

Caught on Camera: Special Education Classrooms and Video Surveillance

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Abstract In Texas, state policy anticipates that installing video cameras in special education classrooms will decrease student abuse inflicted by teachers. Lawmakers assume that collecting video footage will prevent teachers from engaging in malicious actions and prosecute those who choose to harm children. At the request of a parent, Section 29.022 of the Texas Education Code (2015) will protect students who are unable to speak for themselves from bullying and abuse by installing video surveillance cameras in special education classrooms. The purpose of this article is to describe the law in Texas, the impact of the bill on classrooms, to raise questions about the implementation of the law, and to provide recommendations for school administrators.

Keywords Video surveillance; Special education; Student abuse; Physical restraint; Prevention

Introduction

At eight years old, Micha, a student with autism, was sent to elementary school in Texas by his mother, Beth, who trusted her son would participate in classroom lessons with other students and return home to her on the school bus (Friedman, 2015). Unfortunately, he did not report home to her smiling and sharing stories about his friends and teachers. Instead, he described being thrown into a “calm room,” otherwise known as seclusionary time out. Micha told his mother his teacher

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pulled his shoes off his feet and threw him to the floor. When Watson probed for more details, she learned that while in the seclusionary time out room alone, Micha screamed. Furthermore, during one of the physical battles with his teacher, Micha hit his head on the floor. Throughout the ordeal, his teacher taunted him and called him a “baby.”

Cameras in the classroom and in the small, closet-like calm room captured the Micha incident, which lasted several hours. Later uncovered and shared by a local news channel through open records laws, the surveillance footage shows the high-functioning, verbal student being forced into a closet-sized room. With the child inside the time-out room screaming and kicking the walls, the teacher stands outside of the room with his hand on the door, pulling it shut, a clear violation of Texas law (19 *Tex. Admin. Code* § 89.1053). The media reports prompted the Texas Education Agency (TEA) to investigate the incident, which was recorded in 2012. Micha’s story and other stories, such as that of the Keller family, emerged out of Texas preceding the passage of this legislation (Engelland, 2016).

Across the United States, students in public and private schools are restrained daily. Unfortunately, physical and mechanical restraints can lead to death or other injuries. Although students with disabilities who receive services under the Individuals with Disabilities Education Act (IDEA) makeup only 12 percent of the student population, 58 percent of that 12 percent are placed in seclusionary time out, and 75 percent of that 12 percent are physically restrained to reduce mobility (U.S. Department of Education, Office for Civil Rights, 2014). During the 2011–2012 school year, over 70,000 students with and without disabilities were subjected to physical restraint (U.S. Department of Education, Office for Civil Rights, 2014). Many of these cases sparked local debates about the usefulness and safety of physical restraints in schools. The cases gaining perhaps the most media attention and distressed parents involve the death of children as a result of physical restraints. For example, in Texas a 14-year-old male who would not stay seated was placed face down by a 230-pound teacher, which caused his death (U.S. Government Accountability Office, 2009).

In addition to outraged parents, students have begun voicing their opinion on physical restraint. Although some students can verbally share their disapproval of this popular practice, others with more severe disabilities cannot always alert or communicate with adults. Given the nature of students with cognitive and physical disabilities, it is not always physically possible for them to communicate their needs. However, these students can at times engage in behaviors of concern that are considered a threat to themselves or others. When students engage in these behaviors of concern, they are often restrained or secluded by school personnel. In order to prevent this from happening and to make classrooms safer, lawmakers are seeking solutions to prevent such situations. One such solution gaining popularity is the use of video surveillance in special education classrooms (Friedman, 2015). Legislation has already been passed in two states: Georgia (*Ga. Code Ann.* 20-2-324.2) and Texas (*Tex. Educ. Code* 29.022).

The use of cameras in classrooms stems from lawmakers’ desire to protect students who cannot speak out about their experiences in the classroom. Advocates of greater monitoring in all special education classrooms are also pushing for the elim-

ination of rooms that are designated for children who are engaging in dangerous behaviors (Amos, White, & Trader, 2015). New pressures to put cameras in classrooms have caused teachers to respond with resistance, citing constant video surveillance as a violation of their privacy rights (Walker, 2015). Other security experts view surveillance cameras as a “knee-jerk reaction” to high-profile incidents (Walker, 2015).

