

By: Thompson of Harris

H.B. No. 2234

Substitute the following for H.B. No. 2234:

By: Buckley

C.S.H.B. No. 2234

A BILL TO BE ENTITLED

1

AN ACT

2 relating to certain policies and procedures for the placement and  
3 use of video cameras in certain classrooms, including classrooms  
4 that provide special education services.

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

6 SECTION 1. Section 26.0081(c), Education Code, is amended  
7 to read as follows:

8 (c) The agency shall produce and provide to school districts  
9 a written explanation of the options and requirements for providing  
10 assistance to students who have learning difficulties or who need  
11 or may need special education. The explanation must state that a  
12 parent is entitled at any time to request an evaluation of the  
13 parent's child for special education services under Section 29.004  
14 or for aids, accommodations, or services under Section 504,  
15 Rehabilitation Act of 1973 (29 U.S.C. Section 794) and include  
16 information regarding the use of video cameras in certain  
17 classrooms as provided by Section 29.022. Each school year, each  
18 district shall provide the written explanation to a parent of each  
19 district student by including the explanation in the student  
20 handbook or by another means.

21 SECTION 2. Section 29.022, Education Code, is amended by  
22 amending Subsections (d), (e), and (l) and adding Subsection (l-1)  
23 to read as follows:

24 (d) Before a school or campus activates a video camera in a

1 classroom or other special education setting, including a  
2 self-contained classroom, under this section, the school or campus  
3 shall provide written notice of the placement to all school or  
4 campus staff and to the parents of each student attending class or  
5 engaging in school activities in the classroom or setting. Written  
6 notice required under this section must be provided not later than  
7 the 10th instructional day after the first day the school or campus  
8 activates the video camera.

9 (e) Except as provided by Subsection (e-1), a school  
10 district or open-enrollment charter school shall retain video  
11 recorded from a video camera placed under this section for at least  
12 six [~~three~~] months after the date the video was recorded.

13 (1) A school district or open-enrollment charter school  
14 policy relating to the placement, operation, or maintenance of  
15 video cameras under this section must:

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

20 (2) require that the district or school provide a  
21 response to a request made under this section not later than the  
22 seventh school business day after receipt of the request by the  
23 person to whom it must be submitted under Subsection (a-3) that  
24 authorizes the request or states the reason for denying the  
25 request;

26 (3) except as provided by Subdivision (5), require  
27 that a school or a campus begin operation of a video camera in

1 compliance with this section not later than the 45th school  
2 business day, or the first school day after the 45th school business  
3 day if that day is not a school day, after the request is authorized  
4 unless the agency grants an extension of time;

5 (4) permit the parent of a student whose admission,  
6 review, and dismissal committee has determined that the student's  
7 placement for the following school year will be in a classroom or  
8 other special education setting in which a video camera may be  
9 placed under this section to make a request for the video camera by  
10 the later of:

11 (A) the date on which the current school year  
12 ends; or

13 (B) the 10th school business day after the date  
14 of the placement determination by the admission, review, and  
15 dismissal committee; ~~and~~

16 (5) if a request is made by a parent in compliance with  
17 Subdivision (4), unless the agency grants an extension of time,  
18 require that a school or campus begin operation of a video camera in  
19 compliance with this section not later than the later of:

20 (A) the 10th school day of the fall semester; or

21 (B) the 45th school business day, or the first  
22 school day after the 45th school business day if that day is not a  
23 school day, after the date the request is made;

24 (6) require that, not later than the seventh school  
25 business day after a parent requests the district or school to  
26 release a video recording for viewing under Subsection (i)(2), the  
27 district or school:

1           (A) release the recording for viewing; or

2           (B) if the district or school determines that the  
3 district or school is not required to release the recording under  
4 that subsection, provide a written response to the parent that  
5 states the reason the district or school is not required to release  
6 the recording and includes information regarding how the parent may  
7 appeal the action as described by Subdivision (1); and

8           (7) not later than the 10th day of the fall semester,  
9 require the district or school to provide written information  
10 detailing the policy regarding the placement, operation, or  
11 maintenance of any video cameras to the parent of a student who:

12           (A) receives special education services in one or  
13 more self-contained classrooms or other special education settings  
14 in which a majority of the students in regular attendance are  
15 provided special education and related services; or

16           (B) is assigned to one or more self-contained  
17 classrooms or other special education settings for at least 50  
18 percent of the instructional day.

19           (1-1) The commissioner shall:

20           (1) develop and post on the agency's Internet website a  
21 model form for school districts and open-enrollment charter schools  
22 to use to notify parents as required by Subsection (1)(7); and

23           (2) review and update the form, as necessary.

24           SECTION 3. Section 48.115(b), Education Code, is amended to  
25 read as follows:

26           (b) Funds allocated under this section must be used to  
27 improve school safety and security, including costs associated

1 with:

2 (1) securing school facilities, including:

3 (A) improvements to school infrastructure;

4 (B) the use or installation of physical barriers;

5 and

6 (C) the purchase and maintenance of:

7 (i) security cameras or other security  
8 equipment, including video surveillance as provided by Section  
9 29.022; and

10 (ii) technology, including communications  
11 systems or devices, that facilitates communication and information  
12 sharing between students, school personnel, and first responders in  
13 an emergency;

14 (2) providing security for the district, including:

15 (A) employing school district peace officers,  
16 private security officers, and school marshals; and

17 (B) collaborating with local law enforcement  
18 agencies, such as entering into a memorandum of understanding for  
19 the assignment of school resource officers to schools in the  
20 district;

21 (3) school safety and security training and planning,  
22 including:

23 (A) active shooter and emergency response  
24 training;

25 (B) prevention and treatment programs relating  
26 to addressing adverse childhood experiences; and

27 (C) the prevention, identification, and

1 management of emergencies and threats, using evidence-based,  
2 effective prevention practices and including:

3 (i) providing licensed counselors, social  
4 workers, and individuals trained in restorative discipline and  
5 restorative justice practices;

6 (ii) providing mental health personnel and  
7 support;

8 (iii) providing behavioral health  
9 services;

10 (iv) establishing threat reporting  
11 systems; and

12 (v) developing and implementing programs  
13 focused on restorative justice practices, culturally relevant  
14 instruction, and providing mental health support; and

15 (4) providing programs related to suicide prevention,  
16 intervention, and postvention.

17 SECTION 4. This Act applies beginning with the 2023-2024  
18 school year.

19 SECTION 5. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2023.