

BILL ANALYSIS

Senate Research Center
84R186 JSL-D

S.B. 507
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Education
4/20/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Every instance of abuse and bullying in school is unacceptable. Unfortunately, when the victim is a nonverbal special needs student, such incidents often go unreported. With their victims unable to speak for themselves and with no way to prove the abuse, those who would prey on these most vulnerable children frequently continue their abusive behavior with no fear of repercussion. In these instances, video footage of misconduct can serve as a child's only cry for help.

To ensure the safety interests of these children, S.B. 507 affords them the opportunity for special protection by placing cameras in their classrooms under very limited circumstances. The presence of cameras only in the self-contained, unique learning environments of nonverbal students may deter incidences of abuse against these vulnerable children, and also protect special education teachers from unfounded claims of misconduct. As filed, S.B. 507 includes the necessary safeguards to ensure that video footage will only be used to ensure the safety of special needs children, and not to scrutinize innocent educators (e.g., the footage can only be accessed under very narrow circumstances, and can only be used as part of an investigation by the Department of Family and Protective Services into allegations of abuse).

As proposed, S.B. 507 amends current law relating to the placement of video cameras in self-contained classrooms providing special education services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.009(b), Education Code, as follows:

(b) Provides that 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 certain purposes, including for a purpose related to the promotion of student safety under Section 29.022. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter A, Chapter 29, Education Code, by adding Section 29.022, as follows:

Sec. 29.022. VIDEO SURVEILLANCE OF CLASSROOMS. (a) Requires a school district or open-enrollment charter school 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 in order to promote student safety on request by a parent, trustee, or staff member. Requires each school or campus that receives equipment to place and maintain 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) (requiring the Texas Education Agency (TEA) to develop or

adopt an appropriate criterion-referenced alternative assessment instruments to be administered to a student in a certain special education program) if the students were enrolled in a grade level for which an assessment instrument required under Section 39.023 (Adoption and Administration of Instruments) is administered; and

(2) are nonverbal or have a limited ability to communicate as those terms are defined by TEA.

(b) Requires that video cameras placed under this section 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 monitored; and

(2) recording audio from all areas of the classroom covered as required by Subdivision (1).

(c) Requires the school or campus to provide written notice of the placement to the parents of a student receiving special education services in the classroom, before a school or campus places a video camera in a classroom under this section. Provides that parental consent is not required for purposes related to this section, but subject to Subsection (d).

(d) 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 notice required under Subsection (c).

(e) Requires a school district or open-enrollment charter school to retain video recorded from a camera placed under this section for at least one year after the date the video was recorded.

(f) 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 under this section.

(g) Provides that 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) Prohibits a school district or open-enrollment charter school from:

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

(2) using 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) Provides that a video recording of a student made according to this section is confidential and is prohibited from being released or viewed except by appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation under Section 261.406 (Investigations in Schools), Family Code. Provides that 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. Provides that this Act applies beginning with the 2016-2017 school year.

SECTION 4. Effective date: upon passage or September 1, 2015.