

SUMMARY OF REVISIONS OF SPED POLICY MODULES

PG-6.1 Administration -- Updated provisions discussing parent notice of teacher qualifications to match ESSA provisions.

PG-6.2 Admission, Review and Dismissal Committee -- Updated description of required ARD committee members.

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PG-6.12 Dyslexia -- HB 1886 - relating to dyslexia screening for kindergarten and first grade.

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PG-6.26 Video Surveillance Procedures – SB 1398 - relating to the placement and use of video cameras in certain self-contained classrooms or other settings providing special education services.

- Need only install cameras at campus where requested.
- When a request is made, we have 7 days to determine yes/no.
- If yes, 45 days to install cameras.
- Must notify whenever removing/inactivating (end of year or need).

PG-6.1 Administration

Updated provisions discussing parent notice of teacher qualifications to match ESSA provisions.

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SPECIAL EDUCATION
ADMINISTRATION

Notice to Parents – Qualifications

The Superintendent or designee shall provide to the parent or guardian of each student enrolled in INTERNATIONAL LEADERSHIP OF TEXAS written notice of the qualifications of each teacher employed by INTERNATIONAL LEADERSHIP OF TEXAS.

Additionally, the Superintendent or designee shall, at the beginning of each school year, notify the parents of each student attending INTERNATIONAL LEADERSHIP OF TEXAS that the parents may request, and INTERNATIONAL LEADERSHIP OF TEXAS shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.
3. Whether the teacher is teaching in the field of discipline of the certification of the teacher. ~~The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.~~
4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

INTERNATIONAL LEADERSHIP OF TEXAS shall also provide to each individual parent timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification standards or licensure requirements at the grade level and subject area in which the teacher has been assigned. ~~shall also provide to each individual parent timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.~~

PG-6.2 Admission, Review and Dismissal Committee

**Updated description of required ARD
committee members.**

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SPECIAL EDUCATION
ADMISSION, REVIEW AND DISMISSAL COMMITTEE

Committee Members

INTERNATIONAL LEADERSHIP OF TEXAS shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;
3. At least one special education teacher, or where appropriate, at least one special education provider of the child;
4. A representative of INTERNATIONAL LEADERSHIP OF TEXAS who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of INTERNATIONAL LEADERSHIP OF TEXAS' resources;
5. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee (who may be a member of the committee listed in items 2–5);
6. At the discretion of the parent or INTERNATIONAL LEADERSHIP OF TEXAS, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
7. The child, whenever appropriate;
8. A representative from career and technical education, preferably the teacher, when considering initial or continued placement of a student in a career and technical education program;
9. For a child with limited English proficiency, a member of the child's language-proficiency assessment committee (LPAC) when deciding upon the selection of assessments and appropriate accommodations;
10. For a child with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of children with auditory impairments; and
11. For a child with a visual impairment, including deaf-blindness, a teacher who is certified in the education of children with visual impairments.

20 U.S.C. 1414(d)(1)(B); 34 CFR 300.321; 19 TAC 75.1023(d)(1), 89.1131(b)(3)–(4), 101.1009

A INTERNATIONAL LEADERSHIP OF TEXAS member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and INTERNATIONAL LEADERSHIP OF TEXAS agree in writing that the attendance is not

PG-6.4 Ages 0-5

HB 357 - relating to the eligibility of the children of certain first responders for free prekindergarten programs in public schools.

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Program Eligibility

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless, as defined by federal law, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty; or
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201.
7. Is the child of a person eligible for the Star of Texas Award as:
 - a. A peace officer under Section 3106.002, Government Code;
 - b. A firefighter under Section 3106.003, Government Code; or
 - ~~6~~c. An emergency medical first responder under Section 3106.004, Government Code.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

Public Notice

The Superintendent shall develop a system to notify the population in the community with children eligible or enrollment of the availability of the program. The system must include public notices issued in English and Spanish.

Preschool-Aged Children

If INTERNATIONAL LEADERSHIP OF TEXAS open-enrollment charter school offers preschool, INTERNATIONAL LEADERSHIP OF TEXAS must provide a free appropriate public education (FAPE) in the least restrictive environment to preschool-aged students even if INTERNATIONAL LEADERSHIP OF TEXAS does not provide free preschool programs to all preschool-aged children.

