

Amend **SB 507** (senate committee printing) by striking all text below the enacting clause and substituting the following:

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 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 receiving special education services in a self-contained classroom is enrolled. Each school or campus that receives equipment shall place, operate, and maintain one or more video cameras in each self-contained classroom in which a majority of the students in regular attendance are:

(1) provided special education and related services;  
and

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

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

(c) Video cameras placed under this section must be capable

of:

(1) 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 visually monitored; and

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

(d) 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 classroom.

(e) 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.

(f) 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.

(g) 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.

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

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

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

(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 (j). A school district or open-enrollment charter school shall release a recording for viewing by:

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

261.406, Family Code; or

(2) a peace officer, a school nurse, 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 complaint or an investigation of district or school personnel or a complaint of abuse committed by a student.

(j) If the person viewing the video recording determines that the recording documents a 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 the person viewing the recording determines that the 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 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.

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

SECTION 3. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2528 to read as follows:

Sec. 42.2528. EXCESS FUNDS FOR SPECIAL EDUCATION CLASSROOM VIDEO SURVEILLANCE. (a) Notwithstanding any other provision of law, if the commissioner determines that the amount appropriated for the purposes of the Foundation School Program exceeds the amount to which school districts are entitled under this chapter, the commissioner by rule shall establish a grant program through which excess funds are awarded as grants for the purchase of video equipment for monitoring special education classrooms required under Section 29.022.

(b) In awarding grants under this section, the commissioner shall give priority to districts with maintenance and operations

tax rates at least equal to the state maximum compressed tax rate, as defined by Section 42.101(a), and lowest amounts of maintenance and operations tax revenue per weighted student.

(c) The commissioner may adopt rules to implement and administer this section.

SECTION 4. (a) Subject to the availability of funds, the commissioner of education shall distribute grant funds in accordance with Section 42.2528, Education Code, as added by this Act, beginning with the 2015-2016 school year.

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

SECTION 5. 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, 2015.