

“I WANT TO WATCH THE VIDEO”:

WHAT THE LAW REQUIRES REGARDING VIDEO RECORDINGS

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I. WHAT IS THE PURPOSE OF PLACING CAMERAS IN THE CLASSROOM?



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2. WHAT IS AN INCIDENT?

An “incident” means an event or circumstance that involves alleged “abuse” or “neglect”.

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3. WHAT IS CONSIDERED A CLASSROOM?

Section 29.022 applies to a self-contained classroom or other special education 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.

A “self-contained classroom” is defined as a classroom on a regular campus in which a majority of the students in regular attendance are provided special education and related services.

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4. WHAT IS MEANT BY OTHER SPECIAL EDUCATION SETTING?

Other special education setting is a classroom on a separate campus.

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5. WOULD A RESOURCE ROOM BE SUBJECT TO CAMERA SURVEILLANCE?

No. A resource room instructional arrangement does not meet the definition of a self-contained classroom.

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6. ONCE A REQUEST IS MADE, HOW SHOULD THE DISTRICT RESPOND?

The campus must:

- Determine whether the classroom meets the definition
- Respond within seven school business days of a designated central office administrator's receipt of a written request for camera equipment
- Either authorize the request or provide an explanation for denial of the request

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7. IF THE CLASSROOM DOES MEET THE REQUIREMENTS OF THE STATUTE, HOW QUICKLY DOES THE DISTRICT NEED TO GET THE CAMERAS OPERATIONAL IN THE CLASSROOM?

The cameras must be operational by 45 school business days after authorization of the request.

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8. WHY ARE CAMERAS ONLY IN SELF-CONTAINED CLASSROOMS AND NOT ALL CLASSROOMS?

The intent behind the law was to protect students who are not able to communicate for themselves. Consequently, the cameras are in special education classrooms and not in classrooms where students are able to communicate.

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9. WHO CAN REQUEST A CAMERA IN THE CLASSROOM?

A parent, staff member, principal, assistant principal, or the board of trustees may request in writing that the district install video and audio recording equipment in a self-contained classroom or other special education setting.

A parent, including a guardian or person in parental relation, means someone “whose child receives special education and related services in one or more self-contained classrooms or other special education settings,” or an adult student who receives special education and related services in such a classroom or setting.

A 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.”

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10. IF THE STUDENT WITH SPECIAL NEEDS IS ATTENDING SPECIALS IN GENERAL EDUCATION, CAN THE PARENT REQUEST A CAMERA IN THE GENERAL EDUCATION ROOM?

No. The cameras are only for the self-contained classrooms and other special education settings.

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11. CAN THE PARENT REQUEST CAMERAS IN THE CLASSROOM AT THE ARD MEETINGS?

No. Whether cameras are in the classroom is *not an ARD committee determination*. The parent can request the video surveillance in accordance with the district's local policy.

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12.HOW LONG DOES THE DISTRICT NEED TO MAINTAIN THE VIDEO?

Recordings are required to be retained for at least three months.

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13.WHAT AREAS OF THE CLASSROOM DOES THE VIDEO HAVE TO COVER?

- Video cameras must 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 of a bathroom or any other area in which a student's clothes are changed.
- Incidental visual recording of a minor portion of a restroom or changing area is permitted only to the extent that such coverage is due to the layout of the classroom or setting.

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14. WHAT ABOUT THE BATHROOM?

Cameras must capture sound and video from all areas of the classroom or setting except inside restrooms or changing areas. However, audio inside restrooms and changing areas is required.

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15. WHAT KIND OF NOTICE IS NEEDED?

Before a camera is operational in the classroom, 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.

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16. CAN A PARENT SAY NO TO HAVING A CAMERA IN THE SELF-CONTAINED CLASSROOM?

No. Parents do not have a right to say yes or no when a district is required to operate a video camera in a special education classroom or setting.

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17. DO THE CAMERAS CONTINUE IN THE CLASSROOM INDEFINITELY?

- ✓ Surveillance must continue for the remainder of the school year in which the request was received, unless the requestor withdraws the request in writing.
- ✓ Recording may also be discontinued midyear 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.

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18. IF A CAMERA WAS IN THE CLASSROOM FOR THE CURRENT SCHOOL YEAR, CAN THE DISTRICT DISCONTINUE THE CAMERA FOR THE NEXT YEAR?

If the district does not want to continue the video surveillance for the next school year, then no later than 10 school days before the end of a school year, the district must provide the parents of each student in the classroom notification that surveillance will not continue during the following year unless there is a new request.

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19. CAN THE VIDEOS BE USED TO DETERMINE WHETHER THE TEACHER IS IMPLEMENTING THE IEP?

No. The sole purpose of allowing cameras in the classroom is for student safety.

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20. ARE THE VIDEOS CONFIDENTIAL?

A video recording of a student is confidential and may not be released or viewed except as allowed by law.

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21. WHO IS ENTITLED TO VIEW A RECORDING?

- A district employee or a parent/guardian of a student who is involved in an incident that was recorded and for which a complaint has been reported to the district on request of the employee or parent/guardian.
- Child Protective Services (CPS) personnel as part of an investigation
- Peace Officer
- School Nurse
- District administrator trained in de-escalation and restraint techniques
- Human Resources staff member designated by the Board of Trustees in response to a complaint or investigation of district personnel or a complaint of abuse committed by a student (under certain circumstances), and
- Texas Education Agency (TEA) and State Board for Educator Certification (SBEC) personnel as part of an investigation

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22. IF A PARENT ASSERTS THAT HER CHILD WAS ABUSED IN THE CLASSROOM, WHAT DOES THE ADMINISTRATOR NEED TO DO?

The administrator needs to view the video to determine whether abuse or neglect occurred.

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23. IF THE VIDEO SHOWS NO ABUSE, DOES THE PARENT GET TO VIEW THE VIDEO?

No.

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24. IF THE PARENT IS NOT HAPPY WITH THE DECISION NOT TO SHOW THE VIDEO, WHAT CAN THE PARENT DO?

A parent who disagrees with the decision may file a complaint using the district's local grievance policies.

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25. IF THE VIDEO SHOWS ABUSE, WHAT IS THE ADMINISTRATOR REQUIRED TO DO?

If abuse occurs, the district is obligated to report the abuse or neglect to CPS or law enforcement.

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26. IF THE VIDEO SHOWS ABUSE, CAN THE PARENT VIEW THE VIDEO?

Yes.

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27. ASIDE FROM CAMERAS IN THE SELF-CONTAINED CLASSROOM, ARE THERE ANY OTHER CIRCUMSTANCES THAT A DISTRICT CAN VIDEO RECORD?

Common areas such as entrance doors, hallways, lunch rooms, and buses are often under video surveillance in accordance with the applicable provisions of the Texas Education Code. Generally, these videos are used for safety purposes and the rules discussed here are not applicable. Videos may also be recorded for other instances as outlined in state law, such as extracurricular activities.

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