The purpose of this article is to investigate and describe the literature surrounding video surveillance in schools, with a particular focus on special education classrooms, and the emerging policy landscape related to video surveillance. Specifically, there is a focus on emerging implementation concerns of the first of these policies, Senate Bill 507 in Texas (2015). The initial concerns stemming from this implementation then serve as the basis for recommendations to achieve the same goal of protecting students who are nonverbal in special education classrooms.

Context literature

Recent concerns about the safety of students in schools combined with technological advancements in surveillance have caused stakeholders to place cameras in schools (Associated Press, 2014; Dotson-Renta, 2015; Walker, 2015). Public desire for additional transparency through the video surveillance of special education classrooms is part of a larger national trend specifically seeking to limit how schools engage in the restraint and seclusion of students. In an effort to keep teachers from engaging in harmful behavior, some states have turned to legislation to restrict teachers from restraining students. For example, legislation in 35 states limit schools’ abilities to restrain and seclude students with disabilities (Butler, 2015). Of all the states, 36 require notification to parents of students with disabilities that a restraint took place and 28 of those states require the notification to occur within one day of the restraint (Butler, 2015). Policy discussions related to restrictions on schools’ usage of restraint and seclusion have led to additional demands for transparency in the actual events taking place in special education classrooms. As some of the alarming events that have stoked the restraint and seclusion debates were captured on school video cameras, calls to extend the usage of those cameras to the classrooms have intensified (Butler, 2015; Morin, 2014). When video surveillance is in place, some feel that their privacy and freedom is no longer a right due to being under constant watch (Blitz, 2004). Although schools are public places where video surveillance is permitted, the placement of these cameras in classrooms causes concern from administrators, teachers, parents, and students. As Warnick (2007) explains, schools are different from other public places, and typical rules of surveillance in general society should be modified for schools.

Some administrators believe surveillance cameras help make schools a safer place by encouraging students to not engage in mischievous acts, while others believe security cameras in schools intrude on the privacy of students (Steketee, 2012). Although video cameras in public spaces such as schools are not illegal, a camera in a more private area, such as a restroom or locker room, is considered an invasion of privacy (Steketee, 2012). In schools, cameras are typically used openly, where students, teachers, and administrators can easily see the camera in hallways, cafeterias, or gymnasiums. However, in some cases, schools hide cameras (Warnick, 2007). Most schools with cameras record the footage and are not monitored in real-time

(Warnick, 2007). Tod Schneider, a private security consultant and crime prevention specialist for the Eugene, Oregon Police Department, warns administrators that, “cameras without eyes watching in real time can be a waste of school money and only serve as a means to assign blame after a breach occurs” (McLester, 2011, p. 76). One school that monitors video surveillance footage constantly is the Academy School District in Colorado Springs, Colorado, where there are surveillance cameras at every entrance and the video is monitored twenty-four hours a day, seven days a week (McLester, 2011).

Others believe cameras have their purpose in the classroom. For example, Jack Hassard, a former high school teacher and professor at Georgia State University, believes that if teachers are in control of how, when, and why the video is used in their classroom, it can be an effective tool (Walker, 2015). Sarah Brown Wessling, a former national teacher of the year, has another perspective. She encourages school leaders not to label the cameras as “surveillance cameras,” instead encouraging the focus of the video recording to be shifted toward choice, trust, and a clear purpose (Walker, 2015). Wessling argues that cameras in classrooms should be used to help teachers improve their instructional practices. This preventative action, rather than a reaction to poor teaching, dispels the notion of cameras in classrooms being something that is done *to* educators not *by* them (Walker, 2015).

Legal background

Surveillance laws in classrooms that serve students in special education must be contextualized within the existing legal framework. Several laws, both federal and state, are potentially implicated by the installation of these cameras. As new laws mandating surveillance emerge, legal conflicts and lawsuits are potentially on the horizon. This section examines existing laws, including the Family Education Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), and state open records laws, before turning to an analysis of the newly passed Texas and Georgia laws mandating video surveillance.

