



TCSA Model Board Policy Series

400.100. Idea Policies & Procedures

*Charter Board Policy for CEDARS INTERNATIONAL
ACADEMY*

INTRODUCTION

The Model Board Policies for Charter Schools is a series of publications by the Texas Charter Schools Association (TCSA). These publications are an educational tool for charter school leaders to aid in the operation and management of open-enrollment charter schools in Texas.

Overall Policy Framework

Each module in the Board Policy Series provides a summary of federal and state statutes, regulations, and related materials applicable to open enrollment charter schools. Citations to these materials are provided throughout the module and many contain a hyperlink so the actual statutory or regulatory provision can be accessed on the Internet. The summary is designated by the LEGAL AUTHORITY tab on the right edge of each page.

After the LEGAL AUTHORITY portion of the module you will find the model policy section designed to comply with current statutory and regulatory requirements described in the LEGAL AUTHORITY summaries. These policies are designated by the red CHARTER BOARD POLICY tab on the right edge of each page.

These are suggested policies to address the requirements set forth in this Module. Prior to adoption of the model policies by the Board of a charter school, each policy should be customized by including the school's name and by tailoring the language, if appropriate, to fit the specific needs, culture and requirements of the school. TCSA recommends that the Board of a charter school consult with and obtain the advice of the school's legal counsel in connection with adopting policies to comply with laws governing charter schools.

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

Scope of Service & Copyright Notice

This policy module prepared by the TCSA is designed and intended as a resource of information for charter schools and is not to be construed as legal advice. It should be used in connection with consulting and obtaining the advice of the school's legal counsel to ensure compliance with applicable legal requirements.

This policy module and all updates are copyrighted publications of the TCSA. All rights are reserved and will be enforced to the fullest extent of the law. The policy modules are for the sole use of the purchaser. Duplication and distribution in whole or in part are prohibited unless otherwise specifically authorized in writing by TCSA. Inquiries should be directed to TCSA, 700 Lavaca, Suite 930, Austin, TX 78701.

For questions concerning the Model Board Policies for Charter Schools contact:

Christine Nishimura, Texas Charter Schools Association

cnishimura@txcharterschools.org

512.584.8272

Module 400: Students

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

Module 100: Financial Operations

Module 200: Charter School Governance & Organization

Module 300: General School Operations

Module 500: Open Government

Module 600: Human Resources

Legal Abbreviations Used In the TCSA Model Board Policy Series

Atty. Gen. Op.	Attorney General Opinion
C.F.R	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Educ. Code	Texas Education Code
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

400.100. IDEA POLICIES & PROCEDURES

Section 1. Legal Framework

It is the policy of CEDARS INTERNATIONAL ACADEMY to follow the Legal Framework for the child Centered Process developed through the Region 18 Education Service Center. Additional policies may be adopted by the governing board to evidence CEDARS INTERNATIONAL ACADEMY's commitment to the framework and uploaded to Region 18's Legal Framework website.

Section 2. Regular Education Teacher IEP Review Request

The Superintendent or the Superintendent's designee, shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting: (1) to request a review of the student's individualized education program; (2) that provides for a timely response from CEDARS INTERNATIONAL ACADEMY to the teacher's request; and (3) that provides for notification to the student's parent or legal guardian of that response.

Section 3. Special Education Video Surveillance

In an effort to promote student safety in certain self-contained classrooms and other special education settings, it is the policy of CEDARS INTERNATIONAL ACADEMY to install, maintain, and operate video equipment in the required classrooms upon request of a parent, staff member, or board member.

Section 3.1. Requesting Video/Audio Surveillance. A parent, any staff member, or board member may make a request for installation and operation of video/audio recording equipment by submitting a written request to the campus principal.

All written requests must identify the self-contained or other special education setting where equipment is being requested. A request for installation and operation of video equipment will be valid until the classroom no longer meets the definition of a self-contained classroom or other special education setting as defined by TEC §29.022 and TAC §103.1301(b).

Section 3.2. Responding to Requests. Upon receipt of a written request, the campus principal of CEDARS INTERNATIONAL ACADEMY will determine whether the location requested meets the definition of a self-contained classroom or other special education setting as defined in TEC §29.022 and TAC §103.1301(b).

CEDARS INTERNATIONAL ACADEMY will provide a written response to the requestor within 10 school days and inform the Executive Director or designee of the request and approval.

Section 3.3. Notification. After a request for video equipment installation is approved, the Executive Director or Designee will provide written notice, at least 5 days prior to installation of video equipment, to the parents of all students receiving special education services in a self-contained or other special education setting that will receive video equipment.