(34 C.F.R. §§300.101(a)-(b) and §300.116)

PG-6.6 Children Who Transfer

Updated timeline for charter school to provide special education records to new school to match timeline listed in 19 TAC 89.1050(j)(3).

Sec. 6.6.1. STUDENTS WHO TRANSFER WITH AN IEP

When a student transfers to **INTERNATIONAL LEADERSHIP OF TEXAS** from another school within Texas, **INTERNATIONAL LEADERSHIP OF TEXAS** shall provide a free appropriate public education to the student. **INTERNATIONAL LEADERSHIP OF TEXAS** shall provide comparable services as those described in the IEP the student transferred with until **INTERNATIONAL LEADERSHIP OF TEXAS** adopts the student's IEP from the previous school, or develops, adopts and implements a new IEP.

If the student with a disability transfers to from a school outside of Texas, **INTERNATIONAL LEADERSHIP OF TEXAS** shall provide the student with FAPE, including comparable services, until **INTERNATIONAL LEADERSHIP OF TEXAS** conducts an evaluation and develops, adopts, and implements a new IEP. (34 CFR §300.323)

A new IEP must be implemented within 30 school days from the date the student is verified as being a student eligible for special education services.

If a student transfers from **INTERNATIONAL LEADERSHIP OF TEXAS**, **INTERNATIONAL LEADERSHIP OF TEXAS** will furnish the student's special education records to the student's new school not later than the 10th working day after the date a request for the information is received by **INTERNATIONAL LEADERSHIP OF TEXAS**. (19 TAC §89.1050(j)(3)) ~~30-calendar days after school student was enrolled (19 TAC §89.1050)~~

PG-6.12 Dyslexia

HB 1886 - relating to dyslexia screening for kindergarten and first grade.

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SPECIAL EDUCATION
DYSLEXIA

Dyslexia and Related Disorders

The Board shall ensure that procedures for identifying and providing appropriate instructional services to students for dyslexia and related disorders are implemented by INTERNATIONAL LEADERSHIP OF TEXAS. These procedures shall be implemented in accordance with the State Board of Education's *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)*.

Identification and Testing

Screening should be done only by individuals or professionals who are trained to assess students for dyslexia and related disorders.

Before an identification or assessment procedure is used selectively with an individual student, INTERNATIONAL LEADERSHIP OF TEXAS must notify the student's parent or guardian or another person standing in parental relation to the student.

A process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available, as outlined in the *Dyslexia Handbook*. [The program must include a screening at the end of each school year for all kindergarten and first grade students.](#)

Treatment

INTERNATIONAL LEADERSHIP OF TEXAS shall provide each identified student access at his or her campus to instructional programs and to the services of a teacher trained in dyslexia and related services. INTERNATIONAL LEADERSHIP OF TEXAS may, with the approval of each student's parents or guardians, offer additional services at a centralized location, so long as such centralized services do not preclude each student from receiving services at his or her campus.

Reading Program

INTERNATIONAL LEADERSHIP OF TEXAS shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the *Dyslexia Handbook*.

Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multi-sensory, phonetic methods and a variety of writing and spelling components described in the *Dyslexia Handbook*. The professional development activities specified by each school and/or campus planning committee shall include these instructional strategies.

Reassessment

Unless otherwise provided by law, a student determined to have dyslexia during testing or accommodated because of dyslexia may not be retested for dyslexia for the purpose of reassessing the student's need for accommodations until

PG-6.21 Parent

HB 1556 – relating to foster parent training and appointment of a surrogate parent.

Sec. 6.21.1. FOSTER PARENT

~~[CHARTER HOLDER] must give preferential consideration to a foster parent of a child with a disability when assigning a surrogate parent for the child. (TEC §29.015(a))~~

A foster parent may act as a parent of a child with a disability, as authorized under 20 U.S.C. §1415(b) and its subsequent amendments, if:

1. the Department of Family and Protective Services is appointed as the temporary or permanent managing conservator of the child;
2. ~~the child has been placed with the foster parent for at least 60 days~~ the rights and duties of the department to make decisions regarding education provided to the child under Section 153.371, Family Code, have not been limited by court order; and
3. the foster parent agrees to:
 - a. participate in making special education decisions on the child's behalf; and
 - b. complete a training program that complies with minimum standards established by the Texas Education Agency rule.\
4. ~~the foster parent has no interest that conflicts with the child's interests.~~

~~(TEC §29.015(b))~~

(TEC §29.015(a))

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled admission, review, and dismissal committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions. (TEX §29.015(b))

INTERNATIONAL LEADERSHIP OF TEXAS may not require a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

1. the Department of Family and Protective Services;
2. a school district;
3. an education service center; or
4. any other entity that receives federal funds to provide special education training to parents.