FERPA

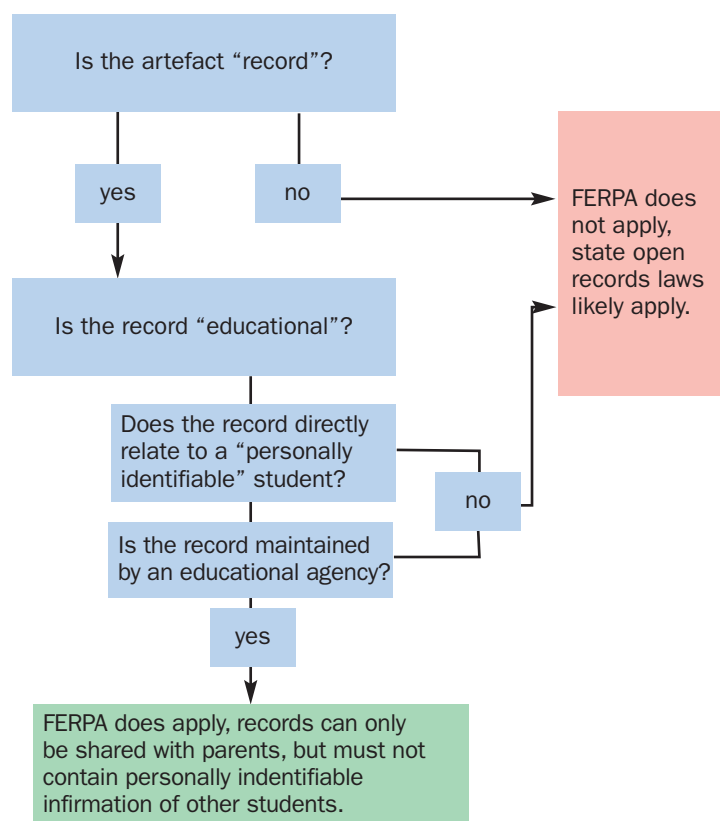
The Family Education Rights and Privacy Act provides two kinds of rights to parents of public school students and private school students who receive federal funds (Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 1974). These rights include 1) the right to inspect the child’s educational records, and 2) the right to prevent unauthorized persons from seeing their child’s educational records (Huefner & Herr, 2012). By law, parents must be notified of these rights every year.

To qualify for protection under FERPA, an artefact must meet the definition of an educational record. First, importantly, FERPA defines a “record” as “any information recorded in any way, including ... computer media, video or audio tape, film” (34 C.F.R. 99.3). This definition in the regulations implementing FERPA quite clearly brings video surveillance files under the meaning of a “record.” Second, as detailed in Figure 1, FERPA then defines in the same regulation an “educational record” as any record, file, document, and other material that contains information related to the student and is maintained by the educational agency (34 C.F.R. 99.3). Some ex-

amples of these materials include attendance records, results of standardized tests, teacher observations, and health information. Educational records can be in the form of paper, multimedia, or email (Huefner & Herr, 2012). As Steketee (2012) concluded, these definitions would imply that video recordings of students utilizing school video surveillance technology would implicate FERPA.

The question was specifically at issue recently in the Utah case of *Bryner vs. Canyons School District* (2015), currently pending certiorari by the Supreme Court of the United States. In the case, a fight occurred outside a classroom involving middle school students while other students passed by. A parent of one of the boys involved in the fight requested access to the video surveillance footage of the hallway that captured the event.

Figure 1. FERPA “Educational Record” flowchart



The Canyons School District refused to provide the footage, claiming that the video was an educational record under FERPA and thus permission from every student seen in the video would be needed to share the video. The parent filed suit against the school specifically claiming that the video footage was not an educational record and instead was subject to Utah’s open records law, the Government Records Access and Management Act (Utah Code § 63G-2, 2016). Both the Utah trial court and a three-judge panel of the Utah appellate court concluded the video surveillance footage did constitute an educational record. The courts specifically considered whether students were plainly identifiable in the video and, concluding that they were, FERPA prevented the sharing of the record. The school district offered to redact all of the video showing other students for a fee of \$120 payable by the parent, but

the parent did not pay. Such redaction and payment by parents would be permissible, in the view of the Utah court, both under FERPA and the Utah open records law.

