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Will Cameras in Classrooms Make Schools Safer?

TASH Position Statement on Camera Surveillance in Self-Contained Classrooms

*For every complex problem there is an answer
that is clear, simple, and wrong. H.L. Mencken*

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Purpose/Background
A 2009 Government Accountability Office (GAO) report and a 2014 Office of Civil Rights Data Collection (CRDC) report affirmed what too many children and youth with complex support needs and their parents have known all along—that students with complex support needs, especially those who receive their schooling in segregated settings, are at risk for and subjected to aversive procedures, abuse, and violence by teachers, paraprofessionals, and aides, at proportionately greater rates than other students. According to Office of Civil Rights data (2012), students served under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) make up only 12% of the overall student population, but 75% of students who are restrained and 58% of students who are secluded in schools.

In addition to disability status, where a student is educated appears to be a factor in cases of abuse. A Council of Parent Attorneys and Advocates (COPAA) study (Butler, 2009) found that 58% of aversive procedures inflicted upon students with disabilities occur in segregated classrooms and 35% in seclusion (isolation) rooms. In contrast, incidents of aversive procedure use occur in the general education classroom 26% of the time.

Disability category also is an important factor in vulnerability to abuse. Students who are labeled with the IDEA 2004 disability categories of autism (68%), ADD/ADHD (27%), emotional disturbance (19%), and intellectual disability (19%) are most likely to be involved in incidents of abuse related to restraints, seclusion, and aversive procedures (Butler, 2009). Students identified with these three disability categories are also more likely than their peers to be taught in segregated settings, as 49.2% of students labeled with autism, 44.1% of students with the label of emotional disturbance, and 55.3% of students labeled with an intellectual disability are served in segregated "special education classrooms" or other settings (U.S. Department of Education, 2011).

Children and youth who are subjected to abuse, restraints, seclusion, and aversive procedures often do not have reliable methods of communication and are unable to report abuse inflicted on them. Teachers, paraprofessionals, or aides who are accused of or arrested for abuse are not usually convicted because of, among other reasons, lack of credible evidence or testimony combined with high legal standards set for what constitutes abuse (United States Senate, 2014; Zirkel & Lyons, 2011). There is wide variability in laws and regula-

tions related to restraints and/or seclusion; only 29 states have statutes and/or regulations (which have the force of law) and of those, only 13 have statutes. In these statutes and regulations, there is a wide range of protections for students with disabilities that limit their use. Only 14 states limit restraints and seclusion to emergencies (Butler, 2012). However, defining what constitutes an emergency or the end of an emergency is at times unclear. In addition, the administrative exhaustion requirements of IDEA 2004 and the courts have supported the use of restraints and seclusion (Jones & Feder, 2010; Zirkel & Lyons, 2011). In an analysis of almost two decades of federal and state cases related to restraints and seclusion, Zirkel and Lyons (2011) found that courts ruled overwhelmingly in favor of school district-defendants.

Recently parents and advocates have lobbied a number of state legislatures to introduce bills mandating video camera surveillance in schools, specifically in self-contained settings. These bills, while intended to increase student safety by identifying perpetrators of abuse and rooted in the best interest of children, are based on misconceptions about how sustainable school safety is achieved. The proposed legislation also has the potential for new and more entrenched types of discrimination and abuse to emerge. Major concerns about installing cameras in self-contained classrooms as safety measures include:

1. Installing video cameras only in "special education classrooms" creates or strengthens a bias toward restrictive settings.
Increasing the safety and protection of students is a common reason for adding video cameras to the school environment. If cameras are installed in segregated classrooms, they may then be promoted as the "best-monitored" and "safest" settings for students. This is a reason that is often used now for placing students with significant disabilities in segregated classrooms (Causton-Theoharis, Theoharis, Cosier, & Orsati, 2011). However, this argument is problematic for a number of reasons. The use of video cameras in self-contained settings undermines the mandate that special education is a service, not a place. Placing video cameras in these segregated settings has the potential to widen the scope of school districts' bias towards these restrictive settings and increase the impetus to coerce parents to consent to placement in these settings through the rationale that they are "safest" for their children.

The reliance on more restrictive settings for safety contradicts the peer-reviewed research on context and inclusive practice. The most vulnerable population of students is also the most segregated population of students. Students with complex support needs can learn—and often learn as much, if not more—in general education contexts than in segregated contexts (Causton-Theoharis, Theoharis, Cosier, & Orsati, 2011; Hudson, Browder, & Wood, 2013; Jackson, Ryndak & Wehmeyer, 2008/09; Matzen, Ryndak, & Nakao, 2010; Ryndak, Jackson, & White, 2013). Incidents of violence, abuse, restraints, seclusion, and aversive procedures occur at a much-reduced rates in general education settings (Butler, 2009; Westling, Trader, Smith, & Marshall, 2010). The integration of students with complex support needs into general education contexts with proper and meaningful supports—including the use of Positive Behavior Interventions and Supports (PBIS) and communication supports—is a more productive, proactive, and less dangerous approach than installing video cameras in restrictive settings.

