

## **Robert Russa Moton Charter School**

### **VIDEO SURVEILLANCE OF SPECIAL EDUCATION SETTINGS PROCEDURES**

#### **DEFINITIONS**

“Parent” means a parent or legal guardian whose child receives special education and related services per the Individuals with Disabilities Education Act and is assigned to one or more self-contained classrooms or other special education settings for at least fifty percent of the instructional day instructional day.

“Classroom” shall mean a self-contained classroom or other special education setting in which a majority of 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 fifty percent of the instructional day. “Classroom” shall not mean special education classrooms and other special education settings where the only students with exceptionalities receiving special education and related services are those who have been deemed to be gifted or talented and have not been identified as also having a disability.

“Self-contained classroom” means a classroom on a regular Robert Russa Moton Charter 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 related services. “Board of Trustees/Directors” means a majority of the Robert Russa Moton Charter School Board of Trustees of the non-profit charter organization.

“School business day” means a day that the campus or Robert Russa Moton Charter School administrative offices are open.

“Incident” means an event or circumstance that involves alleged “abuse” or “neglect,” as those terms are defined in Article 603 of the Louisiana Children’s Code, of a student by an employee of Robert Russa Moton Charter School or 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 Louisiana Revised Statute 17:1948.

#### **PURPOSE**

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

#### **GENERAL REQUIREMENTS FOR REQUESTING VIDEO SURVEILLANCE**

Pursuant to Louisiana Revised Statute 17:1948 and 3996(B)(59), parents and/or legal guardians may request, in writing, the placement of a camera to be installed in a classroom that meets the criteria above. If Robert Russa Moton Charter School grants the request, Robert Russa Moton School shall place equipment only in classrooms or settings in which the parent’s child is in regular attendance.

Robert Russa Moton Charter School shall designate an administrator at the primary administrative office of Robert Russa Moton Charter School with responsibility for coordinating the provision of

equipment to Robert Russa Moton Charter School in compliance with this section. A parent must submit a request to the principal or the principal's 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.

Robert Russa Moton Charter 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. Robert Russa Moton Charter School **shall 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.

### **NOTICE OF CAMERA PLACEMENT**

Robert Russa Moton Charter School shall provide written notice of camera placement to all who enter a classroom where a camera is installed, including teachers and other school employees, students in the classroom, the students' parents and legal guardians, and authorized visitors.

### **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.

Robert Russa Moton Charter School shall not place the camera in a location or area designated for students to change or remove clothing, including the interior of a restroom.

### **TIMES OF OPERATION**

Cameras shall be operational at all times during the instructional day when students are in the self-contained classroom or other special education setting.

Robert Russa Moton Charter School 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 Robert Russa Moton Charter School 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, Robert Russa Moton Charter School shall 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.

Not later than the tenth 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.

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.

### **PROCEDURE FOR REQUESTING ACCESS TO RECORDINGS**

#### *(a) Persons Eligible to Request Access in Response to an Alleged Incident.*

Under limited circumstances, the following individuals may access video recordings in response to an alleged Incident:

- (1) a Staff Member involved in an Incident that is documented by a video recording for which a complaint has been reported to Robert Russa Moton Charter School;
- (2) other Robert Russa Moton Charter School employees involved in an Incident documented by a video recording for which a complaint has been reported to the School;
- (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 Robert Russa Moton Charter School;
- (4) appropriate Department of Family and Protective Services (“DCFS”) personnel as part of an investigation;
- (5) a peace officer in response to a complaint or investigation of an Incident;
- (6) a school nurse in response to a complaint or investigation of an Incident;
- (7) an administrator trained in de-escalation and restraint techniques in response to a complaint or investigation of an Incident;
- (8) a human resources staff member designated by Robert Russa Moton Charter School’s Board of Trustees/Directors in response to a complaint or an investigation of an Incident; or
- (9) appropriate Robert Russa Moton Charter School or State Board for Educator Certification personnel or agents as part of an investigation.

#### *(b) Child Abuse and Neglect Reporting*

If a person described by numbers (5) – (9) above views a video recording and has cause to believe that the recording documents possible abuse or neglect of a child, the person must file a report with DCFS or other authority in accordance with Board policy.

