

DRAFT LANGUAGE as presented per ESE Dept	SUGGESTED CHANGES per ESE Adv & DAC policy cttee in red. Notes in blue.
<p><b>Policy 4900</b>  <b>AUDIO AND VIDEO RECORDING OF SELF-CONTAINED ESE CLASSROOMS.</b> TO ENSURE THE HEALTH AND SAFETY OF STUDENTS IN A SELF-CONTAINED EXCEPTIONAL STUDENT EDUCATION CLASSROOM.</p> <p>I. With the currently available 300 audio-visual cameras, The School Board of Broward County shall provide a video camera to a school with a self-contained classroom upon the written request of a parent of a student in the classroom on a first come first serve basis.</p> <p>A. A parent must complete and the [Request for Audio and Video Recording of a Self-Contained ESE Classroom] [via the Policy 4900 website] for a camera to be operational in his/her student’s self-contained classroom.</p> <p>1. The Policy 4900 website will be made available each year on July 1<sup>st</sup> for the academic year.</p> <p>B. After receipt of the request from a parent, a video camera’ shall be operational in each self-contained classroom in which the parent’s student is in regular attendance for the remainder of the school year, unless the parent withdraws his or her request in writing.</p> <p>C. If the student who is the subject of the initial request is no longer in attendance in the classroom and a school discontinues operation of a video camera during a school year, no later than the 5th school day before the date the operation of the video camera is discontinued, the school must notify the parents of each student in regular attendance in the classroom that operation of the video camera will cease unless the continued use of the camera is requested by a parent.</p> <p><del>D. No later than the 10th school day before the end of each school year, the school must notify the parents of each student in regular attendance in the classroom that operation of the video camera will not continue during the following school year unless a parent submits a written request for the next school year</del></p>	<p><b>AUDIO AND VIDEO RECORDING OF PRE-K to 12<sup>th</sup> GRADE SELF-CONTAINED ESE CLASSROOMS.</b> TO ENSURE THE HEALTH AND SAFETY OF STUDENTS IN A SELF-CONTAINED EXCEPTIONAL STUDENT EDUCATION CLASSROOM.</p> <p>I. <del>With the currently available 300 audio-visual cameras;</del> The School Board of Broward County shall provide a video camera to a school with a self-contained classroom upon the written request of a parent of a student in the classroom <del>on a first come first serve basis.</del></p> <p>A. A parent must complete and <b>submit...</b></p> <p><del>1. The Policy 4900 website will be made available each year on July 1<sup>st</sup> for the academic year. (Per DAC policy cttee: Procedural language not necessary in policy. Put in procedure manual.)</del></p> <p><b>Within 30 days</b> after receipt of the request from a parent, a video camera<sup>2</sup> shall be operational in each self-contained classroom in which the parent’s student is in regular attendance for the remainder of the school year, unless the parent withdraws his or her request in writing.</p> <p><del>No later than the 10th school day before the end of each school year, the school must notify the parents of each student in regular attendance in the classroom that operation of the video camera will not continue during the following school year unless a parent submits a written request for the next school year</del></p>

II. A video camera placed in a self-contained classroom must be capable of all of the following

- A. Monitoring all areas of the self-contained classroom, including, without limitation, any room attached to the self-contained classroom which is used for other purposes.
- B. Recording audio from all areas of the self-contained classroom, including, without limitation, any room attached to the self-contained classroom which is used for other purposes
- C. A video camera placed in a self-contained classroom may not monitor a restroom or any other area in the self-contained classroom where a student changes his or her clothes, except for the entryway, exit way, or hallway outside a restroom or other area where a student changes his or her clothes because of the layout of the self-contained classroom.
- D. A video camera placed in a self-contained classroom is not required to be in operation when students are not present in the self-contained classroom.
  - 1. If there is an interruption in the operation of the video camera for any reason, an explanation must be submitted in writing to the school principal and the district school board which explains the reason for and duration of the interruption. The written explanation must be maintained at the district school board office for at least 1 year.

III. Before a video camera is placed in a self-contained classroom the school shall provide written notice of the placement of such video camera to all of the following:

- A. The parent of each student who is assigned to the self-contained classroom.
- B. Each student who is assigned to the self-contained classroom.
- C. The school district.
- D. Each school employee who is assigned to work with one or more students in the self-contained classroom.

III. Before a video camera is **activated** in a self-contained classroom...

1. A school shall:

- a. Retain video recorded from a video camera placed pursuant to this section for 30 days after the date the video was recorded, after which the recording shall be deleted or otherwise made unretrievable; or
- b. Retain the recording until the conclusion of any investigation or any administrative or legal proceedings that result from the recording have been completed.

2. A school or school district **may not**:

- a. Allow regular, continuous, or continual monitoring of video recorded under this section; or
- b. Use video recorded under this section for teacher evaluations or any purpose other than for ensuring the health, safety, and well-being of students receiving special education services in a self-contained classroom.

IV. The principal of the school is the custodian of a video camera operated pursuant to this section, all recordings generated by that video camera, and access to such recordings.

- A. The release or viewing of any video recording under this section must comply with s.1002.22, Florida Statutes.

1. A school or school district shall conceal the identity of any student who appears in a video recording but is not involved in the alleged incident documented by the video recording, which the school allows to be viewed under Rule V., by blurring the face of the uninvolved student(s).

- B. The Principal must protect the confidentiality of all student records contained in a video recording in accordance with s. 1002.22, Florida Statutes.