A foster parent who is denied the right to act as a parent under TEC §29.015 by an open-enrollment charter school may file a complaint with the Texas Education Agency in accordance with federal law and regulations. (TEC §29.015(c))

INTERNATIONAL LEADERSHIP OF TEXAS shall provide notice to the student's educational decision-maker and caseworker regarding events that may significantly impact the education of a student, including:

1. requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;
2. admission, review, and dismissal committee meetings;
3. manifestation determination reviews required by Section 37.004(b);
4. any disciplinary actions under Chapter 37 for which parental notice is required;
5. citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
6. reports of restraint and seclusion required by Section 37.0021; and
7. use of corporal punishment as provided by Section 37.0011.

(TEC §25.007)

Sec. 6.21.2. Surrogate Parent

INTERNATIONAL LEADERSHIP OF TEXAS must appoint an individual to serve as the surrogate parent for a child if:

1. **INTERNATIONAL LEADERSHIP OF TEXAS** is unable to identify or locate a parent for a child with a disability; or
2. the foster parent of a child is unwilling or unable to serve as a parent.

A surrogate parent appointed by **INTERNATIONAL LEADERSHIP OF TEXAS** may not:

1. be an employee of the state, the **INTERNATIONAL LEADERSHIP OF TEXAS**, or any other agency involved in the education or care of the child; or
2. have any interest that conflicts with the interests of the child.

A surrogate parent must:

1. be willing to serve in that capacity;
2. exercise independent judgement in pursuing the child's interests;
3. ensure that the child's due process rights under applicable state and federal laws are not violated;
4. complete a training program that complies with minimum standards established by agency rule before the next scheduled admission, review, and dismissal committee meeting for the child but not later than the 90th day after the date the surrogate parent is appointed;

5. visit the child and the school where the child is enrolled;
6. review the child's educational records;
7. consult with any person involved in the child's education, including the child's teachers, caseworkers, court-appointed volunteers, guardian ad litem, attorney ad litem, foster parent, and caregiver; and
8. attend meetings of the child's admission, review, and dismissal committee.

INTERNATIONAL LEADERSHIP OF TEXAS may appoint a person who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer advocate as the child's surrogate parent. If a court appoints a surrogate parent for a child with a disability and the **INTERNATIONAL LEADERSHIP OF TEXAS** determines that the surrogate parent is failing to perform or is not properly performing the duties listed in this policy, **INTERNATIONAL LEADERSHIP OF TEXAS** shall consult with the Department of Family and Protective Services and appoint another person to serve as the surrogate parent for the child.

PG-6.24 Records

Updated process and timeline for calling parents to inspect and review education records

4. **INTERNATIONAL LEADERSHIP OF TEXAS** may administer physical examinations or other screenings to students as required and/or authorized by state or federal law and in accordance with other applicable policy.
5. **INTERNATIONAL LEADERSHIP OF TEXAS** shall not collect, disclose, or use a student's personal information for the purpose of marketing or selling that information to third parties. This policy does not apply to or restrict the use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services offered by **INTERNATIONAL LEADERSHIP OF TEXAS**, for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs, or as otherwise required by law. This policy is also subject to state and federal public information laws and FERPA, that makes some student personal information, defined in this policy as "Directory Information," public.
6. Parents have a right to inspect any instrument used in collection of personal information, described above, before the instrument is administered to the student. Parents should submit such a request to the Principal. The Principal shall provide reasonable access to parents within a reasonable period of time, as determined by the Principal. Upon a parent's request to inspect such an instrument, the parent's child shall not participate until the parent has had a reasonable opportunity to inspect the instrument, as determined by the Principal.

The Superintendent shall ensure that parents are provided reasonable notice of the adoption or continued use of these policies. Such notice shall be provided directly to the parents of the students in attendance at **INTERNATIONAL LEADERSHIP OF TEXAS**. At a minimum, **INTERNATIONAL LEADERSHIP OF TEXAS** shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described above.

