

AN ACT

1
2 relating to the placement and use of video cameras in
3 self-contained classrooms or other settings providing special
4 education services.

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

6 SECTION 1. Section 26.009(b), Education Code, is amended to
7 read as follows:

8 (b) An employee of a school district is not required to
9 obtain the consent of a child's parent before the employee may make
10 a videotape of a child or authorize the recording of a child's voice
11 if the videotape or voice recording is to be used only for:

12 (1) purposes of safety, including the maintenance of
13 order and discipline in common areas of the school or on school
14 buses;

15 (2) a purpose related to a cocurricular or
16 extracurricular activity;

17 (3) a purpose related to regular classroom
18 instruction; ~~or~~

19 (4) media coverage of the school; or

20 (5) a purpose related to the promotion of student
21 safety under Section 29.022.

22 SECTION 2. Subchapter A, Chapter 29, Education Code, is
23 amended by adding Section 29.022 to read as follows:

24 Sec. 29.022. VIDEO SURVEILLANCE OF SPECIAL EDUCATION

1 SETTINGS. (a) In order to promote student safety on request by a
2 parent, trustee, or staff member, a school district or
3 open-enrollment charter school shall provide equipment, including
4 a video camera, to each school in the district or each charter
5 school campus in which a student who receives special education
6 services in a self-contained classroom or other special education
7 setting is enrolled. Each school or campus that receives equipment
8 shall place, operate, and maintain one or more video cameras in each
9 self-contained classroom or other special education setting in
10 which a majority of the students in regular attendance are:

11 (1) provided special education and related services;
12 and

13 (2) assigned to a self-contained classroom or other
14 special education setting for at least 50 percent of the
15 instructional day.

16 (b) A school or campus that places a video camera in a
17 classroom or other special education setting in accordance with
18 Subsection (a) shall operate and maintain the camera in the
19 classroom or setting as long as the classroom or setting continues
20 to satisfy the requirements under Subsection (a).

21 (c) Video cameras placed under this section must be capable
22 of:

23 (1) covering all areas of the classroom or other
24 special education setting, except that the inside of a bathroom or
25 any area in the classroom or setting in which a student's clothes
26 are changed may not be visually monitored; and

27 (2) recording audio from all areas of the classroom or

1 other special education setting.

2 (d) Before a school or campus places a video camera in a
3 classroom or other special education setting under this section,
4 the school or campus shall provide written notice of the placement
5 to all school or campus staff and to the parents of a student
6 receiving special education services in the classroom or setting.

7 (e) A school district or open-enrollment charter school
8 shall retain video recorded from a camera placed under this section
9 for at least six months after the date the video was recorded.

10 (f) A school district or open-enrollment charter school may
11 solicit and accept gifts, grants, and donations from any person for
12 use in placing video cameras in classrooms or other special
13 education settings under this section.

14 (g) This section does not:

15 (1) waive any immunity from liability of a school
16 district or open-enrollment charter school, or of district or
17 school officers or employees; or

18 (2) create any liability for a cause of action against
19 a school district or open-enrollment charter school or against
20 district or school officers or employees.

21 (h) A school district or open-enrollment charter school may
22 not:

23 (1) allow regular or continual monitoring of video
24 recorded under this section; or

25 (2) use video recorded under this section for teacher
26 evaluation or for any other purpose other than the promotion of
27 safety of students receiving special education services in a

1 self-contained classroom or other special education setting.

2 (i) A video recording of a student made according to this
3 section is confidential and may not be released or viewed except as
4 provided by this subsection or Subsection (j). A school district or
5 open-enrollment charter school shall release a recording for
6 viewing by:

7 (1) a school district employee or a parent or guardian
8 of a student who is involved in an incident documented by the
9 recording for which a complaint has been reported to the district,
10 on request of the employee, parent, or guardian, respectively;

11 (2) appropriate Department of Family and Protective
12 Services personnel as part of an investigation under Section
13 261.406, Family Code;

14 (3) a peace officer, a school nurse, a district
15 administrator trained in de-escalation and restraint techniques as
16 provided by commissioner rule, or a human resources staff member
17 designated by the board of trustees of the school district or the
18 governing body of the open-enrollment charter school in response to
19 a complaint or an investigation of district or school personnel or a
20 complaint of abuse committed by a student; or

21 (4) appropriate agency or State Board for Educator
22 Certification personnel or agents as part of an investigation.

23 (j) If a person described by Subsection (i)(3) or (4) who
24 views the video recording believes that the recording documents a
25 possible violation under Subchapter E, Chapter 261, Family Code,
26 the person shall notify the Department of Family and Protective
27 Services for investigation in accordance with Section 261.406,

1 Family Code. If any person described by Subsection (i)(2), (3), or
2 (4) who views the recording believes that the recording documents a
3 possible violation of district or school policy, the person may
4 allow access to the recording to appropriate legal and human
5 resources personnel. A recording believed to document a possible
6 violation of district or school policy may be used as part of a
7 disciplinary action against district or school personnel and shall
8 be released at the request of the student's parent or guardian in a
9 legal proceeding. This subsection does not limit the access of a
10 student's parent to a record regarding the student under the Family
11 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section
12 1232g) or other law.

13 (k) The commissioner may adopt rules to implement and
14 administer this section, including rules regarding the special
15 education settings to which this section applies.

16 SECTION 3. Subchapter E, Chapter 42, Education Code, is
17 amended by adding Section 42.2528 to read as follows:

18 Sec. 42.2528. EXCESS FUNDS FOR VIDEO SURVEILLANCE OF
19 SPECIAL EDUCATION SETTINGS. (a) Notwithstanding any other
20 provision of law, if the commissioner determines that the amount
21 appropriated for the purposes of the Foundation School Program
22 exceeds the amount to which school districts are entitled under
23 this chapter, the commissioner by rule shall establish a grant
24 program through which excess funds are awarded as grants for the
25 purchase of video equipment, or for the reimbursement of costs for
26 previously purchased video equipment, used for monitoring special
27 education classrooms or other special education settings required

1 under Section 29.022.

2 (b) In awarding grants under this section, the commissioner
3 shall give highest priority to districts with maintenance and
4 operations tax rates at the greatest rates permitted by law. The
5 commissioner shall also give priority to:

6 (1) districts with maintenance and operations tax
7 rates at least equal to the state maximum compressed tax rate, as
8 defined by Section 42.101(a), and lowest amounts of maintenance and
9 operations tax revenue per weighted student; and

10 (2) districts with debt service tax rates near or
11 equal to the greatest rates permitted by law.

12 (c) The commissioner may adopt rules to implement and
13 administer this section.

14 SECTION 4. (a) Subject to the availability of funds, the
15 commissioner of education shall distribute grant funds in
16 accordance with Section 42.2528, Education Code, as added by this
17 Act, beginning with the 2015-2016 school year.

18 (b) The change in law made by Section 29.022, Education
19 Code, as added by this Act, applies beginning with the 2016-2017
20 school year.

21 SECTION 5. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 507 passed the Senate on May 11, 2015, by the following vote: Yeas 24, Nays 7; May 28, 2015, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 2015, House granted request of the Senate; May 31, 2015, Senate adopted Conference Committee Report by the following vote: Yeas 21, Nays 10.

Secretary of the Senate

I hereby certify that S.B. No. 507 passed the House, with amendments, on May 27, 2015, by the following vote: Yeas 132, Nays 12, two present not voting; May 29, 2015, House granted request of the Senate for appointment of Conference Committee; May 31, 2015, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 0, three present not voting.

Chief Clerk of the House

Approved:

Date

Governor