86R14329 JES-D

By:  Lucio S.B. No. 1909

A BILL TO BE ENTITLED

AN ACT

relating to certain policies and procedures for the placement and use of video cameras in certain self-contained classrooms or other settings providing special education services.

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

SECTION 1.  Section 29.022, Education Code, is amended by adding Subsections (e-2) and (i-2) and amending Subsections (i), (l), and (t) to read as follows:

(e-2)  A person authorized to view a video recording under this section is entitled to hear any audio recorded by the video camera, including audio recorded in an area that may not be visually monitored under Subsection (c-1). Audio recorded by a video camera is subject to the same requirements as those applicable to a video recording under this section.

(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 (i-1), (i-2), or (j). A school district or open-enrollment charter school shall release a recording for viewing by:

(1)  an employee who is involved in an alleged incident that is documented by the recording and has been reported to the district or school, on request of the employee;

(2)  a parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or school, on request of the parent;

(3)  appropriate Department of Family and Protective Services personnel as part of an investigation under Section 261.406, Family Code;

(4)  a peace officer, a school nurse, a district or school administrator trained in de-escalation and restraint techniques as provided by commissioner rule, 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 report of an alleged incident or an investigation of district or school personnel or a report of alleged abuse committed by a student; or

(5)  appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

(i-2)  For purposes of Subsection (i), a school district or open-enrollment charter school may comply with requirements to release a video recording for viewing by allowing a person authorized under that subsection to view the video recording at a district or school facility.

(l)  A school district or open-enrollment charter school policy relating to the placement, operation, or maintenance of video cameras under this section must:

(1)  include information on how a person may appeal an action by the district or school that the person believes to be in violation of this section or a policy adopted in accordance with this section, including the appeals process under Section 7.057;

(2)  require that the district or school provide a response to a request made under this section not later than the seventh school business day after receipt of the request by the person to whom it must be submitted under Subsection (a-3) that authorizes the request or states the reason for denying the request;

(3)  except as provided by Subdivision (5), require that a school or a campus begin operation of a video camera in compliance with this section not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized unless the agency grants an extension of time;

(4)  permit the parent of a student whose admission, review, and dismissal committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:

(A)  the date on which the current school year ends; or

(B)  the 10th school business day after the date of the placement determination by the admission, review, and dismissal committee; [~~and~~]

(5)  if a request is made by a parent in compliance with Subdivision (4), unless the agency grants an extension of time, require that a school or campus begin operation of a video camera in compliance with this section not later than the later of:

(A)  the 10th school day of the fall semester; or

(B)  the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made; and

(6)  include information regarding the procedure for a person authorized by Subsection (i) to request to view a video recording of an alleged incident.

(t)  A video camera placed under this section is [~~not~~] required to be in operation at any [~~for the~~] time during which a student is [~~students are not~~] present in the classroom or other special education setting, regardless of whether the time is included in the instructional day.

SECTION 2.  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, 2019.