

By: Swanson

H.B. No. 3312

A BILL TO BE ENTITLED

AN ACT

relating to the preservation and release of video surveillance recordings of special education settings.

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

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

(e) Except as provided by Subsections [~~Subsection~~] (e-1) and (e-2), a school district or open-enrollment charter school shall retain video recorded from a video camera placed under this section for at least 12 [~~three~~] months after the date the video was recorded.

(e-2) A school district or open-enrollment charter school shall 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.

(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

1 that is documented by the recording and has been reported to the
2 district or school, on request of the employee;

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

6 (3) appropriate Department of Family and Protective
7 Services personnel as part of an investigation under Section
8 [261.406](#), Family Code;

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

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

19 (i-2) A school district or open-enrollment charter school
20 may not limit the number of times an employee or a parent of a
21 student who is involved in an alleged incident may view a recording
22 that documents the incident. The district or school must release a
23 recording that documents an alleged incident for viewing by the
24 attorney of an employee or a parent of a student who is involved in
25 the incident not later than one week after receiving a request from
26 the attorney to view the recording.

27 SECTION 2. This Act takes effect September 1, 2025.