2. Installing video cameras only in "special education classrooms" encourages abuse to go underground.
Video camera surveillance may promote a false sense of security rather than safety. Video evidence can be used to document abuse, but unless video is monitored in real-time, it is unlikely that camera surveillance will prevent abuse from happening (Garcia, 2003). Parents may agree to segregated placements on the unwarranted assumption that video monitoring is truly protective. However, a synthesis of research on school safety and cameras after the Columbine High School shooting of 1999 (which had camera surveillance) sho-

ws there is no clear evidence that cameras are effective in preventing school violence (Addington, 2009). The Supreme Court (New Jersey v. TLO, 1985) found that, under the Fourth Amendment, there was not an expectation of privacy in public schools except in locker rooms and bathrooms. It is plausible to suspect that the presence of video cameras in self-contained classrooms has the potential to move instances of violence or abuse to locations outside the range of the camera (National Association of School Psychologists, 2013; Warnick, 2007). Furthermore, a U.S. Department of Justice National Institute of Justice research report on surveillance technologies in US schools points out that the range of a single camera is smaller than what people intuitively expect, and individuals with knowledge of the surveillance equipment can avoid the range of view and simply move their abusive actions to another area of the room (Green, 1999). Self-contained classrooms typically have spaces out of camera range, including bathrooms, supply closets, and other spaces behind or away from camera range, leaving children and youth vulnerable to abuse.

3. Using video camera surveillance as "evidence" of harmful staff behavior can be unreliable and/or easy to circumvent.
Camera surveillance systems, depending on the quality of the equipment, lighting, and viewing area range, could capture individuals who are unidentifiable or whose actions are indiscernible (Green, 1999), so that there might be little to no context for parents, administrators, or law enforcement to determine what happened in claims of abuse. There is anecdotal evidence that cameras have been reported to "break" at strategic moments, tapes or digital files have been erased, or that video footage disappears, thus rendering void any claim of evidence of violence or abuse (Blackwell, 2013; Winton, 2008). Parents have also reported that video of school incidents involving their children have been heavily edited (Winton, 2008).

Unless video feed from surveillance equipment is monitored in real time, cameras will only be able to capture potential evidence of violence and abuse that has already been perpetrated, not prevent violence and abuse.

4. Installing video cameras only in "special education classrooms" presents the risk that students with disabilities themselves may become the targets of surveillance.
Yet another unintended consequence of camera surveillance is footage may shift focus from the activities and behaviors of school staff to those of the student. Video footage by its very nature captures only actions for a certain span of time, a powerful impression that may not be balanced, nuanced, or contextualized. In stark contrast, the kinds of contextual information and data required for Functional Behavioral Assessments (FBA), Behavior Intervention Plans (BIP), manifestation determinations, Positive Behavior Support Plans, or in the use of trauma-informed care are person-centered and seek to examine and understand the broader perspectives and specific factors related to behaviors that are necessary to adapt, modify, or change the classroom environment to address student behaviors.

The "why" behind a student's behavior cannot be fully captured or reconstructed from a segment of video footage, especially when crucial audio information is not captured. Video footage of isolated, uncontextualized "incidents" of student behaviors, without an audio component, could be used not as evidence of teacher abuse, but as evidence in an IEP meeting, a due process hearing, or justify referral to the juvenile justice system.

1. Installing video cameras only in "special education classrooms" raises questions about rights to privacy.
Camera surveillance is permitted in virtually every area of a school except for bathrooms and locker rooms. Parental consent for videotaping is not usually required if the video is used for safety in common areas of

schools or school buses, school activities, or classroom instruction. However, the ways in which the video is used and shared is subject to privacy laws. The courts have upheld that classroom video recordings are FERPA records (M.R. ex ref. R.R. v. Lincolnwood Bd. of Educ., 1994). Students with disabilities have every right to privacy of their education records under the Family Educational Rights and Privacy Act (FERPA) that students without disabilities do, and have an additional layer of protections through IDEA 2004.