The Utah opinion, however, is contradicted by state freedom of information commission rulings on cases brought by the media. The Connecticut Freedom of Information Commission, for example, concluded that hallway security footage of a principal dragging a student was not an education record of the student and thus not protected from media Freedom of Information Act (FOIA) requests (*Lambeck v. Bridgeport Public Schools*, 2014). Also, a ruling from New York found that “FERPA is not meant to apply to records, such as the videotape in question which was recorded to maintain the physical security and safety of the school building and which does not pertain to the educational performance of the students” (*Rome City Sch. Dist. v. Grifasi*, 2005; see also *Louisiana v. Mart*, 1997). A Texas attorney general’s opinion seems to concur that the video may not constitute an educational record, as the videos in question may not meet the first prong of the educational record test by not “directly relating” to the student (see Opinion of the Texas Attorney General, OR 2006-07701, 2006). Thus, there is still some doubt as to the status of the record, even if personally identifiable information includes students that are part of video surveillance footage.

A potential workaround to FERPA that schools may employ involves the second prong of the educational record test. A brochure published by the Family Policy Compliance Office of the U.S. Department of Education (2007), states: “Images of students captured on security videotapes that are maintained by the school’s law enforcement unit are not considered education records under FERPA. Accordingly, these videotapes may be shared with parents of students whose images are on the video and with outside law enforcement authorities, as appropriate.” Thus, schools in the future may outsource the video recording of children to law enforcement to avoid the messy FERPA nuances.

The application and nuances of FERPA do matter greatly as several additional legal requirements apply. For instance, when parents request access to their child’s educational record, the school district must provide the information within 45 days of the request (20 U.S.C. 1232g(a)(1)(A)). In the event that parents find information they believe is inaccurate, misleading, or a violation of the child’s privacy rights, they can request the removal or amendment of the questionable item. If the district denies the request to modify the educational record, parents may request a hearing to formally challenge the information (Huefner & Herr, 2012).

Individuals with Disabilities Education Act

The potentially more concerning, and less considered, implication of determining that video surveillance of students in special education constitutes an educational record is the implication of the Individuals with Disabilities Education Act (IDEA). This law is potentially implicated in two ways. First, IDEA relies on FERPA definitions and rights to help protect the private information of students in special education. Before implicating FERPA, however, the IDEA regulations require outside agencies that work with students who fall under IDEA to also give parents access to any student information, particularly within the Individualized Education Program

(IEP) and dispute resolution procedures. Specifically, “parents must be afforded an opportunity to inspect and review all education records with respect to (1) the identification, evaluation, and educational placement of the child; and (2) the provision of FAPE [Free and Appropriate Public Education] to the child” (IDEA, 34 C.F.R. 300.501). As the provision of FAPE is likely occurring on the video, parents must be given access to the records.

Alternatively to these records, just as with FERPA, the federal mandate also requires the “confidentiality of any personally identifiable information, data, or records” (34 C.F.R. 300.610). The next section then defines “education record” as the type of records covered under FERPA (34 C.F.R. 300.611). Thus, the laws are intertwined and the decision regarding whether the video generated by the cameras can be shared or is confidential is likely to implicate both laws. Table 1 provides the related and intertwining language.

Table 1. Overview of educational records definitions

	FERPA 20 U.S.C. 1232g and 34 CFR Part 99	IDEA Part B 20 U.S.C. 1400 and 34 CFR Part 300.611
Definition of Records	Record means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.	The type of records covered under the definition of “education records” in 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA) (2016)
Definition of Personally Identifiable Information	§ 99.3 [Definitions.] Personally Identifiable Information The term includes, but is not limited to—(a) The student’s name; (b) The name of the student’s parent or other family members; (c) The address of the student or student’s family; (d) A personal identifier, such as the student’s social security number, student number, or biometric record; (e) Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.	§ 300.32 Personally identifiable. Personally identifiable means information that contains—(a) The name of the child, the child’s parent, or other family member; (b) The address of the child; (c) A personal identifier, such as the child’s social security number or student number; or (d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

The complexity of IDEA’s implication, however, goes far beyond simply viewing the record. In particular, IDEA’s destruction of records regulation (34 C.F.R. 300.624) raises alarm. This regulation first requires that parents should be notified if the school

district chooses to engage in the destruction of records outside of the state open records requirements. This decision, and the parental notification, may occur if the school district no longer needs the student's records and plans to destroy the file. Alternatively, the parent of a student in special education can request the record is destroyed, at which point the educational agencies must comply (Huefner & Herr, 2012).

