

# KIPP Austin Public Schools

## Frequently Asked Questions: Cameras in Classrooms (SB 507)

**Q: What is SB 507?**

Senate Bill 507 (“SB 507”), codified in Section 29.022 of the Texas Education Code and further implemented under Section 103.1301 of the Texas Administrative Code, refers to the state law passed in the 84<sup>th</sup> Legislative Session providing for placement of video cameras in certain self-contained classrooms and other special education settings upon request by an eligible parent, staff member, or trustee for the purpose of promoting student safety.

**Q: Who can request installation of cameras in special education classrooms?**

By law, only certain Parents, Staff Members, and Board Members can make a request for cameras under SB 507.

A “Parent” is (1) a person whose child receives special education and related services for at least 50% of the instructional day in the self-contained classroom or other special education setting, or (2) a student who receives special education and related services for at least 50% 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 for general purposes under Texas Family Code (“TFC”), Chapter 31, unless the student has been determined to be incompetent or the student’s rights have been otherwise restricted by a court order.

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

A “Board Member” is a member of the KIPP Austin Public Schools Board of Directors.

**Q: I am an eligible Parent, Staff Member, or Board Member. How do I submit a request for video surveillance under SB 507?**

You should submit a written request for video surveillance on the form prescribed by KIPP Austin Public Schools (“KIPP”). To do so, please contact the principal of the school where the self-contained classroom or other special education setting subject to your request is located to obtain the required request form (“Form A - Request for Video Surveillance”). Please complete Form A in accordance with its instructions and submit the completed form to the school principal.

**Q: What happens once I submit my request?**

## **KIPP Austin Public Schools**

After you submit the completed Form A to the school principal, you will receive written confirmation of KIPP's receipt of your request. Please note that certain statutory requirements must be met for a self-contained classroom or other special education setting to qualify for video surveillance under SB 507. The school principal will forward your request to KIPP administrators for review and evaluation.

**Q: How long will it take to respond to my request?**

While KIPP cannot provide an exact date, KIPP will respond to your request within a reasonable time and will keep you reasonably informed of the progress of your request.

**Q: How will I know the outcome of my request?**

Once KIPP has reviewed your request to determine whether it meets the statutory requirements, KIPP will notify you in writing of its decision.

**Q: If my request is approved, where will surveillance occur?**

SB 507 only allows video surveillance in certain self-contained classrooms or other special education settings. KIPP's written notification regarding your request will inform you as to the particular classroom/setting where video surveillance will occur. Equipment will record video in all areas within the approved classroom/setting, except bathrooms and changing areas. Equipment will also record audio in all areas within the approved classroom/setting, including bathrooms and changing areas.

**Q: How long does installation take?**

While KIPP cannot provide an exact timeframe for installation, KIPP will install required surveillance equipment within a reasonable time. Please note that the timeframe for completion will vary upon a number of factors, such as availability of equipment and other resources necessary for installation. You will receive written notice when KIPP has completed the installation process.

**Q: Will I know when surveillance has begun?**

Yes. KIPP will send written notice of the placement to all campus staff and to the parents of any student receiving special education services in the monitored classroom/setting before video surveillance begins. After surveillance has begun, the school principal will send the requester written notice that the request has been completed and will also post a notice of surveillance next to the entrance of the classroom/setting to notify staff members and parents that video/audio surveillance is conducted in the classroom/setting.

**Q: Is video surveillance conducted 24/7?**

## **KIPP Austin Public Schools**

No. By law, video surveillance is limited to the instructional day when students are in the self-contained classroom or other special education setting.

### **Q: How long is my request valid?**

An approved request is valid for the current regular school year only. Separate requests must be made for video surveillance during extended school year services and subsequent school years.

### **Q: What does KIPP do with the video recordings?**

Unlike typical security camera surveillance, video recordings made under SB 507 are not generally viewable on a video monitor because, by law, continuous or regular monitoring of the recordings is strictly prohibited. Instead, the recordings are immediately and securely stored, without being viewed by anyone. Occasionally, KIPP personnel may have incidental access to video equipment or video recordings for the purposes of operating and maintaining the equipment or recordings.

