

Senate Bill 507 – Committee meeting in Austin, Texas Region 13 on February 9, 2016

Frankie Jackson and Lewis Wynn attended the Senate Bill 507 Committee meeting in Austin Texas at Region 13 on February 9, 2016. Lewis is the incoming chair for the Texas K-12 CTO Council.

General thoughts about the meeting are as follows:

From Frankie:

- 1) The meeting was more than I expected it to be. There were parents of special interest groups that were part of the committee, and there were special interest group representatives. They were emotional. I got the sense that they have been working for years on getting this bill passed and they wanted cameras immediately. There was conversation about their children's mistreatment and when the parents tried to do something about it at their schools, they had no proof.
- 2) During lunch, we ate in the Region 13 cafeteria. I sat with Lewis Wynn, the other technology guy, and had lunch but when I was done, I spent about 30 minutes at the parents table, listening to their concerns. What they want is this:
 - a. When a parent feels like their child is being mistreated, they want to file a request and have a camera installed immediately, then have access to the film or to watch it. They don't want to wait.
- 3) I had the sense that they were WAITING FOR US to get there. They had many technology questions. None of which is captured in my notes. They were really trying to understand the technology costs. They thanked us and thanked us for being there. We did the best we could to explain the costs and complexities. I believe they understood however there wasn't a quick fix. They also want to lobby for state funding, to pay for the bill.

From Lewis:

The meeting was certainly a busy one. I think we were both thinking that we'd have our say on the topic and then be out of there in a couple of hours.

The names of the TEA staff attending are on the first slide Frankie sent, at the bottom.

The format was very solid:

- TEA (Maggie Baker) explained a section of the bill
- We'd spend 20-30 minutes writing our comments, thoughts, concerns.
- Each person was then given one minute to make any comments on this section, passing the mic around.
- TEA would listen to the responses and then ask a few questions.
- During the Q&A time anyone could ask for the mic to talk.
- Each of the 4 sections took about an hour or so.

There were about 25 people plus about 7 TEA staff. Frankie and I were lucky in that we would collaborate on our answers some, plus we were well up to speed on the topic.

We also met Amy Beneski from TASA at the meeting and I mentioned to her how Veselka recommended her for our summer Clinic. She said she would be glad to come speak (especially if the boss says so), so we need to identify a topic for her. Very nice person.

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Overall I know we help them grasp a better understanding on this and explored some things that they were not seeing. They believe the ISD's are not wanting to spend the money to do this so they are pushing hard now that it is a law. I imagine that many of these "groups" have been breathing down TEA's neck to push this along since the bill passed in May.

The state makes policy and TEA makes rules. One of the big divides is over local vs state control. The Supt's of course want to make these local decisions on how this all looks, while the "advocates" want TEA to specify the details. I think they are wrestling with where to draw the lines. TEA doesn't want to overstep it's authority on this one.

Other notes are as follows. Notes in black and red are Frankie's and Lewis' notes are in blue.

The goal is for the committee to have comments about the bill, as it was passed. We are here to clarify and comment. Pieced

The bill was rushed – TEA realizes that

They know the bill needs work

They want our help and that is why the committee was formed

The bill was intended to address student abuse and neglect

Does not include timelines – when the video cameras have to be operating, e.g. how much time do you have after you get a request does a district have to get video cameras up and working. It does not include language that says 1 request only applies to 1 classroom or setting.

The language in the bill is the language in the bill. The committee doesn't have the ability to change the bill in any way.

First exercise, go through draft rule text A B and C. My comments were as follows:

Draft Rule Text (a) Beginning with the 2016-2017 school year, in order to promote student safety, on request by a parent, trustee, or staff member, a school district or open-enrollment charter school must provide video equipment to campuses in accordance with TEA TEC 2999 and this section. Campuses that receive video equipment must place, operate, and maintain video cameras in self-contained classrooms or other special education settings in accordance with TEC 29.022 and this section.

Comments: For larger or even mid-sized districts, the implementation of a high-quality solution being implemented in August 2016-2017 will be a challenge. From a technical perspective, we can comply with the basic requirement of the bill, e.g. **place, operating, and maintain the video cameras upon request by August 2016** (or when requested), but it will probably not be a high-quality, district-wide solution. The risk may be that the implementation of the cameras will be piece-milled together. There are technical considerations such as cabling, ceiling penetrations, installation, expansion of network switching, purchasing of a solution through bidding, etc. – just to name a few – that are costly and time consuming to implement.

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Lewis Comments: Aug 2016 is fast approaching and we need to begin issuing RFPs now to meet these deadlines. Very few districts have even begun to install these systems. We still need clarification on some of the requirements.

For residential care and treatment facility – self-contained (mild/moderate/severe) classrooms.

Comments: We need guidance about what type of facilities these include, e.g. list of examples. Then we have to consider what types of camera technologies will be used, e.g. go pro? Camera – video streaming that is wireless that goes back to a hosted server? As an example. How would the staff member manage this type of equipment in an offsite setting.

