

By: Lucio

S.B. No. 1909

A BILL TO BE ENTITLED

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

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

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

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

15 (i) A video recording of a student made according to this
16 section is confidential and may not be released or viewed except as
17 provided by this subsection or Subsection (i-1), (i-2), or (j). A
18 school district or open-enrollment charter school shall release a
19 recording for viewing by:

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

23 (2) a parent of a student who is involved in an alleged
24 incident that is documented by the recording and has been reported

1 to the district or school, on request of the parent;

2 (3) appropriate Department of Family and Protective
3 Services personnel as part of an investigation under Section
4 [261.406](#), Family Code;

5 (4) a peace officer, a school nurse, a district or
6 school administrator trained in de-escalation and restraint
7 techniques as provided by commissioner rule, or a human resources
8 staff member designated by the board of trustees of the school
9 district or the governing body of the open-enrollment charter
10 school in response to a report of an alleged incident or an
11 investigation of district or school personnel or a report of
12 alleged abuse committed by a student; or

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

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

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

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

27 (2) require that the district or school provide a

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

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

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

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

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

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

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

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

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

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

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2019.