### **Q: May I withhold consent to video surveillance in my child's classroom?**

No. Parental consent is not required for video surveillance under SB 507, and the law does not provide for the ability to “opt-out” of video surveillance upon KIPP’s receipt of a valid request.

### **Q: How long does KIPP retain the video recordings?**

KIPP will retain video recordings made under SB 507 on a rolling six-month basis from the date the recording was made. KIPP may retain video recordings for a longer period as permitted by law in connection with disciplinary actions or legal proceedings, as deemed appropriate by KIPP.

### **Q: Who can see the video recordings?**

Video surveillance is solely for the purpose of promoting student safety. Video recordings are confidential by law and may only be accessed or viewed by certain individuals under very limited circumstances as defined by the Texas Education Code. Regular or continual monitoring of video recordings is prohibited by law. According to the Texas Education Agency, SB 507 does not permit parents to view recordings “just to see how the child’s day is going,” and KIPP may not use video recordings for teacher evaluations or monitoring.

Under the Texas Education Code, certain KIPP employees and representatives and other designated authorities may view a video recording in connection with an investigation. In the event of an alleged incident involving abuse or neglect by a student or employee that occurred in a classroom/setting in which video surveillance is conducted, the following other individuals may also request to view a video recording made under SB 507:

## KIPP Austin Public Schools

1. A KIPP staff member involved in an incident that is documented by a video recording for which a complaint has been reported to KIPP;
2. Other KIPP employees involved in an incident documented by a video recording for which a complaint has been reported to KIPP; and
3. A parent of a student involved in an incident that is documented by a video recording for which a complaint has been reported to KIPP.

By law, “incident” means an event or circumstance that involves alleged “abuse” or “neglect” (as those terms are defined in the Texas Family Code) of a student by a KIPP employee or “physical abuse” or “sexual abuse” (as those terms are defined in the Texas Family Code) of a student by another student.

An individual may *not* view a video recording if prohibited to do so by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), even if that individual is otherwise eligible to view a video recording under SB 507.

**Q: What is the process to request to view a video recording?**

An eligible KIPP staff member, KIPP employee, or parent may request to view a video recording made under SB 507 by contacting the principal of the school where the alleged incident occurred to obtain the required request form (“Form D - Incident Complaint and Request to View Video Recording”). The requester must complete Form D and return the completed form to the school principal according to the instructions on the form.

**Q: Does submitting a request to view a video recording guarantee that an eligible requester will be able to view the video recording?**

No. Because the video recordings are confidential except in very limited situations, KIPP must ensure that the request meets the requirements established by law. Once the school principal receives the completed Form D, the requester will receive written confirmation of KIPP’s receipt of the request. KIPP will review and evaluate the request to determine whether it meets the statutory requirements and notify the requester in writing of its decision.

**Q: What happens if a request to view a video recording is granted?**

If a request to view a video recording made under SB 507 is granted, KIPP will work with the eligible requester to schedule a viewing appointment at the KIPP Austin Public Schools Administration Building or the applicable school campus within a reasonable time. Only the eligible requester, accompanied by an authorized KIPP representative, will be allowed to view the video recording at the viewing appointment. Recording is strictly prohibited during the viewing appointment, and KIPP will not release a copy of a video recording made under SB 507 unless required to do so by law.

## **KIPP Austin Public Schools**

**Q: How do I resolve a complaint regarding the KIPP's implementation of SB 507?**

If you have a concern or complaint regarding KIPP's implementation of SB 507, you may address your concern or complaint to KIPP through its local grievance procedures. By law, the special education dispute resolution channels set forth in 34 Code of Federal Regulations, §§ 300.151-300.153 and 300.504-300.515 do not apply to complaints involving SB 507 because, as explained by the Texas Education Agency, SB 507 was designed to promote student safety, *not* the provision of a free appropriate public education.

**Q: Who should I contact with questions?**

Please refer any questions to your school principal.