Outside of this permissible destruction, however, in many states special education records are to be retained for years after the student graduates or ages out of special education provisions. For instance, in Texas, special education records are required to be retained for five years after the cessation of special education services (13 Texas Admin. Code 7.125(a)(6)). As with FERPA, the issue of special education records is complicated even further when multiple children are implicated within a single educational record. The IDEA regulations state that if any additional students in special education are part of an educational record, their parents have the right to inspect and review only the part of the record that relates to their child (34 C.F.R. 300.615). In surveillance videos in the majority of special education classrooms, a number of students are likely implicated throughout the video, adding a great deal of complexity in terms of access to, the retention of, and the destruction of each video.

Finally, other provisions of IDEA are potentially implicated. As Kaitlyn Morin (2014) advocated for the audiovisual monitoring of students in special education, she suggested this equipment may constitute a related service that students and parents may request under IDEA. Morin cites four unreported cases from Missouri all demanding audiovisual recording of special education classrooms to ensure the proper execution of an IEP. In one of these cases, an IEP required a teacher to do a stretch exercise with a student in a wheelchair throughout the school day (*J.T. v. Missouri State Bd. of Educ.*, 2009). The parents claimed the lack of stretching, thus IEP implementation, caused the student's body to deform to the shape of the wheelchair. To ensure stretching occurred, they requested video surveillance. Unfortunately, the Missouri courts did not reach the substantive issue, instead denying all the cases in summary judgement. Nevertheless, the potential for video surveillance to be considered a related service under IDEA remains an open question.

State laws

Beyond the federal mandates that impact the collection of video surveillance records are state laws and regulations on records. Schools, as arms of the state, are subjected primarily to state mandates and thus the records maintained by the school are officially state records. Each state has its own variations of open records laws and identifies the provision slightly differently, such as a "sunshine law." The federal version of an open records law, the Freedom of Information Act (Freedom of Information Act, 2016), well known as FOIA, only applies to federal records.

Within these state open records laws, however, are a variety of provisions that govern the collection, distribution, retention, and destruction of any state record (Daggett, 2008; Stewart, 2005). FERPA, and thus IDEA, both defer to these state records laws for much of these policies that apply at the local level. As seen in the *Bryner* (2015) case earlier, the open records laws serve as the transparency counterweight to the privacy laws, such as FERPA. Unless a specific privacy law protects

government information, state open records laws would make those records open to the public as a de facto matter. When people request information through the open records law, they are required to fill out a form with their name, address, type of materials requested, and the date of the information requested (Blaney, 2002). For instance, in Texas, 13 TAC §7.125(a)(6) (2016) is controlling records retention generally in public schools and for any issues not covered by FERPA and IDEA.

As with FERPA, each state, in the revision and clarification of open records laws, has had to deal with the advent and implementation of new technologies and modern practices (Daggett, 2008; Macmanus, Carson, & McPhee, 2012). Surveillance technology in particular has been a challenge to open records laws that, as a core assumption, consider a record a physical object rather than a digital file (Bickel, Brinkley, & White, 2003). As the analysis of these new mandatory surveillance laws demonstrates below, the balance between federal privacy laws, state open records laws, and new technologies are stretching schools in new ways.

Recent laws on cameras in special needs classrooms

The purpose of Texas Senate Bill 507 (2015), as stated in the bill, is to protect students who are unable to speak for themselves about bullying and abuse by installing video surveillance in certain special education classrooms. The bill added a new section to the Texas Education Code (29.022, 2015), specifically on the topic of using cameras to record special education classrooms. The bill also modified existing sections of law to negate the need for obtaining prior consent (*Tex Educ. Code* 26.009) and authorizing the department of education to create a financial grant program to support implementation (*Tex. Educ. Code* 45.2528).