V. Within 7 school days after receiving a request to view a video recording, a school or school district shall allow the following individuals to view a video recording made under this section:

- A. A school or school district employee who is involved in an alleged incident that is documented by the video recording as part of the investigative process;

1. A school shall:

- a. Retain video recorded from a video camera placed pursuant to this section for ~~30~~ 90 days after the date the video was recorded, after which the recording shall be deleted or otherwise made unretrievable; or

1.A school or school district shall conceal the identity of any student who appears in a video recording but is not involved in the alleged incident documented by the video recording, which the school allows to be viewed under Rule V., by blurring the face of the uninvolved student(s). **The faces of staff are not to be concealed or blurred and audio shall not be modified or muted.**

The **Principal must protect the** confidentiality of all student records contained in a video recording **must be protected** in accordance with s. 1002.22, Florida Statutes.

B. A parent of a student who is involved in an alleged incident that is documented by the video recording and has been reported to the school or school district subject to the following requirements;

1. Completion of the [Incident Request Form] within 5 calendar days of the date of the alleged incident, exclusive of school holidays, describing the alleged incident that is the subject of the request;

2. The District will review the video to determine whether the alleged incident was captured on the video;

3. Parental review of the video of the incident will be limited to solely the incident. If no incident was captured, no review shall occur.

C. A school or school district employee as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the school or school district;

D. A law enforcement officer as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the law enforcement agency; or

E. The Department of Children and Families as part of a child abuse or neglect investigation.

#### VI. Viewing of the Recording

F. A person who requests to view a recording of an incident shall make himself or herself available for viewing the recording within 5 calendar days, exclusive of school holidays days, after being notified by the school or school district that the person's request has been granted.

1. Review by a parent is subject to Rules B.1.-3.

G. A person who views the recording and suspects that child abuse has occurred must report the suspected child abuse to the Department of Children and Families.

Note: the ESE Advisory chair & DAC policy cttee registered procedural concerns re B1, 2 and 3 having been added to the draft outside of a formally convened meeting, rather than being added to the 'feedback' list

1. Completion of the [Incident Request Form] within **5-30** calendar days of the date of the alleged incident, exclusive of school holidays, describing the alleged incident that is the subject of the request;

3. Parental review of the video of the incident will be limited to solely the incident **and to a period of 30 minutes before and 30 minutes after the incident. If no incident was captured, no review shall occur.**

**4. The video record made available to the parent will become an educational record of the student.**

#### VI. Viewing of the Recording

F. A person who requests to view a recording of an incident shall make himself or herself available for viewing the recording within **5 30** calendar days, exclusive of school holidays **s** days, after being notified by the school or school district that the person's request has been granted.

1. Review by a parent is subject to Rules B.1.-3.

VII. A school or school district does not violate Rule IV.A. if a contractor or other employee of the school or school district incidentally views a video recording made under this section in connection with the performance of his or her duties related to either of the following:

- A. The installation, operation, or maintenance of video equipment; or
- B. The retention of video recordings.

VIII. This policy does not:

- A. Limit the access of the parent of a student, under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.1232g, or any other law, to a video recording regarding his or her student.
- B. Waive any immunity from liability of a school district or an employee of a school district.
- C. Create any liability for a cause of action against a school or school district or an employee of a school or school district carrying out the duties and responsibilities required by this section.
- D. Apply to self-contained classrooms in which the only students receiving special education services are those who have been deemed gifted.

VIII. Definitions:

- A. "Incident" means an event, a circumstance, an act, or an omission that results in the abuse or neglect of a student by an employee of a public school or school district, or another student.
- B. "Self-contained classroom" means a classroom at a public school in which a majority of the students in regular attendance are provided special education services and are assigned to one or more such classrooms for at least 50 percent of the instructional day.

Policy Custodian: Exceptional Student Education

Authority: F.S. §§ 120.52(6), 120.54, 120.81(1)(a), 1001.41(1) and (2); 1001.42

[\(Move this 'Definitions' section to the front end of the policy\)](#)

Additional feedback not captured in policy draft:

From ESE Advisory:

1. Site implementation manual requires review in collaboration with ESE Advisory (rewriting of parent letter, protocols/criteria for how reviews & viewings will be conducted, etc)
2. Letters to be sent before the start of the school year and at the start of each semester, informing parents of their right to request a camera. Also consider distributing at IEP meetings and with progress reports.
3. Needs to be specified in policy who will review video and provide training for them.
4. Why is the installation of cameras being put out to external contractors, incurring extra cost, instead of managed in-house?
5. All camera requests during the regular school year must be applied to the Extended School Year too (without parents having to make a separate request). Site manual needs to set ESY installation timeline.
6. Camera requests need to follow the student from classroom to classroom
7. Ensure attention to redaction of students' privates during diaper changes, toileting etc.

From DAC policy review committee:

1. Need protocol/procedure for if/how/when video recording may be switched off once students have left the classroom for the day. Need to define whose responsibility it is and how oversight will be exercised to ensure cameras are on when they should be.
2. (from ESE chair): Florida Dept of Education Bureau of Exceptional Education & Student Services carried out an investigation in 2022 in response to a formal complaint by a parent alleging that BCPS violated state law relating to the state-run Cameras in Classrooms program (case #BEESS 1003.574-2022-1; report dated 10/6/22). The investigation found that BCPS violated Florida statute by improperly denying a parent request to view video footage of an incident. The report made recommendations regarding policy & procedures that should be reviewed and considered for incorporation in this new policy.