If any person described by subsections (5) - (9) above who views the recording believes that the recording documents a possible violation of Robert Russa Moton Charter 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 Robert Russa Moton Charter School’s policy relating to the neglect or abuse of a student may be used as part of a disciplinary action against Robert Russa Moton Charter School personnel and shall be released at the request of the student’s parent in a legal proceeding.

#### *(c) Parental Requests*

A parent or legal guardian request to review must fall into one of the above categories and allege an Incident. The individual must file an Incident Complaint and Request to Access Video Recordings. On this Form, the individual must assert an:

- (1) Incident involving alleged:
  - a. Abuse of a student by a Robert Russa Moton Charter School employee;
  - b. Neglect of a student by a Robert Russa Moton Charter School employee;
  - c. Physical Abuse of a student by another student; or
  - d. Sexual Abuse of a student by another student
- (2) The incident must have allegedly occurred in a Self-Contained Classroom or Other Special Education Setting in which video surveillance is conducted under these Procedures.

### **CONFIDENTIALITY OF VIDEO RECORDINGS**

Robert Russa Moton Charter School will take every necessary precaution to protect student privacy and determine to whom and under what circumstances the recordings may be disclosed. The recordings shall not be considered “personally identifiable information” as defined in R.S. 17:3914. Video equipment must be able to redact student faces in accordance with FERPA. If Robert Russa Moton Charter School determines that the recording is an “education record,” Robert Russa Moton Charter 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: the superintendent, the assistant superintendent of administrative services, the director of special education, the assistant superintendent of technology, the network administrator and network assistant.

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.

### **RETENTION OF RECORDINGS**

Robert Russa Moton Charter 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. Recordings are stored and disposed of in accordance with Robert Russa Moton Charter School’s video and audio recording retention and storage policy.

If a person eligible to receive a copy of the video pursuant to a request under this policy, the Robert Russa Moton Charter School shall 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, Robert Russa Moton Charter School shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

### **COMPLIANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION'S LIFE SAFETY CODE**

Pursuant to the requirements of La. R.S. 17:1948(C)(6), the installation of all cameras and surveillance systems installed pursuant to this policy shall comply with the National Fire Protection Association's Life Safety Code.

### **TRAINING OF SCHOOL STAFF**

Any teacher(s) or school employee who provides services in a classroom where cameras are installed shall be trained on compliance with the provisions of this policy within ten days of the commencement of work in the classroom or the installation of the surveillance equipment.

# SPECIAL EDUCATION VIDEO/AUDIO MONITORING REQUEST FORM

*A parent, as defined by Act no. 456 of Article III, Section 2(A)(4)(b)(i) to enact R.S. 17: 1948 and 3996(b)(59) of the Constitution of Louisiana, 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 [administrator].*

**Name of Student:** \_\_\_\_\_ **Student ID #:** \_\_\_\_\_

**Relationship to Student:**

**Parent**

**Legal Guardian**

**Requester Printed Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_ **Cell Phone:** \_\_\_\_\_ **Office Phone:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

*Per [SCHOOL NAME] Special Education Video/Audio Monitoring Policy, I am requesting video/audio surveillance be installed in the Special Education self-contained classroom listed below.*

**Requester Signature**

**Date**

For [SCHOOL NAME] Office Use Only

**Room Number**

**Teacher Name**

**Principal Printed Name**

**Principal Signature**

**Date**

**Director of Special Education Signature**

**Date**

**Approved**

**Denied**

**Form Must Be Submitted to the [administrator]**

# SPECIAL EDUCATION VIDEO/AUDIO REVIEW REQUEST FORM

Name of Student: \_\_\_\_\_ Student ID #: \_\_\_\_\_

**Relationship to Student:**

- Parent  Legal Guardian

Requester \_\_\_\_\_ Printed \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Office Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

*Per [SCHOOL NAME] Special Education Video/Audio Monitoring Policy, I am requesting to review video/audio surveillance from the date and time listed below:*

Date \_\_\_\_\_ Time \_\_\_\_\_

**Purpose of Review:**

- Abuse of a student by a school district employee;
- Neglect of a student by a school district employee;
- Physical Abuse of a student by another student; or
- Sexual Abuse of a student by another student

**Statement**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requester Signature \_\_\_\_\_

Date \_\_\_\_\_

Office Use Only:

[Administrator] Signature & Date Received:

Approved \_\_\_\_\_ Denied \_\_\_\_\_

Reason: