

BILL ANALYSIS

C.S.H.B. 3312
By: Swanson
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, public school districts and open-enrollment charter schools are only required to maintain video recordings of special education settings for three months from the time of recording. Also, there are specific criteria for viewing video footage of a student. The bill author has informed the committee that while certain situations allow for viewing, limitations mean that there is potential for parties on either side of an incident to not be able to view evidence for their case. The bill author has also informed the committee that some cases may develop slowly enough that the recordings may be erased due to the minimum requirement for maintaining records, meaning that proof or exoneration of an incident may be lost before the appropriate body determines the outcome. C.S.H.B. 3312 seeks to address these issues by extending the minimum time recordings must be kept to 12 months and setting out provisions relating to relevant persons viewing the recording.

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. 3312 amends the Education Code to extend from three months to 12 months the duration for which a public school district or open-enrollment charter school must retain video recorded from a video camera placed in a special education setting after the date that video was recorded. The bill requires a district or charter school to retain all available video recordings of an employee who is involved in an alleged incident that has been reported to the district or school, regardless of whether the recording documents the incident, until the incident has been resolved, including the exhaustion of all appeals.

C.S.H.B. 3312 prohibits a district or charter school from limiting the number of times an employee or a parent of a student who is involved in an alleged incident may view a recording that documents the incident. The bill requires the district or charter school to release a recording that documents an alleged incident for viewing by the attorney of an employee or a parent of a student who is involved in the incident not later than one week after receiving a request from the attorney to view the recording. The bill establishes that a video recording released for viewing in accordance with these bill provisions may be released only in a manner that complies with the federal Family Educational Rights and Privacy Act of 1974 and authorizes the district or charter school to obscure the face of a student from the recording as necessary to comply with that act.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3312 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 provision absent from the introduced establishing that a video recording released for viewing in accordance with the bill's provisions may be released only in a manner that complies with the federal Family Educational Rights and Privacy Act of 1974 and authorizing the district or charter school to obscure the face of a student from the recording as necessary to comply with that act.