Georgia followed the Texas lead and became the second state to authorize cameras in special education classrooms, but took a slower approach. House Bill 614 (2016) was named after Landon Dunson, a student with autism and cerebral palsy who would frequently come home with unexplained scratches and bruises. Georgia passed a pilot program (*Ga. Code Ann.* 20-2-324.2) that authorized the department of education to permit local districts meeting certain criteria to implement cameras in special education classrooms. The decision to participate, however, is left to the local school districts, rather than the mandatory nature of the Texas law. Interestingly for purposes of this analysis, the Georgia law directly references, and assumes, that FERPA applies to and will govern the video records once they are created. On the other hand, Georgia directly provides that such video records shall be maintained no less than three months and no more than twelve months (20-2-324.2(b)(2)). Generally, however, the Georgia legislature is evidencing a more cautious path. Perhaps, as Georgia read both the Texas law and the initial discussion thereafter, the state realized the mandatory provisions of the Texas law placed huge new burdens on local schools. Thus, it is the Texas law that the remainder of this analysis will focus on, as not only was it the first of these laws, it is also the largest in scope.

According to the Texas law, in order to promote student safety, a parent or staff member can request a video camera be installed in a self-contained classroom where students are receiving special education services at least 50 percent of the instructional day (29.022(a)). The provisions require the video angle to include all areas of

the classroom with the exclusion of the bathroom or other areas in which a child's clothing might be changed. The video equipment must also be capable of recording audio. Prior to placement in a classroom, the school must provide advance notice to the parents, without seeking permission, of students receiving special education services in the classroom. Permission is not required if the video is only used for the purposes of safety, related to a school-based activity, related to classroom instruction, for media coverage of the school, or for a purpose related to the promotion of school safety (*Tex Educ. Code* 26.009).

The parental choice aspect of the Texas law is complicated by the option for parents to file an objection within 30 days from the initial notification. This may cause conflict among parents if one parent wants the video cameras in the classroom and another parent does not want the video cameras in the classroom. The law does not address how school districts will respond to these instances of conflicting wishes (*Tex Educ. Code* 29.022). The law also does not allow for the continual monitoring of classrooms or using the video for the purpose of evaluating teachers. The sole purpose stated is to promote the safety of students receiving special education services. In a recent article, Brady and Dieterich (2016) further summarize and analyze many of the specific provisions from the entirety of the law.

For purposes of this analysis, the final provisions of the newly created section 29.022 concerning privacy and transparency are of particular interest. Subsection (i) of the Texas statute creates a distribution mechanism beyond the mandate to keep the video confidential. Both employees and parents of students involved in "an incident" can request to view the video. Further, Family and Protective Services personnel, peace officers, school nurses, school administrators trained in de-escalation and restraint techniques, or educator certification personnel can view the video as part of an investigation. Then, if any of those individuals permitted to initially view the video suspect that either abuse or violations of district or school policy have occurred, additional "appropriate legal and human resources personnel" (*Tex Educ. Code* 26.009(j)) may view the video and disciplinary action may be taken against school employees in the video. Also, the statute requires the footage from the classroom to be retained for at least six months after the video was recorded, although no maximum retention period is provided.

The Texas Education Agency is permitted to adopt additional rules to implement the law, which it did effective August 2016 (19 Tex. Admin. Code 103.1301). Among other things, the regulations define the meaning of an "incident," require local districts to implement local policies that execute the law, including a mandate that the videos be retained for six months, and require that confidentiality procedures will be implemented. The regulations more fully implicate FERPA in the confidentiality procedures limiting access to the videos "to the extent not limited by FERPA or other law." Additionally, these regulations clarify the frequency of monitoring the video surveillance to specify the footage may not be continuously monitored (Brady & Dieterich, 2016).

Concerns

There are components of the Texas law that leave school districts with questions about how to facilitate the implementation of this new law. Some concerns include

how video footage gives a voice to a nonverbal student, the procedures around parents requesting a video camera in their child's classroom, and protecting the privacy of other students in the classroom who are not necessarily the target of the video footage. Additionally, the harmful actions of staff may be recorded and later viewed as evidence of abuse, however, unless the video feed is under constant watch, it is not used to prevent violence and abuse (Amos et al., 2015). The Texas Education Agency even requested the expedited involvement of the Texas attorney general to clarify the implications of this new law for teachers (Morath, 2016).

