

By: Thompson of Harris

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

18 (1) an employee who is involved in an alleged incident
19 that is documented by the recording and has been reported to the
20 district or school, on request of the employee;

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

24 (3) appropriate Department of Family and Protective
25 Services personnel as part of an investigation under Section
26 [261.406](#), Family Code;

27 (4) a peace officer, a school nurse, a district or

1 school administrator trained in de-escalation and restraint
2 techniques as provided by commissioner rule, or a human resources
3 staff member designated by the board of trustees of the school
4 district or the governing body of the open-enrollment charter
5 school in response to a report of an alleged incident or an
6 investigation of district or school personnel or a report of
7 alleged abuse committed by a student; or

8 (5) appropriate agency or State Board for Educator
9 Certification personnel or agents as part of an investigation.

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

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

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

23 (3) except as provided by Subdivision (5), require
24 that a school or a campus begin operation of a video camera in
25 compliance with this section not later than the 45th school
26 business day, or the first school day after the 45th school business
27 day if that day is not a school day, after the request is authorized

1 unless the agency grants an extension of time;

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

8 (A) the date on which the current school year
9 ends; or

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

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

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

18 (B) the 45th school business day, or the first
19 school day after the 45th school business day if that day is not a
20 school day, after the date the request is made; and

21 (6) not later than the 10th day of the fall semester,
22 require the district or school to provide written information
23 detailing the policy regarding the placement, operation, or
24 maintenance of any video cameras to the parent of a student who:

25 (A) receives special education services in one or
26 more self-contained classrooms or other special education settings
27 in which a majority of the students in regular attendance are

1 provided special education and related services; or

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

5 (1-1) The commissioner shall:

6 (1) develop and post on the agency's Internet website a
7 model form for school districts and open-enrollment charter schools
8 to use to notify parents as required by Subsection (1)(6); and

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

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

12 (b) Funds allocated under this section must be used to
13 improve school safety and security, including costs associated
14 with:

15 (1) securing school facilities, including:

16 (A) improvements to school infrastructure;

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

18 and

19 (C) the purchase and maintenance of:

20 (i) security cameras or other security
21 equipment, including video surveillance as provided by Section
22 29.022; and

23 (ii) technology, including communications
24 systems or devices, that facilitates communication and information
25 sharing between students, school personnel, and first responders in
26 an emergency;

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

1 (A) employing school district peace officers,
2 private security officers, and school marshals; and

3 (B) collaborating with local law enforcement
4 agencies, such as entering into a memorandum of understanding for
5 the assignment of school resource officers to schools in the
6 district;

7 (3) school safety and security training and planning,
8 including:

9 (A) active shooter and emergency response
10 training;

11 (B) prevention and treatment programs relating
12 to addressing adverse childhood experiences; and

13 (C) the prevention, identification, and
14 management of emergencies and threats, using evidence-based,
15 effective prevention practices and including:

16 (i) providing licensed counselors, social
17 workers, and individuals trained in restorative discipline and
18 restorative justice practices;

19 (ii) providing mental health personnel and
20 support;

21 (iii) providing behavioral health
22 services;

23 (iv) establishing threat reporting
24 systems; and

25 (v) developing and implementing programs
26 focused on restorative justice practices, culturally relevant
27 instruction, and providing mental health support; and

1 (4) providing programs related to suicide prevention,
2 intervention, and postvention.

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

5 SECTION 5. 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, 2023.