

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

HOUSE BILL 1019

4  
5 By: Representative Sorvillo

## For An Act To Be Entitled

8 AN ACT TO REQUIRE VIDEO CAMERAS IN CERTAIN CLASSROOMS  
9 UPON REQUEST; AND FOR OTHER PURPOSES.

### Subtitle

12 TO REQUIRE VIDEO CAMERAS IN CERTAIN  
14 CLASSROOMS UPON REQUEST.

16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18  
19 SECTION 1. Arkansas Code Title 6, Chapter 41, Subchapter 1, is amended  
20 to add an additional section to read as follows:

21 6-41-105. Video cameras in classrooms.

22 (a) As used in this section:

23 (1) "Incident" means an event or circumstance that involves the  
24 abuse, neglect, sexual abuse, or sexual exploitation, as those terms are  
25 defined in § 12-18-103 of the Child Maltreatment Act, § 12-18-101 et seq., of  
26 a student by:

27 (A) An employee of a public school or school district; or

28 (B) Another student;

29 (2)(A) "Related services" means transportation and  
30 developmental, corrective, and other supportive services required to assist a  
31 child with a disability to benefit from special education, and includes:

32 (i) Speech-language pathology and audiology  
33 services;

34 (ii) Interpreting services;

35 (iii) Psychological services;

36 (iv) Physical and occupational therapy;



- 1                   (v) Recreation, including therapeutic recreation;  
2                   (vi) Early identification and assessment of a  
3 child's disability;  
4                   (vii) Counseling services, including rehabilitation  
5 counseling;  
6                   (viii) Orientation and mobility services;  
7                   (ix) Medical services for diagnostic or evaluation  
8 purposes;  
9                   (x) School health services;  
10                  (xi) School nurse services;  
11                  (xii) Social work services in schools; and  
12                  (xiii) Parent counseling and training.

13                  (B)(i) "Related services" does not include:

- 14                               (a) A medical device that is surgically  
15 implanted;  
16                               (b) The optimization of the functioning, such  
17 as mapping, of a medical device that is surgically implanted;  
18                               (c) The maintenance of a medical device that  
19 is surgically implanted; or  
20                               (d) The replacement of a medical device that  
21 is surgically implanted.

22                               (ii) Subdivision (a)(2)(B)(i) of this section does  
23 not:

- 24                                       (a) Limit the right of a child with a medical  
25 device that is surgically implanted to receive related services under  
26 subdivision (a)(2)(A) of this section that are determined by the child's  
27 individualized education program team to be necessary for the child to  
28 receive a free and appropriate public education;  
29                                       (b) Limit the responsibility of a public  
30 agency to appropriately monitor and maintain medical devices that are needed  
31 to maintain the health and safety of the child, including breathing,  
32 nutrition, or operation of other bodily functions, while the child is  
33 transported to and from school or is at school; or  
34                                       (c) Prevent the routine checking of an  
35 external component of a medical device that is surgically implanted to make  
36 sure it is functioning properly, as required in 34 CFR § 300.113(b), as it

1 existed on January 1, 2019;

2 (3) "Self-contained classroom" means a classroom at a public  
3 school in which a majority of the students in regular attendance are provided  
4 special education and related services; and

5 (4) "Special education" means the same as defined in § 6-41-203.

6 (b)(1) Upon receipt of a written request by a person under subdivision  
7 (b)(2) of this section, a public school or school district shall provide a  
8 video camera to a public school that shall be used in the self-contained  
9 classroom for which the written request was made.

10 (2) A request under subdivision (b)(1) of this section may be  
11 made by a:

12 (A) Parent or legal guardian of a student who is assigned  
13 to the self-contained classroom for which the parent or legal guardian  
14 requests a video camera;

15 (B) School employee who is assigned to work with one (1)  
16 or more students in the self-contained classroom for which the school  
17 employee requests a video camera;

18 (C) Superintendent, principal, or assistant principal of  
19 the public school or school district; or

20 (D) Member of the board of directors of the public school  
21 or school district.

22 (3) A request made under subdivision (b)(1) of this section  
23 shall be made to the principal of the public school.

24 (c)(1)(A) A public school that receives a video camera under  
25 subsection (b) of this section shall operate and maintain the video camera in  
26 the self-contained classroom for which the video camera was requested for the  
27 remainder of the school year for which the public school received the  
28 request, unless the person who requested the video camera withdraws the  
29 request in writing.

30 (B) A public school shall not continue to operate and  
31 maintain the video camera in the self-contained classroom for the following  
32 school year unless a person makes a new request under subsection (b) for a  
33 video camera to be operated and maintained in the following school year.

34 (2) If a public school intends to discontinue the operation and  
35 maintenance of a video camera under this section for any reason, no later  
36 than five (5) days before the operation and maintenance of the video camera

1 is to be discontinued the public school shall notify every person eligible to  
2 make a request under subsection (b) of this section that the operation and  
3 maintenance of the video camera will be discontinued unless a new request for  
4 the school year is made under subsection (b) of this section.

5 (3) No later than ten (10) days before the end of a school year,  
6 the public school shall notify every person eligible to make a request under  
7 subsection (b) of this section that the operation and maintenance of the  
8 video camera will be discontinued for the following school year unless a new  
9 request for the following school year is made under subsection (b) of this  
10 section.

11 (d)(1) A video camera placed in a self-contained classroom shall be  
12 capable of:

13 (A) Monitoring all areas of the self-contained classroom,  
14 including without limitation a room attached to the self-contained classroom  
15 and used for time-outs or other purposes; and

16 (B) Recording audio from all areas of the self-contained  
17 classroom, including without limitation a room attached to the self-contained  
18 classroom and used for a time-out or other purpose.