These privacy rights cause potential serious limitations to the use of video cameras to address parental concerns of student safety. For example, depending on the circumstances, schools could prohibit parents and advocates from viewing video footage, citing the privacy rights of other students as the reason for such denial. In an analysis of federal appeals courts decisions regarding protection and advocacy agencies and release of information and records under FERPA, Daggett (2008) noted vague interpretations of privacy. The Seventh and Second Circuit courts found that agencies investigating abuse (and only if the agency can show probable cause) were entitled to only some access to information without parental written consent (e.g., records [with redacted names] of students who spent time in seclusion or permission to observe in the school and obtain a list of students enrolled in the school). The Ninth Circuit held that FERPA protects schools from providing agencies (and the parents who seek the assistance of these protection and advocacy agencies) with nondirectory student information (i.e., information considered to be not harmful if published) and that access to individual records would require parental consent.

Video surveillance in a classroom for reasons other than safety, school activities, or classroom instruction requires parental consent. The surveillance footage, however may not be disclosed to anyone other than the parent or student without consent, and even then, the student and parent can view the footage only if the images of other students are distorted, blocked, or deleted or the parents of all students in the video have given their consent. If these images are clear and consent is not obtained, the parent may receive a written summary of the content of the video only. In matters of law and safety (fights, theft, vandalism), parents of the students involved in incidents are allowed to view footage only if the parents of any other students involved in the same incidents also provide consent. For the parents of students not involved in the incident, parental consent is not required (as discussed in Clark, 2012). Presumably this would also apply to students who are the subject of incidents of abuse, violence, restraint, seclusion, and aversive procedures.

6. Purchasing, installing, and maintaining video cameras is costly and uses scarce educational resources.
Security and surveillance in schools is big business, regardless of questionable effectiveness. In 2008, the New York Department of Education began the installation of over 6,000 cameras in over 300 middle and high schools in 130 buildings across New York City as part of a $120 million Internet Protocol Digital Video Surveillance (IPDVS) system to reduce violence in schools (Winton, 2008). As with any system, there are reports of technical issues, such as erased or lost footage or inability to access video as in the high-profile case of a missing student – staff did not have access to the password for the video system, so they could not immediately use it to determine when and where he left the building (New York City School District, Office of the Special Commissioner of Investigation, 2014). In 2010, Texas authorized $12 million for installation of video surveillance cameras on 12 state residential school campuses for students with disabilities, across 335 buildings (Jean, 2010). This is a very small fraction of the number of public schools in any state. In the summer of 2013, Baltimore County Public Schools installed a $3 million Internet protocol-based video surveillance system to enhance existing video systems (Molnar, 2013). Expenditures on video surveillance in K-12 and higher education settings after the Newtown shootings are expected to increase by over 81%—from $2.7 billion in 2012 to $4.9 billion in 2017 (Molnar, 2013). In stark contrast, in 2008-09, Texas spent a small percentage of their operating budget on security (one third of one percent), but that was still approximately

three times the expenditures on social work services (K. DeAngelis as cited in Molnar, 2013).

Video surveillance is increasingly prevalent in hallways, cafeterias, parking lots, and other common areas in schools. The push to install video surveillance in segregated classrooms only raises issues of discrimination and stigmatization: if video surveillance really does promote safety, why isn't it installed in ALL classrooms? School resources, instead of being targeted toward surveillance in "special education classrooms," could be used to support ALL students by investing in training for school staff in PBIS and trauma-informed practice, and by providing supplementary aids and services and related services, including social work and mental health services, in general education settings.

7. Relying on video cameras in special education classrooms does not build trust with either students or teachers.
In a synthesis of literature on school climate and bullying prevention, Wang, Berry, and Swearer (2013) found that when students perceive staff and teachers to be supportive, caring, and not accepting of bullying behaviors, they are more likely to engage in help-seeking behaviors and less likely to engage in bullying. Similarly, in reviewing literature on public school security, Addington (2009) found that when students have positive attitudes toward and trust School Resource Officers, they are more likely to feel safe and to report crimes or problems in school. While Addington found that administrators believed that video surveillance was the most effective tool at preventing crime on campus, there was no evidence of this. Students, however, did not believe that video surveillance was effective. Surveillance of students and teachers in schools, rather than making schools safer, can conversely create a climate of fear, mistrust, and victimization among students and teachers (Warnick, 2007).

Recommendations
Current research and practice suggests that use of video cameras in segregated settings will, instead of limiting abuse, foster unintended consequences as detailed in the rationale above.
Therefore, the use of video camera surveillance in self-contained classrooms where special education services are provided to students with disabilities is NOT recommended. The motivation for laws and other protections should be that the perpetrators of abuse and violence toward students will be discovered and removed from the classroom and face criminal charges.

Public resources should be invested in proactive strategies that keep all students safe in the schoolhouse. The following practices have been shown to support positive and safe school climate, essential to supporting student learning.

