

BILL ANALYSIS

S.B. 507
By: Lucio
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When the victim of abuse or bullying in school is a non-verbal special needs student, interested parties note, the abuse or bullying often goes unreported. There are concerns that, with their victims unable to speak for themselves and with no way to prove the abuse, those who prey on these vulnerable children are free to continue their abusive behavior with no fear of repercussion. The parties assert that, in these instances, video footage of misconduct can serve as a child's only cry for help. S.B. 507 seeks to ensure the safety of these children and afford them special protection by placing cameras in their classrooms under limited circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 2 of this bill.

ANALYSIS

S.B. 507 amends the Education Code to require a school district or open-enrollment charter school, in order to promote student safety on 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 such equipment to 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 provided special education and related services and assigned to a self-contained classroom for at least 50 percent of the instructional day. The bill requires a school or campus that places a video in a classroom to operate and maintain the camera in the classroom as long as the classroom continues to satisfy the bill's requirements. The bill requires the video cameras to be capable of recording audio from all areas of the classroom and capable of covering all areas of the classroom but prohibits the visual monitoring of a bathroom or any area in the classroom in which a student's clothes are changed.

S.B. 507 requires a school or campus, before placing 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 classroom. The bill requires a school district or open-enrollment charter school to retain video recorded from a camera placed in a classroom for at least six months after the date the video was recorded and 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.

S.B. 507 does 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 in a classroom or using the video for teacher evaluation or for any purpose other than the promotion of safety of students receiving special education services in a self-contained classroom.

S.B. 507 establishes a video recording of a student made according to these provisions as confidential and prohibits the release or viewing of such a recording except as otherwise provided. The bill requires a school district or open-enrollment charter school to release a recording for viewing by appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of abuse, neglect, or exploitation in schools, or by 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.

S.B. 507 requires a person viewing a video recording who determines that the recording documents abuse, neglect, or exploitation of a child in certain facilities to notify DFPS for investigation in accordance with applicable law. The bill authorizes a person viewing the recording to allow access to the recording to appropriate legal and human resources personnel if the person determines that the recording documents a violation of district or school policy. The bill authorizes the use of such a recording as part of a disciplinary action against district or school personnel and requires the release of the recording at the request of the student's parent or guardian in a legal proceeding. These 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 or other law. The bill authorizes the commissioner of education to adopt rules to implement and administer the bill's provisions relating to video surveillance of classrooms, which apply beginning with the 2016–2017 school year, and requires the commissioner, subject to the availability of funds, to distribute certain grant funds beginning with the 2015–2016 school year.

S.B. 507 includes among the purposes for which a school district employee 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 relating to video surveillance in classrooms.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.