

SUBJECT: Revising certain provisions relating to video surveillance in schools

COMMITTEE: Public Education — committee substitute recommended

VOTE: 13 ayes — Buckley, Allen, Allison, Cunningham, Dutton, Cody Harris, Harrison, Hefner, Hinojosa, K. King, Longoria, Schaefer, Talarico

0 nays

WITNESSES: For —Steven Aleman, Disability Rights Texas; Lisa Flores, Easterseals Central Texas; Carrie Moore, Texas Education 911 and County Citizens Defending Freedom; Edgar Pacheco (*Registered, but did not testify*: Jacquie Benestante, Autism Society of Texas; Jolene Foster Sanders, Coalition of Texans with Disabilities; Garry Jones, DFER; Leela Rice, Texas Council of Community Centers; Linda Litzinger, Texas Parent to Parent; Ashley Ford, The Arc of Texas; and seven individuals)

Against — (*Registered, but did not testify*: Denishea Williams, Texas Freedom Network; Marisa Iannaccone)

On —Sabrina Gonzalez, Texas Council for Developmental Disabilities; Alex Langley (*Registered, but did not testify*: Eric Marin, Kristin McGuire, TEA; Andrea Chevalier, Texas Council of Administrators of Special Education)

BACKGROUND: Some have suggested that current law regarding video surveillance in special education classrooms could be revised to better serve special needs students and their parents.

DIGEST: CSHB 2234 would require a school’s written notice to staff and parents of the placement of a video camera in a classroom or special education setting, including a self-contained classroom, to be provided by the 10th instructional day after the first day the school or campus activated the video camera. A district or charter school would be required to retain such recorded video for at least six, rather than three, months after the date the video was recorded.

The bill would require a school district's or charter school's video camera policy to include a requirement that, by the seventh business day after a parent requested the district or charter school to release a video recording for viewing, the district or school release the recording for viewing or provide a written response to the parent stating the reason the district or school was not required to release the recording. The written notice would be required to include information for how the parent could appeal the determination.

A district's or charter school's video camera policy would have to require, by the 10th day of the fall semester, the district or charter school to provide written information detailing the policy regarding the placement, operation, or maintenance of any video cameras to the parent of a student who:

- received special education services in one or more self-contained classrooms or other special education settings; or
- was assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.

The commissioner of education would be required to develop and post on the Texas Education Agency website a model form for school districts and charter schools to use to notify parents and to review and update the form as necessary.

The bill would make conforming changes throughout the Education Code to include references to such video surveillance.

The bill would apply beginning with the 2023-2024 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.