Section 3.4. Installation of Video. Upon approval of a written request for installation of video equipment, the video equipment will be purchased by CEDARS INTERNATIONAL ACADEMY.

Installation and operation will take place within a reasonable time after approval and after written notification has been provided to parents of students in the designated classrooms.

Video equipment will cover all areas in the classroom, except the inside of bathrooms or areas used for toileting or diapering a student, or removing or changing a student's clothes. Audio recordings will cover all areas in the classroom including the bathroom and changing area.

Following installation, CEDARS INTERNATIONAL ACADEMY will ensure the video equipment is properly operating, and then disable all live monitoring capabilities.

Section 3.5. Operation of Video Equipment and Maintaining Recordings. Video and audio equipment will operate at all times during the instructional day, during the regular school year and during extended school year (ESY) services. Recording will begin approximately 15 minutes before students arrive in the classroom, and end once all students are off campus.

CEDARS INTERNATIONAL ACADEMY will continue to operate the video equipment in a classroom for as long as the classroom or setting continues to meet the definition of self-contained classroom or other special education setting. If a classroom no longer meets the definition, CEDARS INTERNATIONAL ACADEMY will send written notice to all parents of the students in that classroom that the video equipment will be discontinued.

All recordings will be stored and kept for at least 6 months.

Section 3.6. Reporting an Incident. A person can notify a campus administrator of an alleged incident by providing written notice to the campus administrator. All written notices must include:

- a. Date or timeframe of alleged incident
- b. Location of alleged incident
- c. Teacher, personnel, or alleged student involved
- d. Student name

The campus administrator will provide written notice of receipt of the report within 48 hours to the person reporting. The campus administrator will review the video and audio recording within 5 school days of receiving the report and determine if the incident occurred. During those 5 days, and during any subsequent investigation, the campus administrator will take any necessary measures to protect the student from possible harm. These steps may include:

- a. Changing classroom instructors or classroom assignment
- b. Provide counseling to student
- c. Add additional staff support to classroom

After reviewing the video recording, the campus administrator will provide written notice to the person reporting the incident of whether the alleged incident is recorded. Written notice will be sent within 10 school days after receipt of report.

Written notice does not suffice to meet the required reporting of abuse or neglect by the campus administrator or other personnel who views the recording. Any alleged abuse or neglect must be reported to the Texas Department of Family and Protective services immediately, or not later than 48 hours of becoming aware of the incident.

If an alleged incident is recorded, the campus administrator shall notify CEDARS INTERNATIONAL ACADEMY's Executive Director or Designee and a formal investigation in accordance with school policy will begin following policies indicated in the latest personnel handbook.

Section 3.7. Access and Review of Video. All recordings made under this section are confidential and are not subject to regular or continual monitoring. Only campus administrators will have access to the recordings, and will grant access as outlined in this section.

Recordings will not be used for teacher evaluations or monitoring. Recordings will only be used for the promotion of student safety.

Following the receipt of an incident report, filed in accordance with Section 3.6, only the following will have access to view the recordings:

- a. Campus administrator trained in de-escalation and restraint techniques;
- b. A peace officer;
- c. A school nurse;
- d. A human resources staff member assigned to investigate;
- e. An employee who is involved in an incident documented by the recording and who requested to view the recording;
- f. A parent/guardian of a student involved in an incident documented by the recording and who requested to view the recording;
- g. Texas Department of Family and Protective Services personnel as part of an investigation under Texas Family Code §261.406;
- h. Appropriate TEA or SBOE Certificate personnel or agents, as part of an investigation

This section does not limit a parent's rights under FERPA if a student is involved in a significant incident recorded by the video equipment. If CEDARS INTERNATIONAL ACADEMY receives a request to view a recording under FERPA, CEDARS INTERNATIONAL ACADEMY will provide notice to parents within 10 school days of whether the video is a student record defined by FERPA and will be available for viewing.

Section 3.8. Grievance Process. If a person believes that CEDARS INTERNATIONAL ACADEMY is not implementing TEC §29.022 or is in violation of TEC §29.022, the person may file a local grievance in accordance with CEDARS INTERNATIONAL ACADEMY's grievance policy. The grievance policy can be found Section 300.120

The special education dispute resolution procedures in 34 Code of Federal Regulations do not apply to complaints alleging CEDARS INTERNATIONAL ACADEMY is not in compliance with

TEC §29.022.