

1 INTERIM STUDY PROPOSAL 2017-038

2 State of Arkansas

As Engrossed: H3/14/17 H3/23/17

3 91st General Assembly

A Bill

4 Regular Session, 2017

HOUSE BILL 2117

5
6 By: Representative Sorvillo

7 Filed with: House Committee on Education

8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

12
13
14 TO REQUIRE CAMERAS IN CERTAIN CLASSROOMS
15 UPON REQUEST.

16
17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

23 6-41-105. Cameras in classrooms.

24 (a)(1) As used in this section, "nonverbal student" means a student
25 with:

26 (A) Significant cognitive disabilities who is unable to
27 speak; or

28 (B) A physical impairment that prohibits speech.

29 (2) "Nonverbal student" does not include a student who can
30 communicate:

31 (A) In writing;

32 (B) By using technology; or

33 (C) By using sign language.

34 (b) A public school district with a three-quarter average daily
35 membership of at least twenty thousand (20,000) students shall provide a

1 video camera to a public school for use in a classroom that contains a
2 nonverbal student upon request of a:

3 (1) Parent or legal guardian of a nonverbal student who is
4 assigned to the classroom;

5 (2) Member of the board of directors of the public school
6 district; or

7 (3) School employee.

8 (c) A public school that receives a video camera under subsection (b)
9 of this section shall operate and maintain the video camera in the classroom
10 for which the video camera was requested for as long as the request under
11 subsection (b) is made.

12 (d) A video camera placed in a classroom shall be capable of:

13 (1) Covering all areas of the classroom except for:

14 (A) A restroom; or

15 (B) Any other area in the classroom in which a student's
16 clothes are changed; and

17 (2) Recording audio from all areas of the classroom.

18 (e) Before a public school places a video camera in a classroom, the
19 public school shall provide written notice of the placement to:

20 (1) All employees of the public school; and

21 (2) The parent or legal guardian of a student who is assigned to
22 the classroom.

23 (f) A public school shall retain video recorded from a camera placed
24 under this section for at least six (6) months after the date the video was
25 recorded.

26 (g) This section does not:

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

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

31 (h) A public school district shall not:

32 (1) Allow regular or continual monitoring of video recorded
33 under this section; or

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

35 (A) Teacher evaluations; or

1 (B) Any other purpose other than the promotion of the
2 safety of students receiving special education services in the classroom.

3 (i) Except as provided under subsection (j) of this section, a video
4 recording of a student made under this section is confidential and shall not
5 be released or viewed.

6 (j) A public school district shall release a recording for viewing by:

7 (1) A public school employee or a parent or legal guardian of a
8 student who is involved in an incident involving the abuse of the student
9 that is documented by the recording for which a complaint has been reported
10 to the public school district;

11 (2) An employee of a public school district as part of an
12 investigation into an incident involving the abuse of a student documented by
13 the recording for which a complaint has been reported to the public school
14 district;

15 (3) Appropriate personnel as part of an ethics investigation
16 under § 6-17-428 of an incident involving the abuse of a student documented
17 by the recording for which an ethics complaint has been reported to the
18 Professional Licensure Standards Board;

19 (4) Appropriate personnel as part of an investigation under the
20 Child Maltreatment Act, § 12-18-101 et seq., of an incident involving the
21 abuse of a student documented by the recording for which a complaint has been
22 reported under the Child Maltreatment Act, § 12-18-101 et seq.; or

23 (5) A law enforcement officer as part of an investigation into
24 an incident involving the abuse of a student documented by the recording for
25 which a complaint has been reported to a local law enforcement agency.

26 (k) This section does not limit the access of a student's parent or
27 legal guardian to a record regarding the student under the Family Educational
28 Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, or other law.

29 (l) A public school district shall take necessary precautions to
30 conceal the identity of a student who appears in a recording but is not
31 involved in the incident documented by the recording for which the public
32 school releases a recording for viewing under subsection (j) of this section,
33 including without limitation blurring the face of the uninvolved student.

34
35 /s/Sorvillo

1
2 Referred by the Arkansas House of Representatives
3 Prepared by: VJF
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36