1. Adopt inclusive education practices.
The inclusion of and provision of supports for students with complex support needs in general education classrooms and throughout the school building creates networks of caring and trusting relationships, visibility, and transparency, which are key elements of school and classroom safety. School safety is improved through the active involvement of positive, committed leadership; multi-tiered systems of inclusive academic and behavior instruction and supports; a fully integrated school organizational framework and strong, positive school culture; inclusive policy structures and practices; and trusting and open communication among staff, community, and families (see the domains and features of the Schoolwide Integrated Framework for Transformation [SWIFT] Center at http://www.swiftschools.org). Integral to the creation and maintenance of safe and inclusive schools are welcoming parent participation in the school, time and support for teachers to plan and problem solve as a group and function as a team, the cultivation of and respect for student input, and ongoing teacher training in positive approaches. If the above elements of a proactive,

inclusive, and sustainable positive school culture are present, video surveillance in segregated classrooms is not needed.

2. Implement Positive Behavior Interventions and Supports (PBIS)
When PBIS is implemented schoolwide, research shows that schools have significant decreases in suspensions and office discipline referrals, offering hope for derailing entry into the juvenile justice system (Bradshaw, Mitchell, & Leaf, 2010).

3. Augment and Integrate School-Wide PBIS with Trauma-Informed Practices
Trauma-informed practices are those which reflect a depth of understanding about the impact of trauma and respond by creating environments and practices that support learning and healing. The adoption of Trauma-Informed Practices provides education leaders with an opportunity to view and respond to behaviors of both staff and students through a much different lens. According to the National Association of State Mental Health Program Directors and the National Center for Trauma Informed Care (n.d.):

> Trauma affects the developing brain and body and can alter the person's natural mechanism for responding to stress. This can lead people who have experienced trauma to respond to specific events or "triggers" – for example, an unexpected loud noise or unwelcome touch – in ways that others may perceive as an over-reaction or even as threatening behavior.

Trauma-informed practices support an entire school community to recognize the likelihood that a percentage of the adults in the school and of the student body may have experienced trauma or violence at some point in their lives. For example, triggers from childhood or adult experiences may impact and escalate the reaction of staff to students in a school environment based in traditional disciplinary policies and practices. Schools that adopt trauma-informed practices and school wide PBIS focus on creating an environment of respect and safety, which includes an understanding of triggers and other reactions to trauma. From this understanding, all people in the school building are trained to understand that trauma experiences influence how people can potentially respond to words and actions around discipline or other school policies and practices. This includes a respect for individuals who articulate their own triggers and request to be excused from certain tasks or situations.

Schools that adopt trauma-informed practices focus on creating an environment of respect and safety. All people in the school building are trained to understand that trauma experiences influence how people respond, and create environments where respect, safety, and learning are possible.

4. Include ALL Students – including those with Complex Support Needs and Challenging Behaviors – in Integrated Classroom Settings
Children and youth with complex support needs in segregated settings are disproportionately subject to abuse, restraints, seclusion, and aversive procedures. A rich body of qualitative research shows that students with complex support needs and challenging behaviors exhibit more appropriate and less disruptive behaviors when they are taught with their same-age peers in general education contexts (Hunt & Goetz, 1997; Ryndak, Morrison, & Sommerstein, 1999; Ryndak, Ward, Alper, Montgomery, & Storch, 2010).

5. Recognize and Support Cultural Differences
Students' cultures, experiences, and identities can no longer be neglected as a variable to be considered in school discipline or in implementing PBIS. Rather, students' cultures, families, experiences, and knowledge must be understood as "contextual mediators" that are essential to shaping a school climate that expands

learning opportunities, whole school interactions and reciprocal relationships, and empowers students, families, and communities (Bal, Thorius, & Kozleski, 2012).

6. Expect Vigilance in Screening School Personnel
Most states require that districts conduct background checks before employing teachers. Some states require the use of national databases and fingerprinting. Safety experts agree that pre-employment screening should be rigorous and mandatory for all applicants for school staff positions, much like requirements for lawyers' admissions into state bars. School districts should also create supportive whistleblower policies to encourage immediate reporting of troubling behavior toward students.

Summary
Video surveillance and related zero-tolerance school discipline policies in many ways have become an easy substitute for and distraction from the ongoing hard work of cultivating schoolwide inclusion, communication, trust, and community. The installation and maintenance of surveillance systems in segregated classrooms may divert funding, resources and attention away from supporting staff through on-going training and building and sustaining a positive school culture, while giving the false impression that the students are now safe from harm. What is needed instead is a systemic framework from which to approach a culture shift around issues of safety (Sugai, Horner, & Algozzine, 2011). This framework should incorporate PBIS and Trauma-Informed Practices, not as "interventions" but as transformational approaches to schooling that are integrated, inclusive, culturally responsive, and engaged.

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