Sec. 6.24.2.9. Request Procedure

~~Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. [CHARTER HOLDER] shall respond to reasonable requests for explanations and interpretations of the records.~~

INTERNATIONAL LEADERSHIP OF TEXAS must permit parents to inspect and review education records related to their children that are collected, maintained, or used by the

INTERNATIONAL LEADERSHIP OF TEXAS under the IDEA. The INTERNATIONAL LEADERSHIP OF TEXAS must comply with the request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session, and in no case more than 45 days after the request has been made.

Sec. 6.24.2.10. Destruction of Records

INTERNATIONAL LEADERSHIP OF TEXAS shall not destroy any education records if there is an outstanding request to inspect and review the records.

Sec. 6.24.2.11. De-Identified Records

INTERNATIONAL LEADERSHIP OF TEXAS, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that **INTERNATIONAL LEADERSHIP OF TEXAS** or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

Sec. 6.24.2.12. Education Research

INTERNATIONAL LEADERSHIP OF TEXAS, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. **INTERNATIONAL LEADERSHIP OF TEXAS** or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

Sec. 6.24.2.13. Authenticating Requestors' Identities

INTERNATIONAL LEADERSHIP OF TEXAS must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom

PG-6.25 Referral for Possible Special Education Services

SB 1153 – relating to notification to parents regarding intervention strategies.

Sec. 6.25.4. PROVIDING ASSISTANCE TO STUDENTS WHO HAVE LEARNING DIFFICULTIES OR NEED SPECIAL EDUCATION SERVICES

If a student is experiencing learning difficulties, the parent may contact their child's campus principal to learn about **INTERNATIONAL LEADERSHIP OF TEXAS's** overall general education referral or screening system for support services. This system links students to a variety of support options, including referral for a special education evaluation. Students having difficulty in the regular classroom should be considered for tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention ("RtI"). The implementation of RtI has the potential to have a positive impact on **INTERNATIONAL LEADERSHIP OF TEXAS's** ability to meet the needs of all struggling students.

At any time, a parent is entitled to request an evaluation for special education services by presenting a written request to **Shannon Urbina, M.ED., Director of Special Education, International Leadership of Texas, 1820 N. Glenville Dr., Suite 100, Richardson, TX 75081, telephone (972) 479-9078 ext. 1005, fax (972) 479-9129** or to a **INTERNATIONAL LEADERSHIP OF TEXAS** administrative employee. **INTERNATIONAL LEADERSHIP OF TEXAS** must, within 15 school days of receiving the request, either (1) give the parent an opportunity to give written consent for the evaluation or (2) refuse to provide the evaluation and provide the parent with written notice that explains why the child will not be evaluated. This written notice will include a statement that informs the parents of their rights if they disagree with **INTERNATIONAL LEADERSHIP OF TEXAS**. Additionally, the parent will receive a copy of the *Notice of Procedural Safeguards – Rights of Parents of Students with Disabilities*.

If consent for evaluation is obtained, **INTERNATIONAL LEADERSHIP OF TEXAS** must generally complete the evaluation and report within 45 school days of the date **INTERNATIONAL LEADERSHIP OF TEXAS** receives the written consent. **INTERNATIONAL LEADERSHIP OF TEXAS** must give a copy of the evaluation report to the parent.

Sec. 6.25.5. NOTIFICATION TO PARENTS REGARDING INTERVENTION STRATEGIES

Each school year, **INTERNATIONAL LEADERSHIP OF TEXAS** shall notify a parent of each child, other than a child enrolled in a special education program, who receives assistance from the **INTERNATIONAL LEADERSHIP OF TEXAS** for learning difficulties, including through the use of intervention strategies that **INTERNATIONAL LEADERSHIP OF TEXAS**, provides to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year;
2. Be written in English or, to the extent practicable, the parent's native language; and

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3. Include:
 - a. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
 - b. Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;
 - c. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
 - d. The estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and
 - e. A copy of a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services or for aids, accommodations, or services under Section 504 of the Rehabilitation Act.

The notice under this policy may be provided to a child's parent at a Section 504 meeting.

A parent is entitled to access to all written records of **INTERNATIONAL LEADERSHIP OF TEXAS** concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, reports of behavioral progress, and records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

PG-6.26 Video Surveillance Procedures

(entire module replaced)

SB 1398 - relating to the placement and use of video cameras in certain self-contained classrooms or other settings providing special education services.

Need only install cameras at campus where requested.

When a request is made, we have 7 days to determine yes/no.