One purpose of the Texas law is to give a voice to nonverbal students, but without someone continuously watching the surveillance footage, how will "incidents" be identified other than the current approach of waiting for parents to grow concerned about bruising? The combination of a school official not being allowed to continuously monitor the footage and nonverbal students who are unable to state they were injured does not provide any more answers to parents than current classroom environments without constant video surveillance.

Furthermore, a recent article from outside Austin, Texas, (Rice, 2016) indicates schools are planning and budgeting to widely implement cameras. The law will impact an estimated 73,375 students who receive special education (Brady & Dieterich, 2016). Texas school districts are responsible for the cost of the video equipment and are expected to fully fund this endeavour. School districts will bear the burden of the initial installation of 14,675 video cameras at a cost of \$2.2 million dollars (Brady & Dieterich, 2016). The angle of the camera must cover the entire classroom with the exception of changing areas and bathrooms. Further, inevitably, it is plausible that parents will not want their child recorded and there might be additional conflicts within the school systems. For example, if parents make a request to have a camera in their child's classroom, it is possible that other parents may refuse having the camera in their son or daughter's classroom. How will schools respond to these counter requests?

Potential ramifications

If an educational record includes video surveillance, the continual recording of special education classrooms is evidence of the IEP being carried out dutifully to ensure FAPE is met. Given that a child's IEP is at the core of every minute a child experiences in the school building, and IDEA is therefore at the core of every incidence, this justifies administrators reviewing any footage related to a student who receives special education services. It was this approach to cameras as a related service that was advocated by Morin (2014). In short, through the lens of ensuring a child's FAPE is met, video of all parts of the school day could be viewed as part of a child's educational record. This translates to the need to keep thousands of hours of footage for each student receiving special education services. Current court cases without the element of video surveillance often come to fruition years after an incident.

Once the video of the classroom is captured, there is inevitably a slippery slope regarding how frequently and for what purposes the video can be accessed. Without intensive training, school administrators are unlikely to distinguish surveillance footage obtained from hallways from that obtained in classrooms in their legal treat-

ment of that video. As a matter of practicality, existing behaviors relative to video footage in schools are likely to be applied to this new footage. If footage is available to school administrators, their instincts are likely to pull them into a variety of circumstances emerging from a focus on classrooms and not contemplated by the law.

The feasibility of implementing this law is perhaps most concerning from the perspective of school districts. Whereas parents may feel their children are safer because of the constant video surveillance, the additional burden on school districts will stretch already thin funding resources. Further clarification from Texas is necessary to insure consistent implementation among school districts and further support for local schools seeking compliance, including through budgetary support.

Remaining questions

Vocal advocacy groups, such as TASH, articulate specific concerns about installing cameras in self-contained classrooms (Amos et al., 2015). One concern is that by installing cameras in classrooms, these rooms will be deemed as the “safest” settings for students. Parents who are seeking the best environment for their child may be misled into thinking that a classroom with video surveillance is a more secure place for their child, when perhaps it is not the least restrictive environment (LRE). Although the intentions of installing video cameras in self-contained classrooms are positive, the mere presence of video cameras may create a false sense of security. Unless the footage from these cameras is constantly monitored, the safety of the students may not necessarily increase (Amos et al., 2015). In the case of the Texas law, however, the continual monitoring of video footage is prohibited.

Some have questioned if cameras in classrooms actually improve student safety (Walker, 2015). While possible, it is also difficult to assess if cameras in classrooms are a preventative or reactive measure. Some view video cameras in classrooms as a way to prevent teachers from engaging in harmful behaviors toward students. When teachers feel as if they are being watched, they may choose not to engage in unlawful behaviors, but they also may choose not to engage in productive behaviors. Learning, and thus teaching, is frequently not the perfectly clean experience that the public may imagine. At times, providing negative and potentially even harsh feedback to a student may increase learning but, when captured, seem inappropriate. Politicians and other officials frequently complain of their actions or words being taken out of context, but are now creating the same circumstance for teachers.