19 (2) A video camera placed in a self-contained classroom shall  
20 not monitor a restroom or any other area in the self-contained classroom  
21 where a student changes his or her clothes except for incidental monitoring  
22 of a minor portion of a restroom or other area where a student changes his or  
23 her clothes because of the layout of the self-contained classroom.

24 (3) A video camera placed in a self-contained classroom is not  
25 required to be in operation during the time in which students are not present  
26 in the self-contained classroom.

27 (e) Before a public school places a video camera in a self-contained  
28 classroom, the public school shall provide written notice of the placement  
29 to:

30 (1) The parent or legal guardian of a student who is assigned to  
31 the self-contained classroom;

32 (2) A student who is assigned to the self-contained classroom;

33 (3) Members of the board of directors of the public school or  
34 school district; and

35 (4) A school employee who is assigned to work with one (1) or  
36 more students in the self-contained classroom.

1       (f)(1) A public school shall retain video recorded from a camera  
2 placed under this section for at least three (3) months after the date the  
3 video was recorded.

4       (2) If a person requests to view a recording under subsection  
5 (j) of this section, the public school shall retain the recording from the  
6 date of the request until:

7               (A)(i) Except as provided in subdivision (f)(2)(A)(ii) of  
8 this section, the person views the recording.

9               (ii) A person who requests to view a recording shall  
10 make himself or herself available for viewing the recording within thirty  
11 (30) days after being notified by the public school that the person's request  
12 has been granted; and

13              (B) Any investigation and any administrative or legal  
14 proceedings that result from the recording have been completed, including  
15 without limitation the exhaustion of all appeals.

16       (g) This section does not:

17              (1) Waive any immunity from liability of a public school  
18 district or employee of a public school district; or

19              (2) Create any liability for a cause of action against a public  
20 school or school district or employee of a public school or school district.

21       (h) A public school or school district shall not:

22              (1) Allow regular, continuous, or continual monitoring of video  
23 recorded under this section; or

24              (2) Use video recorded under this section for:

25                      (A) Teacher evaluations; or

26                      (B) Any purpose other than the promotion of the health,  
27 well-being, and safety of students receiving special education and related  
28 services in a self-contained classroom.

29              (i) Except as provided under subsections (j) and (k) of this section,  
30 a video recording of a student made under this section is confidential and  
31 shall not be released or viewed.

32              (j) Within seven (7) days of receiving a request, a public school or  
33 school district shall allow viewing of a video recording by:

34                      (1) A public school or school district employee who is involved  
35 in an alleged incident that is documented by the video recording and has been  
36 reported to the public school or school district;

1           (2) A parent or legal guardian of a student who is involved in  
2 an alleged incident that is documented by the video recording and has been  
3 reported to the public school or school district;

4           (3) An employee of a public school or school district as part of  
5 an investigation into an alleged incident that is documented by the video  
6 recording and has been reported to the public school or school district;

7           (4) Appropriate personnel as part of an ethics investigation  
8 under § 6-17-428 of an alleged incident that is documented by the video  
9 recording and for which an ethics complaint has been reported to the  
10 Professional Licensure Standards Board;

11           (5) Appropriate personnel as part of an investigation under the  
12 Child Maltreatment Act, § 12-18-101 et seq.; or

13           (6) A law enforcement officer as part of an investigation into  
14 an alleged incident that is documented by the video recording and has been  
15 reported to the law enforcement agency.

16           (k) It is not a violation of subsection (i) of this section if a  
17 contractor or other employee of a public school or school district  
18 incidentally views a video recording under this section if the contractor or  
19 employee of a public school or school district is performing job duties  
20 related to the:

21           (1) Installation, operation, or maintenance of video equipment;  
22 or

23           (2) Retention of video recordings.

24           (1)(1) A public school or school district that receives a request  
25 under subsection (b) of this section shall begin operation and maintenance of  
26 a video camera under this section:

27           (A) If the request is made during the summer break, no  
28 later than the tenth school day of the fall semester; or

29           (B) If the request is made at any time other than the  
30 summer break, no later than forty-five (45) school days after receiving the  
31 request.

32           (2) The Commissioner of Education may grant a public school or  
33 school district an extension of time under subdivision (1)(1):

34           (A) In unusual and limited circumstances, as determined by  
35 the commissioner; and

36           (B) Upon request of the public school or school district.

1       (m) This section does not limit the access of a student's parent or  
2 legal guardian to a video recording regarding the student under the Family  
3 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, or any other  
4 law.

5       (n) A public school or school district shall:

6           (1) Take necessary precautions to conceal the identity of a  
7 student who appears in a video recording but is not involved in the alleged  
8 incident documented by the video recording for which the public school allows  
9 viewing under subsection (j) of this section, including without limitation  
10 blurring the face of the uninvolved student; and

11           (2) Provide procedures to protect the confidentiality of student  
12 records contained in a video recording in accordance with the Family  
13 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, or any other  
14 law.

15       (o)(1) A person who is eligible to make a request for a video camera  
16 under subsection (b) of this section may appeal to the State Board of  
17 Education an action by a public school or school district that the person  
18 believes to be in violation of this section.

19           (2) The state board shall grant a hearing on an appeal under  
20 subdivision (o)(1) of this section within forty-five (45) days of receiving  
21 the appeal.

22       (p) The Department of Education shall collect data relating to  
23 requests for a video camera made under this section and actions taken by a  
24 public school or school district in response to a request, including without  
25 limitation the number of requests:

26           (1) Made;

27           (2) Authorized; and

28           (3) Denied.

29       (q) A public school or school district may accept gifts, grants, or  
30 donations for the purpose of fulfilling a request made under subsection (b)  
31 of this section.

32  
33  
34  
35  
36