If yes, 45 days to install cameras.

Must notify whenever removing/inactivating (end of year or need).

Sec. 6.26.1. DEFINITIONS

For purposes of this policy, the following terms will have the meanings set forth below:

“Parent” means a person standing in parental relation to a child, including a guardian, and whose child receives special education and related services and assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.

“Staff member” means a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a self-contained classroom or other special education setting.

“Board” means a majority of the **INTERNATIONAL LEADERSHIP OF TEXAS** Board of Directors.

“School business day” means a day that campus or **INTERNATIONAL LEADERSHIP OF TEXAS** administrative offices are open.

“Time-Out” has the meaning assigned by Section 37.0021.

“Self-contained classroom” means a classroom on a regular **INTERNATIONAL LEADERSHIP OF TEXAS** 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 and have one of the following instructional arrangements/settings described in the Student Attendance Accounting Handbook adopted by the Texas Education Agency (“TEA”):

1. self-contained (mild/moderate/severe) regular campus;
2. full-time early childhood (preschool program for children with disabilities) special education setting;
3. residential care and treatment facility--self-contained (mild/moderate/severe) regular campus;
4. residential care and treatment facility--full-time early childhood special education setting;
5. off home campus--self-contained (mild/moderate/severe) regular campus; or
6. off home campus--full-time early childhood special education setting.

“Other special education setting” means a classroom on a separate **INTERNATIONAL LEADERSHIP OF TEXAS** campus (*i.e.*, a campus that serves only students who receive special education and related services) in which a majority of the students in regular attendance are provided special education and related services and have one of the following instructional arrangements/settings described in the Student Attendance Accounting Handbook adopted by the TEA:

1. residential care and treatment facility--separate campus; or
2. off home campus--separate campus.

“**Incident**” means an event or circumstance that involves alleged “abuse” or “neglect,” as those terms are described in Texas Family Code §261.001, of a student by a **INTERNATIONAL LEADERSHIP OF TEXAS** employee or alleged “physical abuse” or “sexual abuse,” as those terms are described in Texas Family Code § 261.410, 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 Texas Education Code §29.022.

Sec. 6.26.2. PROMOTION OF STUDENT SAFETY

INTERNATIONAL LEADERSHIP OF TEXAS will, upon receipt of a written request authorized by this policy, provide equipment, including a video camera, to the school or schools specified in the request

A school or campus that receives equipment due to a video surveillance request shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the 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 50 percent of the instructional day.

INTERNATIONAL LEADERSHIP OF TEXAS may not:

1. allow regular or continual monitoring of video recorded under this policy; or
2. use video recorded under this policy for routine teacher evaluation or monitoring or for any purpose other than the promotion of student safety.

Sec. 6.26.3. PROCEDURES FOR REQUESTING VIDEO SURVEILLANCE

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

Sec. 6.26.3.1. Parent Request

A parent may request in writing that equipment be provided to the school or campus at which the parent’s child receives special education services in one or more self-contained classrooms or other special education settings.

Sec. 6.26.3.2. Board Request

The Board may request in writing that equipment be provided to one or more specified schools or campuses at which one or more children receive special education services in self-contained classrooms or other special education settings.

Sec. 6.26.3.3. Principal or Assistant Principal Request

The Principal or Assistant Principal of a school or campus at which one or more children receive special education services in self-contained classrooms or other special education settings may request in writing that equipment be provided to the Principal's or Assistant Principal's school or campus.

Sec. 6.26.3.4. Staff Member Request

A staff member assigned to work with one or more children receiving special education services in a self-contained classroom or other special education settings may request in writing that equipment be provided to the school or campus at which the staff member works.

Sec. 6.26.3.5. Additional Procedures

A school or campus that receives equipment as a result of the request of a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable.

A school or campus that receives equipment as a result of the request by the Board, Principal, or Assistant Principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings.

INTERNATIONAL LEADERSHIP OF TEXAS shall designate an administrator (the "Administrator") at the **INTERNATIONAL LEADERSHIP OF TEXAS** Central Office with responsibility for coordinating the provision of equipment to schools and campuses in compliance with this policy.

A written request must be submitted and acted on as follows:

1. A parent, staff member, or Assistant Principal must submit a request to the Principal or 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.
2. A Principal must submit a request by the Principal to the Administrator.

3. The Board must submit a request to the Administrator, and the Administrator must provide a copy of the request to the Principal or designee of the school or campus addressed in the request.