While some view video surveillance in classrooms as promoting safety, others see cameras in classrooms as a reactive measure because administrators would be reacting to watching the videos of student abuse after the student was hurt. In this case, the same outcome occurs, but with the video surveillance there is a way to prosecute the teacher. Although the teacher will likely be removed from the teaching profession, the act of harming the child has the same outcome as if there were no camera in the classroom. While the overall number of teacher abuse instances may decline as repeat offending teachers are prosecuted, the cameras may exponentially increase the amount of litigation born by school districts both to protect themselves in the cases of actual abuse and to defend their teachers in the questionable cases of abuse.

The push to install cameras in special education classrooms in Texas stems from an investigation from NBC 5 where a student's story of abuse is shown (Friedman, 2015). In this story, a young boy is thrown into a seclusion room after behaving questionably and subsequently fighting with a teacher. The teacher responds by kicking the boy. This example highlights teachers responding to student behavior in a negative manner. A true model of prevention would support a culture of learning where students and teachers build rapport with one another with positive behavior supports. This preventative rather than reactive approach would allow teachers to reinforce students positively for their safe, responsible behaviors. Although this approach would not allow administrators and the courts to fall back on video evidence of student and teacher behavior, it seems appropriate that if school-wide positive behavior supports were implemented with fidelity, students would engage in less behaviors (Amos et al., 2015) and teachers would have less opportunities to feel that they needed to respond in a physical manner.

Recommendations

Video cameras in the classroom may appear to be the most immediate solution, however, they are not a viable long-term solution to preventing abuse. Teachers require extensive supports from administrators to assist students with severe behavioral needs and "catching" a teacher in the act will not change teacher behavior. To address the problem of teachers abusing students through a more permanent solution and to eliminate or reduce instances when school districts need video surveillance footage as evidence of abuse, the following recommendations are offered.

Proactive recommendations

- Train teachers in crisis and de-escalation techniques.
- Encourage educational leaders to spend time in classrooms working with special education teachers to provide regular feedback outside of yearly observations.
- Celebrate teacher successes and highlight student progress at faculty meetings.
- Build and nurture rapport with students, teachers, and parents by providing a positive, safe, school environment.
- Require special education teachers to make a weekly positive phone call to each student's parent in their classroom.
- Increase communication among teachers and parents following any classroom incident that resulted in injury (e.g., playground injuries, peer-to-peer fight injury).

Implementation of these recommendations will provide teachers with a structure for addressing violent student behavior without the focus on seclusion and restraint. Teachers who are supported by administrators who predict and prevent rather than react and respond will inevitably engage in positive teaching behaviors to engage the most challenging students.

In the event these prevention strategies are implemented and parents still suspect teacher abuse, the following recommendations provide additional actions on the part of school administrators and teachers.

Responsive recommendations

- Increase the visibility of special education administrators or another educator in the classroom.
- Have another certified teacher or administrator in the classroom for 30 days after the reported incident to observe the student and teacher. Meet as an IEP team after the 30 days to discuss the findings of the observations.
- Have teachers report any incident at school that may result in later bruising (e.g., falling on the playground, slipping in the classroom, self-injurious behavior) as documented by a school health official and reported to the parent prior to the student leaving school and returning home.
- Involve social services more rapidly when complaints emerge.

These recommendations are made in lieu of placing video cameras in special education classrooms. If abuse continues to be suspected, parents should contact social services for a formal investigation. Beyond the efforts of social services, parents should use the court systems to determine legal proceedings.

Conclusion

Technology will continue to pose challenges and force educators and lawmakers to both consider the application of existing laws and create new laws in the best interest of children. Even as democracies consider these changes, it is important that educators be proactive in finding viable solutions to protecting themselves and students. Although video surveillance may appear to be a solution to changing teacher and student behavior, the act of filming classrooms is only a temporary solution to a permanent problem. Instead of relying on video surveillance to accuse teachers of abuse, schools should adopt inclusive education practices that create a culture of trust among teachers and students.

If video surveillance in classrooms becomes commonplace, the attention of the field of education will shift to constant prosecution of educators. Instead of schools being focused on learning and what is best for students, educators will become worried about every action and word that is spoken being held against them. Furthermore, administrators and teachers will spend their time in court instead of in the classroom making teaching and learning better for students. Although the Texas law appears well-intentioned to protect students, ultimately this law will not improve education. Trained, caring educators who build rapport with students and parents will change classrooms across the country. Video surveillance will not.

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