

By: Leach

H.B. No. 1033

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the placement of video cameras in self-contained
3 classrooms providing special education services.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 26.009(b), Education Code, is amended to
6 read as follows:

7 (b) An employee of a school district is not required to
8 obtain the consent of a child's parent before the employee may make
9 a videotape of a child or authorize the recording of a child's voice
10 if the videotape or voice recording is to be used only for:

11 (1) purposes of safety, including the maintenance of
12 order and discipline in common areas of the school or on school
13 buses;

14 (2) a purpose related to a cocurricular or
15 extracurricular activity;

16 (3) a purpose related to regular classroom
17 instruction; ~~or~~

18 (4) media coverage of the school; or

19 (5) a purpose related to the promotion of student
20 safety under Section 29.022.

21 SECTION 2. Subchapter A, Chapter 29, Education Code, is
22 amended by adding Section 29.022 to read as follows:

23 Sec. 29.022. VIDEO SURVEILLANCE OF CLASSROOMS. (a) In
24 order to promote student safety on request by a parent, trustee, or

1 staff member, a school district or open-enrollment charter school
2 shall provide equipment, including a video camera, to each school
3 in the district or each charter school campus in which a student
4 receiving special education services in a self-contained classroom
5 is enrolled. Each school or campus that receives equipment shall
6 place the video camera in a self-contained classroom in which the
7 only students in regular attendance:

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

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

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

19 (c) Before a school or campus places a video camera in a
20 classroom under this section, the school or campus shall provide
21 written notice of the placement to the parents of a student
22 receiving special education services in the classroom. For
23 purposes related to this section, but subject to Subsection (d),
24 parental consent is not required.

25 (d) A school district or open-enrollment charter school may
26 not place a video camera in the classroom of a student whose parent
27 sends to the district or school a written objection to the placement

1 of a camera not later than the 30th day after the date on which the
2 district or school sends the notice required under Subsection (c).

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

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

9 (g) This section does not:

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

13 (2) create any liability for a cause of action against
14 a school district or open-enrollment charter school or against
15 district or school officers or employees.

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

19 (i) A video recording of a student made according to this
20 section is confidential and may not be released or viewed except by
21 a school nurse or human resources staff member designated by the
22 board of trustees of a school district or the governing body of an
23 open-enrollment charter school in response to a complaint or an
24 investigation of district or school personnel or in accordance with
25 this subsection. If the person viewing the video determines that a
26 recording documents a violation of district or school policy, the
27 person may allow access to the recording to appropriate legal and

1 human resources personnel. A recording determined to document a
2 violation of district or school policy may be used as part of a
3 disciplinary action against district or school personnel and may be
4 released at the request of the student's parent or guardian in a
5 legal proceeding. This subsection does not limit the access of a
6 student's parent to a record regarding the student under the Family
7 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section
8 1232g) or other law.

9 SECTION 3. This Act applies beginning with the 2015-2016
10 school year.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2015.