INTERNATIONAL LEADERSHIP OF TEXAS 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. Unless granted an extension by the TEA, the school or campus must 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.

A parent of a student whose admission, review, and dismissal committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed may make a request for the video camera by the later of the date on which the current school year ends, or the 10th school business day after the date of the placement determination by the admission, review, and dismissal committee. Unless the TEA grants an extension of time, the school or campus must begin operation of a video camera not later than the later of the 10th school day of the fall semester or 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 date the request is made.

ILTEXAS hereby designates a Law Enforcement Unit for the purpose of making, storing, archiving and producing, responsive to valid requests, records of all audio and video surveillance recordings made pursuant to this Policy. ILTEXAS hereby designates the Deputy Superintendent as the position or individual carrying out the responsibilities of the Law Enforcement Unit. ILTEXAS authorizes this position or individual to cause the installation and operation of audiovisual surveillance equipment in the classroom or setting, to collect, archive and destroy in accordance with applicable law all recordings thereby made, to produce same responsive solely to valid requests or other valid legal demand, to delegate duties to other personnel as needed to accomplish tasks and responsibilities of the Law Enforcement Unit, and to procure resources from other departments to support the operations of the Law Enforcement Unit, pursuant to this Policy. A delegation by the Law Enforcement Unit pursuant to this paragraph shall not have the purpose, nor be deemed to have the effect, of placing the creation, maintenance, storage, control, or purpose of a surveillance recording or other record outside the Law Enforcement Unit. The designation of the Law Enforcement Unit shall not be deemed to create a law enforcement position. The designation of a person or office as the Law Enforcement Unit does not confer status as a peace officer or commissioned law enforcement officer.

Sec. 6.26.4. ADVANCE WRITTEN NOTICE TO CAMPUS STAFF AND PARENTS

Before **INTERNATIONAL LEADERSHIP OF TEXAS** activates a video camera in a classroom or other special education setting, **INTERNATIONAL LEADERSHIP OF TEXAS** shall provide written notice of the placement to all school or campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting. This notice shall be in the form of a “Notice of Installation of Video and Audio Recording Equipment” form adopted by the Superintendent or designee, and shall be distributed to all parties prior to the start of recording.

At **INTERNATIONAL LEADERSHIP OF TEXAS**’s discretion, campuses may post a notice at the entrance of any self-contained classroom or other special education setting in which video camera are placed stating that video and audio surveillance are conducted in the classroom or setting.

Sec. 6.26.5. 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.

A school or campus that places a video camera in a classroom or other special education setting 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 a school or campus 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, 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 unless requested by a person eligible to make a request.

Not later than the 10th 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.

Sec. 6.26.6. 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.

The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of classroom or setting.

Sec. 6.26.7. RETENTION OF RECORDINGS

INTERNATIONAL LEADERSHIP OF TEXAS shall retain video recordings from a video camera placed under this policy for at least three months after the date the video was recorded.

If a person described in Section 6.26.8.1 as eligible to receive a copy of a video requests to view a video recording from a video camera placed under this policy, **INTERNATIONAL LEADERSHIP OF TEXAS** must 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, **INTERNATIONAL LEADERSHIP OF TEXAS** shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

A video recording under this policy is a governmental record only for purposes of Section 37.10, Penal Code.

Sec. 6.26.8. CONFIDENTIALITY OF VIDEO RECORDINGS

A video recording of a student is confidential and may not be released or viewed except as provided by Texas Education Code §29.022; the Family Educational Rights and Privacy Act of 1974 ("FERPA"); or other applicable law.

Sec. 6.26.8.1. Requests to View a Video Recording

INTERNATIONAL LEADERSHIP OF TEXAS will release a recording for viewing by:

1. A **INTERNATIONAL LEADERSHIP OF TEXAS** employee who is involved in an alleged incident that is documented by the recording and has been reported to **INTERNATIONAL LEADERSHIP OF TEXAS**, on request of the employee;

2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to **INTERNATIONAL LEADERSHIP OF TEXAS**, on request of the parent;
3. Appropriate Department of Family and Protective Services personnel as part of an investigation under Section 261.406, Family Code;
4. A peace officer, a school nurse, a district-level or campus-level administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the Board in response to a report of an alleged incident or an investigation of **INTERNATIONAL LEADERSHIP OF TEXAS** personnel or a report of alleged abuse committed by a student; or
5. Appropriate TEA or State Board for Educator Certification personnel or agents as part of an investigation.

