

BILL ANALYSIS

C.S.S.B. 1380
By: Patrick
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that introducing camera technology in schools has proven to be a cost-effective method of increasing overall student safety. Many Texas schools currently utilize camera monitoring systems in school buses, on outdoor campus grounds, and inside school common areas. The parties assert that employing camera systems in schools is particularly effective in ensuring the safety of those students who are nonverbal and unable to speak for themselves.

The increase in reporting and severity of abuses occurring in special education classrooms has led many to believe that cameras in self-contained special education classrooms are necessary to protect students who are nonverbal. C.S.S.B. 1380 seeks to deter incidences of abuse or bullying and increase overall classroom safety by requiring cameras in self-contained special education services classrooms.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1380 amends the Education Code to require a school district or open-enrollment charter school, in order to promote student safety upon request by a parent, trustee, or staff member, to provide equipment, including a video camera, to each school in the district or each charter school campus in which a student receiving special education services in a self-contained classroom is enrolled. The bill requires each school or campus that receives equipment to place the video camera in a self-contained classroom in which the only students in regular attendance are eligible to take an alternative statewide standardized test for students in a special education program or would be eligible to take such an alternative test if the students were enrolled in a grade level for which a required statewide standardized test is administered and are nonverbal or have a limited ability to communicate. The bill requires the cameras to be capable of covering all areas of the classroom but prohibits the monitoring of a bathroom or any area in the classroom in which a student's clothes are changed.

C.S.S.B. 1380 requires a school or campus, before the school or campus places a video camera in a classroom, to provide written notice of the placement to the parents of a student receiving special education services in the self-contained classroom. The bill specifies that parental consent is not required for purposes of placing a video camera in a classroom, but prohibits a school district or open-enrollment charter school from placing a video camera in the classroom of a student whose parent sends to the district or school a written objection to the placement of a camera not later than the 30th day after the date on which the district or school sends the required written notice.

C.S.S.B. 1380 requires a school district or open-enrollment charter school to retain video

recorded from a camera placed in a classroom under the bill's provisions for at least six months after the date the video was recorded. The bill authorizes a school district or open-enrollment charter school to solicit and accept gifts, grants, and donations from any person for use in placing video cameras in classrooms. The bill includes among the purposes for which an employee of a school district is exempt from the requirement to obtain consent of a child's parent before making a videotape of a child or authorizing the recording of a child's voice that the videotape or voice recording is to be used only for a purpose related to the promotion of student safety under the bill's provisions.

C.S.S.B. 1380 establishes that its provisions do not waive any immunity from liability of a school district or open-enrollment charter school, or of district or school officers or employees, or create any liability for a cause of action against a school district or open-enrollment charter school or against district or school officers or employees. The bill prohibits a school district or open-enrollment charter school from allowing regular or continual monitoring of video recorded under the bill's provisions. The bill establishes that a video recording of a student made according to the bill's provisions is confidential and prohibits a recording from being released or viewed except by a school nurse or human resources staff member designated by the board of trustees of a school district or the governing body of an open-enrollment charter school in response to a complaint or an investigation of district or school personnel or in accordance with the bill's provisions. The bill authorizes a person viewing the video who determines that a recording documents a violation of district or school policy to allow access to the recording to appropriate legal and human resources personnel. The bill authorizes a recording determined to document such a violation to be used as part of a disciplinary action against district or school personnel and to be released at the request of the student's parent or guardian in a legal proceeding. The bill's provisions do not limit the access of a student's parent to a record regarding the student under the federal Family Educational Rights and Privacy Act of 1974 or other law. The bill's provisions apply beginning with the 2014-2015 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 1380 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Subsection (b), Section 26.009, Education Code, is amended.

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, a school district shall provide equipment for a school to place a video monitoring camera in a self-contained classroom in which students receive special services.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version.

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 upon request by a parent, trustee, or staff member, a school district or open-enrollment charter school shall provide equipment, including a video camera, to each school in the district or each charter school campus in which a student

Cameras placed under this section must be capable of covering all areas of the classroom.

(b) Before a school places a video monitoring camera in a classroom under this section, the school shall provide written notice of the placement to the parents of a student receiving special services in the self-contained classroom.

(c) A school district shall retain video recorded from a camera placed under this section until at least the first anniversary of the date the video was recorded.

(d) A school district may solicit and accept gifts, grants, and donations from any person for use in placing video monitoring cameras in classrooms under this section.

receiving special education services in a self-contained classroom is enrolled. Each school or campus that receives equipment shall place the video camera in a self-contained classroom in which the only students in regular attendance:

(1) are eligible to take an alternative assessment instrument under Section 39.023(b) or would be eligible to take an alternative assessment instrument under Section 39.023(b) if the students were enrolled in a grade level for which an assessment instrument required under Section 39.023 is administered; and

(2) are nonverbal or have a limited ability to communicate.

(b) Cameras placed under this section must be capable of covering all areas of the classroom, except that a bathroom or any area in the classroom in which a student's clothes are changed may not be monitored.

(c) Before a school or campus places a video camera in a classroom under this section, the school or campus shall provide written notice of the placement to the parents of a student receiving special education services in the self-contained classroom. For purposes related to this section, but subject to Subsection (c-1), parental consent is not required.

(c-1) A school district or open-enrollment charter school may not place a video camera in the classroom of a student whose parent sends to the district or school a written objection to the placement of a camera not later than the 30th day after the date on which the district or school sends the notice required under Subsection (c).

(d) A school district or open-enrollment charter school shall retain video recorded from a camera placed under this section for at least six months after the date the video was recorded.

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

(f) This section does not:

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

(2) create any liability for a cause of action against a school district or open-enrollment

charter school or against district or school officers or employees.

(g) A school district or open-enrollment charter school may not allow regular or continual monitoring of video recorded under this section.

(h) A video recording of a student made according to this section is confidential and may not be released or viewed except by a school nurse or human resources staff member designated by the board of trustees of a school district or the governing body of an open-enrollment charter school in response to a complaint or an investigation of district or school personnel or in accordance with this subsection. If the person viewing the video determines that a recording documents a violation of district or school policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording determined to document a violation of district or school policy may be used as part of a disciplinary action against district or school personnel and may 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.

SECTION 3. This Act applies beginning with the 2013-2014 school year.

SECTION 3. This Act applies beginning with the 2014-2015 school year.

SECTION 4. 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, 2013.

SECTION 4. Same as engrossed version.