

BILL ANALYSIS

C.S.H.B. 2234
By: Thompson, Senfronia
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Section 29.022, Education Code, commonly known as the "cameras in classrooms" law, authorizes video surveillance of certain special education classrooms and settings to help deter abuse and neglect of vulnerable students with disabilities. While the cameras in classrooms law has made a difference for many students with disabilities, there are still areas of the law where change is needed. C.S.H.B. 2234 seeks to make changes by making information about the cameras in classrooms law more accessible to both parents and districts and providing for the use of the school safety allotment to purchase video cameras for special education settings.

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

ANALYSIS

C.S.H.B. 2234 amends the Education Code to set a deadline by which written notice of the placement of a video camera in a special education setting, including a self-contained classroom, must be provided by a public school district or open-enrollment charter school to all school and campus staff and to the parents of each student attending class or engaging in school activities in the setting at not later than the 10th instructional day after the first day the school or campus activates the camera.

C.S.H.B. 2234 requires each district or charter school policy relating to the placement, operation, or maintenance of video cameras in a special education setting as required under state law to include the following provisions:

- a requirement for a district or charter school, not later than the 10th day of the fall semester, to provide written information detailing the policy regarding the placement, operation, or maintenance of any video cameras to the parent of a student:
 - who receives special education services in one or more self-contained classrooms or other special education settings in which a majority of the students in regular attendance are provided special education and related services; or
 - who is assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day; and
- a requirement for a district or charter school, not later than the seventh school business day after a parent requests the district or school to release a video recording documenting an alleged incident in which their student is involved and has been reported to the district or charter school, to either:

- release the recording for viewing; or
- if the district or charter school determines that the district or charter school is not required to release the recording under the statutory provision regarding the confidentiality or required release of a video recording of a student, provide a written response to the parent that states the reason the district or charter school is not required to release the recording and includes information regarding how the parent may appeal the action.

C.S.H.B. 2234 requires the commissioner of education to develop and post on the Texas Education Agency (TEA) website a model form for districts and charter schools to use to notify such parents. The commissioner must review and update the form, as necessary. The bill extends the period for which a district or charter school is required to retain a video recording of special education settings from three months after the date the video was recorded to six months after that date.

C.S.H.B. 2234 requires TEA to include information regarding the use of video cameras in special education settings in its written explanation to districts of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The bill specifies the purchase and maintenance of security cameras for video surveillance of special education settings among the permitted uses of the school safety allotment.

C.S.H.B. 2234 applies beginning with the 2023-2024 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2234 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a requirement, but the introduced did not, for each district or charter school policy relating to video cameras in a special education setting as required under state law to include a requirement for a district or charter school, not later than the seventh school business day after a parent requests the district or school to release a video recording documenting an alleged incident in which their student is involved and has been reported to the district or charter school, to either:

- release the recording for viewing; or
- if the district or charter school determines that the district or school is not required to release the recording, provide a written response to the parent that states the reason the release is not required and include information regarding how the parent may appeal the action.

Whereas the introduced removed the condition in current law on the statutory requirement for a district or charter school to release a recording of an alleged incident in which a student is involved to a parent that the incident have been documented by the recording, the substitute does not remove this condition from that statutory requirement.