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.

If a person described by subsections (4) or (5) above who views the video recording believes that the recording documents a possible violation under Subchapter E, Chapter 261, Family Code, the person shall notify the Department of Family and Protective Services for investigation in accordance with Family Code § 261.406.

If any person described by subsections (3), (4), or (5) above who views the recording believes that the recording documents a possible violation of **INTERNATIONAL LEADERSHIP OF TEXAS** 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 **INTERNATIONAL LEADERSHIP OF TEXAS** policy relating to the neglect or abuse of a student may be used as part of a disciplinary actions against **INTERNATIONAL LEADERSHIP OF TEXAS** personnel and shall be released at the request of the student's parent in a legal proceeding.

If **INTERNATIONAL LEADERSHIP OF TEXAS** determines that the recording is an "education record," **INTERNATIONAL LEADERSHIP OF TEXAS** 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: list out titles/departments that may have access to video equipment.

Sec. 6.26.9. PROCEDURES FOR REPORTING A COMPLAINT AND/OR REQUESTING TO VIEW RECORDING

Video and audio recording equipment shall be used for safety purposes to access documented, specific incidents. To report a complaint of alleged abuse or neglect to **INTERNATIONAL LEADERSHIP OF TEXAS** and/or to request to view a recording allowed by Section 6.26.8 above, a written “Incident Report Form,” as adopted by the Superintendent or designee, shall be used by the requestor. This form will be completed to the extent of known information, and returned to the Superintendent or designee for validation.

Sec. 6.26.10. GRIEVANCE PROCEDURES

The special education dispute resolution procedures in 34 C.F.R. §§ 300.151-300.153 and 300.504-300.515, do not apply to complaints alleging that **INTERNATIONAL LEADERSHIP OF TEXAS** has failed to comply with Education Code § 29.022. Complaints alleging violations of **INTERNATIONAL LEADERSHIP OF TEXAS**’s video surveillance obligations for special education settings under Education Code § 29.022 must be addressed through **INTERNATIONAL LEADERSHIP OF TEXAS**’s Student and Parent Grievance Process (Grievances, 2017-2018 ILTexas Student/Parent Handbook and Code of Conduct), as adopted by the Board.

INTERNATIONAL LEADERSHIP OF TEXAS, a parent, staff member, or an administrator may request an expedited review by the TEA of **INTERNATIONAL LEADERSHIP OF TEXAS**’s (1) denial of a request, (2) request for an extension of time to begin operation of a video camera, or (3) determination to not release a video recording to an individual. If **INTERNATIONAL LEADERSHIP OF TEXAS**, a parent, staff member or administrator requests an expedited review, the TEA shall notify all other interested parties of the request.

If an expedited review has been requested, the TEA shall issue a preliminary judgment as to whether **INTERNATIONAL LEADERSHIP OF TEXAS** is likely to prevail on the issue under a full review by the TEA. If the TEA determines **INTERNATIONAL LEADERSHIP OF TEXAS** is not likely to prevail, **INTERNATIONAL LEADERSHIP OF TEXAS** must fully comply with the policy notwithstanding an appeal of the TEA’s decision. The TEA shall notify the requestor and **INTERNATIONAL LEADERSHIP OF TEXAS**, if **INTERNATIONAL LEADERSHIP OF TEXAS** is not the requestor, of the TEA’s determination.

Sec. 6.26.11. FUNDING

INTERNATIONAL LEADERSHIP OF TEXAS may solicit and accept gifts, grants, and donations from any person to implement the requirements in Education Code § 29.022. **INTERNATIONAL LEADERSHIP OF TEXAS** is not permitted to use Individuals with

Disabilities Education Act, Part B, funds or state special education funds to implement the requirements of Education Code requirements of Education Code § 29.022.

Sec. 6.26.12. NO WAIVER OF IMMUNITY

The requirements described by this policy do not:

1. Waive any immunity from liability of **INTERNATIONAL LEADERSHIP OF TEXAS**, or of **INTERNATIONAL LEADERSHIP OF TEXAS** officers or employees; or
2. Create any liability for a cause of action against **INTERNATIONAL LEADERSHIP OF TEXAS** or against **INTERNATIONAL LEADERSHIP OF TEXAS** officers or employees.