to schools and campuses in compliance with this policy.

A written request must be submitted and acted on as follows:

1. A parent, staff member, or Assistant Principal must submit a request to the Principal or designee of the school or campus addressed in the request, and the Principal or designee must provide a copy of the request to the Administrator.
2. A Principal must submit a request by the Principal to the Administrator.
3. The Board must submit a request to the Administrator, and the Administrator must provide a copy of the request to the Principal or designee of the school or campus addressed in the request.

Life School shall provide a response to a request not later than the seventh school business day after receipt of the request by the person to whom it must be submitted that either authorizes the request or states the reason for denying the request. In response to a request by someone other than a parent, and unless granted an extension by the TEA, the school or campus must begin operation of a video camera in compliance with this policy not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized.

If a parent submits a request, and unless the TEA grants an extension of time, the school or campus must begin operation of a video camera in compliance with this policy not later than the later of (1) the 10th school day of the fall semester; or (2) the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made.

A parent of a student whose admission, review, and dismissal committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed to make a request for the video camera by the later of the date on which the current school year ends, or the 10th school business day after the date of the placement determination by the admission, review, and dismissal committee.

Life School is not required to provide video equipment to a campus of another district or charter school or to a nonpublic school.

**Sec. 6.26.4. ADVANCE WRITTEN NOTICE TO CAMPUS STAFF AND PARENTS**

Before Life School activates a video camera in a classroom or other special education setting, Life School shall provide written notice of the placement to all school or campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting. This notice shall be in the form of a "Notice of Installation of Video and Audio Recording Equipment"

form adopted by the Superintendent or designee, and shall be distributed to all parties prior to the start of recording.

At Life School's discretion, campuses may post a notice at the entrance of any self-contained classroom or other special education setting in which video camera are placed stating that video and audio surveillance are conducted in the classroom or setting.

Not later than the 10th school day before the end of each school year, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following school year unless a person eligible to make a request for the next school year submits a new request.

**Sec. 6.26.5. TIMES OF OPERATION**

Cameras shall be operational at all times during the instructional day when one or more students are present in a self-contained classroom or other special education setting in which video cameras are placed.

A school or campus that places a video camera in a classroom or other special education setting shall operate and maintain the video camera in the classroom or setting, as long as the classroom or setting continues to satisfy the requirements under this policy, for the remainder of the school year in which the school or campus received the request, unless the requestor withdraws the request in writing.

If for any reason a school or campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request.

This policy applies to placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services.

**Sec. 6.26.6. RESTRICTIONS ON VIDEO RECORDING**

Video cameras must be capable of covering all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out. Video cameras must also be capable of recording audio from all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out.

No visual monitoring of bathrooms and areas in which a student's clothes are changed may occur. However, incidental visual coverage of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is permitted only to the extent that such coverage is the result of the layout of the classroom or setting. Audio recording of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is required.

**Sec. 6.26.7. RETENTION OF RECORDINGS**

Life School shall retain video recordings from a video camera placed under this policy for at least three months after the date the video was recorded.

If a person described in Section 6.26.8.1 as eligible to receive a copy of a video requests to view a video recording from a video camera placed under this policy, Life School must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, Life School shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

A video recording under this policy is a governmental record only for purposes of Texas Penal Code § 37.10.

**Sec. 6.26.8. CONFIDENTIALITY OF VIDEO RECORDINGS**

A video recording of a student is confidential and may not be released or viewed except as provided by Texas Education Code §29.022; the Family Educational Rights and Privacy Act of 1974 ("FERPA"); or other applicable law.

**Sec. 6.26.8.1. Requests to View a Video Recording**

Life School will release a recording for viewing by:

1. A staff member who is involved in an alleged incident that is documented by the recording and has been reported to Life School, on request of the employee;
2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to Life School, on request of the parent;
3. Appropriate Department of Family and Protective Services personnel as part of an investigation under Texas Family Code § 261.406;
4. A peace officer, a school nurse, or a district-level or campus-level administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the Board in response to a report of an alleged

incident or an investigation of Life School personnel or a report of alleged abuse committed by a student; or

5. Appropriate TEA or State Board for Educator Certification personnel or agents as part of an investigation.

A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording is not in violation of this policy.

If a person described by subsections (4) or (5) above who views the video recording believes that the recording documents a possible violation under Subchapter E, Chapter 261, Family Code, the person shall notify the Department of Family and Protective Services for investigation in accordance with Texas Family Code § 261.406.

If any person described by subsections (3), (4), or (5) above who views the recording believes that the recording documents a possible violation of Life School policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of Life School policy relating to the neglect or abuse of a student may be used as part of a disciplinary actions against Life School personnel and shall be released at the request of the student's parent in a legal proceeding.

If Life School determines that the recording is an "education record," Life School shall release the recording in accordance with FERPA. State law does not limit the access of a student's parent to a record regarding the student under FERPA or other law.

In order to review recordings for potential release, and operation and maintenance of the equipment, the following individuals shall have access to the video equipment:

1. Special Education Department Administrator(s) Trained in De-escalation and Restraint
2. Campus Administrator(s) Trained in De-escalation and Restraint
3. Human Resource Personnel
4. Member(s) of Technology Department for Routine Maintenance and Operation

**Sec. 6.26.9. PROCEDURES FOR REPORTING A COMPLAINT AND/OR REQUESTING TO VIEW RECORDING**

Video and audio recording equipment shall be used for safety purposes to access documented, specific incidents. To report a complaint of alleged abuse or neglect to Life School and/or to request to view a recording allowed by Section 6.26.8 above, a written "Incident Report Form," as adopted by the Superintendent or designee, shall be used by the requestor. This form will be

completed to the extent of known information, and returned to the Superintendent or designee for validation.

**Sec. 6.26.10. APPEAL/GRIEVANCE PROCEDURES**

The special education dispute resolution procedures in 34 C.F.R. §§ 300.151-300.153 and 300.504-300.515, do not apply to complaints alleging that Life School has failed to comply with Education Code § 29.022. Complaints alleging violations of Life School's video surveillance obligations for special education settings under Education Code § 29.022 must be addressed through Life School's Student and Parent Grievance Process (see PG-3.40), as adopted by the Board.

**Sec. 6.26.11. FUNDING**

Life School may solicit and accept gifts, grants, and donations from any person to implement the requirements in Education Code § 29.022. Life School is not permitted to use Individuals with Disabilities Education Act, Part B, funds or state special education funds to implement the requirements of Education Code requirements of Education Code § 29.022.

**Sec. 6.26.12. NO WAIVER OF IMMUNITY**

The requirements described by this policy do not:

1. Waive any immunity from liability of Life School, or of Life School officers or employees;  
or
2. Create any liability for a cause of action against Life School or against Life School officers or employees.

**Sec. 6.26.13. ADMINISTRATIVE REGULATIONS**

The Superintendent shall ensure that administrative regulations are adopted to implement this policy.