Under other special education settings such as residential care and treatment facility – separate campus; or off home campus – separate campus.

Comments: Will the school district have the jurisdiction to make facility or infrastructure changes in offsite facilities.

Lewis Comments: We understand the school setting language in the bill however we need guidance on the boundaries when referencing “residential care treatment facilities” and “off home campus”. We need to fully understand where the boundaries are between schools and other facilities.

Under definitions:

Video camera means a video surveillance camera with audio recording capabilities.

Video equipment means one or more video cameras and any technology or equipment needed to install video cameras and store and access video records.

Comments: It would be helpful to include all technologies required, for example: digital video, 2 megapixels and 8 frames per second, data storage for 6 months of video retention for each camera, masking video editing software, network electronics, switching gear, ceiling cabling, how to address blind spots, etc. Then there is audio in restrooms and changing rooms. There needs to be guidelines and assume we will use cameras with the camera disabled.

Exclusions. A school district or open-enrollment charter schools is not required to provide video equipment to a campus or another district or charter school or to a nonpublic school.

Comments: Why does this not include all state funded schools.

Discussion from the floor – committee members want timelines and cost estimates

Second exercise, go through draft rule text D and E. My comments were as follows:

Use of funds. A school district or open-enrollment charter school may solicit and accept gifts, grants, and donations from any person to implement the requirements in TEC 29.022 and this section. A district or charter school is not permitted to use individuals with Disabilities Education Act, Part B funds or state special education funds to implement the requirements of TEC 29.022 and this section

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Comments: The gifts, grants, or donations would be feasible and of great benefit however this funding would vary across districts. We need a stable, consistent funding source for a state wide solution. Years ago there was a technology allocation what was annually around \$30 per student. This funding is now bundled with IMA. A funding source that is similar could be initiated at the state level.

Lewis Comments: Grants and donations rarely make it down to the technology department unless they are somehow ties to instruction. Occasionally someone will donate devices such as ipads, but the real problem here is that there is no money on the table for these cameras.

Dispute resolution. The special education dispute resolution procedures in 34 code of federal regulations xx through xxx do not apply to complaints alleging that a school district or open-enrollment charter schools has failed to comply with TEC 29.022 and this section. Complaints alleging violations of TEC 29.022 and this section must be addressed through the district's or charter school's local grievance procedures or other disput resolution channels.

Comments: The dispute resolution needs to be clearly defined. I've been asked this question – what happens to a school district if they don't comply or if the technology equipment fails, e.g. film or audio are not available.

Third exercise, go through draft rule text F. My comments were as follows:

Policies and Procedures.

Under 1, 2, &3 concerning a statement and then the procedures for requesting video (see image 8 in Frankie's email).

Lewis Comments: Need more specifics on making the statement, should it be posted, where?? Parent notification should be defined (newsletter, web notice, letter home, etc). Procedures to request video should be consistent district to district.

Under 4 concerning who will have access to the cameras.

Lewis Comments: This needs to be clearly identified considering these videos may become legal records and chain of custody issues will arise.

Under 5, A requirement that a campus continue to operate and maintain any video camera placed in a self-contained classroom or other special education setting for as long as the classroom or setting continues to satisfy the requirements in subsection (b) (2) or (b) (3) of this section.

Comments: need specific requirements about the specification of the video camera technology.

Lewis Comments: What will the courts require when these videos are entered in as evidence? Do we need standardization to generate a consistent end product? Specify 10fps or 10fps, audio requirements, is motion activation allowed, recording 24x7 or just 8x5 or just when the child is present.

Under 7, a statement that video records will be retained for six months, or a longer period as determined by the school district or open-enrollment charter school, and a description of how the recordings will be destroyed.

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Comments: “longer period” is nebulous. Storage of the video records could be affected therefore this needs to be specifically defined.

Lewis Comments: There be something official in the Texas State Library retention schedules relating to the destruction of the videos.

Under 8, A statement that the regular or continual monitoring of video is prohibited and that video recordings must not be used for routine teacher evaluation or monitoring or for any purpose other than the promotion of student safety.

Comments: Consider correlating the incident to a formal complaint or infraction for appropriate record keeping.

Fourth exercise, go through draft rule text G H I and J. Much of this dealt with FERPA and confidentiality.

Under item G: Confidentiality of Recordings

Lewis Comments: Stay consistent with our existing policies relating to how we handle bus cameras and building security cameras. We should avoid creating another class of videos which will just add another layer to our existing procedures.

Under item H: Child abuse and Neglect Reporting.

Lewis Comments: When must someone notify? Immediately or after notifying Admin first. At what point, and who calls Family Protection Services? Who does the notification. How do you prevent someone seeing something, notifying Admin, and then Admin buries it.

Under item I: Education Records Access

Lewis Comments: There is a lot of ambiguity as to what is an education record in this setting.