A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 29.022, Education Code, is amended by amending Subsections (a), (b), (c), (d), (i), and (j) and adding Subsections (a-1), (a-2), (a-3), (c-1), (i-1), (l), and (m) to read as follows:

(a) In order to promote student safety on receipt of a written request authorized under Subsection (a-1) [by a parent, trustee, or staff member], a school district or open-enrollment charter school shall provide equipment, including a video camera, to the [each] school or schools in the district or the [each] charter school campus or campuses specified in the request [in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled]. A [each] school or campus that receives equipment as provided by this subsection shall place, operate, and maintain one or more video cameras in [each] self-contained classrooms and [classroom or] other special education settings [setting] in which a majority of the students in regular attendance are[+ provided special education and related services[+] and are
(2) a school or campus that receives equipment as a result of the request by 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; and

(2) a school or campus that receives equipment as a result of the request by a board of trustees, governing body, 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 subject to this subsection.

(a-1) For purposes of Subsection (a):

(1) a parent of a child who receives special education services in one or more self-contained classrooms or other special education settings may request in writing that equipment be provided to the school or campus at which the child receives those services;

(2) a board of trustees or governing body 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;

(3) 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 that equipment be provided to the principal's or assistant principal's school or campus; and

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

(a-2) Each school district or open-enrollment charter school shall designate an administrator at the primary administrative office of the district or school with responsibility for coordinating the provision of equipment to schools and campuses in compliance with this section.

(a-3) A written request must be submitted and acted on as follows:

(1) a parent, staff member, or assistant principal of the school or campus addressed in the request, and the principal or designee must provide a copy of the request to the administrator designated under Subsection (a-2);

(2) a principal must submit a request by the principal to the administrator designated under Subsection (a-2); and

(3) a board of trustees or governing body must submit a request to the administrator designated under Subsection (a-2), and the administrator must provide a copy of the request to the principal or the principal's designee of the school or campus.
addressed in the request.

(b) A school or campus that places a video camera in a classroom or other special education setting in accordance with Subsection (a) shall operate and maintain the camera in the classroom or setting, as long as the classroom or setting continues to satisfy the requirements under Subsection (a), for the remainder of the school year in which the school or campus received the request, unless the requestor withdraws the request in writing. At 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 who is eligible to make a request for the next school year under Subsection (a-1) submits a new request.

(c) Except as provided by Subsection (c-1), video cameras placed under this section must be capable of:

(1) covering all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out [except that the inside of a bathroom or any area in the classroom or setting in which a student’s clothes are changed may not be visually monitored]; and

(2) 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.

(c-1) The inside of a bathroom or any area in the classroom or 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 the
classroom or setting.

(d) Before a school or campus activates [places] a video
camera in a classroom or other special education setting under this
section, the school or campus shall provide written notice of the
placement to all school or campus staff and to the parents of each
[a] student attending class or engaging in school activities
[receiving special education services] in the classroom or setting.

(i) A video recording of a student made according to this
section is confidential and may not be released or viewed except as
provided by this subsection or Subsection (i-1) or (j). A school
district or open-enrollment charter school shall release a
recording for viewing by:

(1) an [a school district] employee [or a parent or
guardian of a student] who is involved in an alleged incident that
is documented by the recording and [for which a complaint] has been
reported to the district or school, on request of the employee [,
parent, or guardian, respectively];

(2) a parent or guardian of a student who is involved
in an alleged incident that is documented by the recording and has
been reported to the district or school, on request of the parent or
guardian;

(3) appropriate Department of Family and Protective
Services personnel as part of an investigation under Section
261.406, Family Code;

(4) [a] a peace officer, a school nurse, a district
or school administrator trained in de-escalation and restraint

techniques as provided by commissioner rule, or a human resources
staff member designated by the board of trustees of the school
district or the governing body of the open-enrollment charter
school in response to a report of an alleged incident [complaint] or
an investigation of district or school personnel or a report
[complaint] of alleged abuse committed by a student; or
(5) appropriate agency or State Board for
Educator Certification personnel or agents as part of an
investigation.

(i-1) 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 Subsection (i).

(j) If a person described by Subsection (i)(4) [4] or
(5) [4] 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 Section
261.406, Family Code. If any person described by Subsection (i)(3)
[4], [3], or (4), or (5) who views the recording believes
that the recording documents a possible violation of district
policy or school procedures [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 district policy or school procedures [policy] may be used as part
of a disciplinary action against district or school personnel and
shall be released at the request of the student's parent or guardian
in a legal proceeding. This subsection does not limit the access of a student's parent to a record regarding the student under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or other law.

(l) A district policy or school procedure relating to the placement, operation, or maintenance of video cameras under this section must:

(1) include information on how a person may appeal an action by the district or school that the person believes to be in violation of this section, including the appeals process under Section 7.057;

(2) require that a school district or open-enrollment charter school provide a response to a request made under this section not later than the seventh school day after receipt of the request by the person to whom it must be submitted under Subsection (a-3) that authorizes the request or states the reason for denying the request; and

(3) require that a school or a campus begin operation of a video camera in compliance with this section not later than the 45th calendar day after the request is authorized.

(m) In this section:

(1) "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.

(2) "Time-out" has the meaning assigned by Section 37.0021.
S.B. No. 1398

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.