

BILL ANALYSIS

Senate Research Center
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S.B. 1398
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 84th Legislature, Regular Session, 2015, passed S.B. 507, which protected vulnerable students by providing for the installation of closed circuit video cameras in certain classrooms that serve students with special needs. Unfortunately, over the interim, the attorney general offered an interpretation of the language of S.B. 507 that created a much broader mandate than was intended. Many districts and parents asked for guidance on this and other aspects of implementation in order to protect the students in these classroom environments while preserving a targeted approach to student safety.

S.B. 1398 removes this ambiguity, to ensure the legislature's original intent is met and the parents of Texas' most vulnerable children receive the peace of mind they deserve. Most importantly, the bill clarifies that a request for cameras is limited to classrooms where the requesting parent has a child in regular attendance. The bill also contains numerous additional provisions that address issues districts, parents, and other stakeholders have reported that stand in the way of the successful implementation of S.B. 507. These include guidance on how long a district must continue to operate a camera, clarification on who may view video recordings of an alleged incident, and a timeline for installing and activating equipment. The focused provisions and enhanced guidance provided in S.B. 1398 will assist districts in achieving the original bill's intent to provide protection for students with special needs.

As proposed, S.B. 1398 amends current law relating to the placement and use of video cameras in certain self-contained classrooms or other settings providing special education services.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.022, Education Code, by amending Subsections (a), (b), (c), (d), (i), and (j) and adding Subsections (a-1), (a-2), (a-3), (c-1), (i-1), (l), and (m), as follows:

(a) Requires a school district or open-enrollment charter school to, on receipt of a written request authorized under Subsection (a-1), provide certain equipment to the school or schools in the district or the charter school campus or campuses specified in the request, rather than requires a school district or open-enrollment charter school to, on request by a parent, trustee, or staff member, provide certain equipment to each school in the district or each charter school campus in which a student who receives special education services in the self-contained classroom or other special education setting is enrolled, in order to promote student safety. Requires a school or campus that receives equipment as provided by this subsection to place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students are provided certain services and assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day, provided that certain conditions are met, rather than requires each school or campus that receives equipment to place, operate, and maintain one or more video cameras in each self-contained classroom or other special education setting in which a majority of

the students are provided certain services and assigned to a self-contained classroom or other special education setting for at least 50 percent of the instructional day. Makes nonsubstantive changes.

(a-1) Provides that for purposes of Subsection (a):

(1) a parent of a child who receives certain special education services may request in writing that equipment be provided to the school or campus at which the child receives those services;

(2) a board of trustees or governing body may request in writing that equipment be provided to one or more specified schools or campuses at which one or more children receive special education services in self-contained classrooms or other special education settings;

(3) the principal or assistant principal of a certain school or campus may request that equipment be provided to the principal's or assistant principal's school or campus; and

(4) a staff member assigned to work with one or more children receiving certain special education services in certain settings may request in writing that equipment be provided to the school or campus at which the staff member works.

(a-2) Requires each school district or open-enrollment charter school to designate an administrator at the primary administrative office of the district or school with responsibility for coordinating the provision of equipment to schools and campuses in compliance with this section.

(a-3) Requires a written request to be submitted and acted on in a certain manner, depending on the persons submitting the request.

(b) Requires a certain school or campus to operate and maintain the camera in the classroom or setting, as long as the classroom or setting continues to satisfy the requirements under Subsection (a), for the remainder of the school year in which the school or campus received the request, unless the requestor withdraws the request in writing. Requires the school or campus to notify the parents of each student in regular attendance in the classroom or setting at the end of each school year, that operation of the video camera will not continue during the following school year unless a person who is eligible to make a request for the next school year under Subsection (a-1) submits a new request.

(c) Requires video cameras placed under this section to be capable of covering all areas and recording audio from all areas of the classroom or other special education settings, including a room attached to the classroom or setting used for time-out. Deletes existing text prohibiting the inside of a bathroom or any area in the classroom or setting in which a student's clothes are changed from being visually monitored.

(c-1) Prohibits the inside of a bathroom or any area in the classroom or setting in which a student's clothes are changed from being visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

(d) Requires the school or campus to provide written notice of the placement to all school or campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting before a school or campus activates a video camera in a certain setting, rather than to provide written notice of the placement to all school or campus staff and to parents of a student receiving special education services in the classroom or setting before the school or campus places a video camera in a certain setting.

(i) Creates an exception provided by Subsection (i-1). Requires a school district or open-enrollment charter school to release a recording for viewing by certain concerned individuals or agencies. Makes conforming and nonsubstantive changes.

(i-1) Provides that a contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording is not in violation of Subsection (i).

(j) Requires a certain person who views the video recording to notify the Department of Family and Protective Services for certain investigations if the person believes that the recording documents a possible violation under Subchapter E (Investigations of Abuse, Neglect, or Exploitation in Certain Facilities), Chapter 261 (Investigation of Report of Child Abuse or Neglect), Family Code. Authorizes a certain person to allow access to the recording to appropriate legal and human resources personnel, if the person believes that the recording documents a possible violation of district policy or school procedures. Makes conforming changes.

(l) Requires a district policy or school procedure relating to the placement, operation, or maintenance of video camera under this section to meet certain requirements.

(m) Defines "staff member" and "time-out."

SECTION 2. Effective date: upon passage or September 1, 2017.