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S.B. No. 507

A BILL TO BE ENTITLED

AN ACT

relating to the placement and use of video cameras in self-contained classrooms providing special education services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.009(b), Education Code, is amended to read as follows:

(b) An employee of a school district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

(1) purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;

(2) a purpose related to a cocurricular or extracurricular activity;

(3) a purpose related to regular classroom instruction; ~~or~~

(4) media coverage of the school; or

(5) a purpose related to the promotion of student safety under Section 29.022.

SECTION 2. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.022 to read as follows:

Sec. 29.022. VIDEO SURVEILLANCE OF CLASSROOMS. (a) In order to promote student safety on request by a parent, trustee, or

1 staff member, a school district or open-enrollment charter school  
2 shall provide equipment, including a video camera, to each school  
3 in the district or each charter school campus in which a student  
4 receiving special education services in a self-contained classroom  
5 is enrolled. Each school or campus that receives equipment shall  
6 place, operate, and maintain one or more video cameras in each  
7 self-contained classroom in which a majority of the students in  
8 regular attendance are:

9 (1) provided special education and related services;

10 and

11 (2) assigned to a self-contained classroom for at  
12 least 50 percent of the instructional day.

13 (b) A school or campus that places a video camera in a  
14 classroom in accordance with Subsection (a) shall operate and  
15 maintain the camera in the classroom as long as the classroom  
16 continues to satisfy the requirements under Subsection (a).

17 (c) Video cameras placed under this section must be capable  
18 of:

19 (1) covering all areas of the classroom, except that a  
20 bathroom or any area in the classroom in which a student's clothes  
21 are changed may not be visually monitored; and

22 (2) recording audio from all areas of the classroom.

23 (d) Before a school or campus places a video camera in a  
24 classroom under this section, the school or campus shall provide  
25 written notice of the placement to the parents of a student  
26 receiving special education services in the classroom.

27 (e) A school district or open-enrollment charter school

1 shall retain video recorded from a camera placed under this section  
2 for at least six months after the date the video was recorded.

3 (f) A school district or open-enrollment charter school may  
4 solicit and accept gifts, grants, and donations from any person for  
5 use in placing video cameras in classrooms under this section.

6 (g) This section does not:

7 (1) waive any immunity from liability of a school  
8 district or open-enrollment charter school, or of district or  
9 school officers or employees; or

10 (2) create any liability for a cause of action against  
11 a school district or open-enrollment charter school or against  
12 district or school officers or employees.

13 (h) A school district or open-enrollment charter school may  
14 not:

15 (1) allow regular or continual monitoring of video  
16 recorded under this section; or

17 (2) use video recorded under this section for teacher  
18 evaluation or for any other purpose other than the promotion of  
19 safety of students receiving special education services in a  
20 self-contained classroom.

21 (i) A video recording of a student made according to this  
22 section is confidential and may not be released or viewed except as  
23 provided by this subsection or Subsection (j). A school district or  
24 open-enrollment charter school shall release a recording for  
25 viewing by:

26 (1) appropriate Department of Family and Protective  
27 Services personnel as part of an investigation under Section

1 261.406, Family Code; or

2 (2) a peace officer, a school nurse, or a human  
3 resources staff member designated by the board of trustees of the  
4 school district or the governing body of the open-enrollment  
5 charter school in response to a complaint or an investigation of  
6 district or school personnel or a complaint of abuse committed by a  
7 student.

8 (j) If the person viewing the video recording determines  
9 that the recording documents a violation under Subchapter E,  
10 Chapter 261, Family Code, the person shall notify the Department of  
11 Family and Protective Services for investigation in accordance with  
12 Section 261.406, Family Code. If the person viewing the recording  
13 determines that the recording documents a violation of district or  
14 school policy, the person may allow access to the recording to  
15 appropriate legal and human resources personnel. A recording  
16 determined to document a violation of district or school policy may  
17 be used as part of a disciplinary action against district or school  
18 personnel and shall be released at the request of the student's  
19 parent or guardian in a legal proceeding. This subsection does not  
20 limit the access of a student's parent to a record regarding the  
21 student under the Family Educational Rights and Privacy Act of 1974  
22 (20 U.S.C. Section 1232g) or other law.

23 (k) The commissioner may adopt rules to implement and  
24 administer this section.

25 SECTION 3. (a) Subject to the availability of funds, the  
26 commissioner of education shall distribute grant funds in  
27 accordance with Section 42.2528, Education Code, as added by this

1 Act, beginning with the 2015-2016 school year.

2 (b) The change in law made by Section 29.022, Education  
3 Code, as added by this Act, applies beginning with the 2016-2017  
4 school year.

5 SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2015.