

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 91st General Assembly  
3 Third Extraordinary Session, 2018  
4

## A Bill

DRAFT PIL/PIL  
HOUSE BILL

5 By: Representative Sorvillo  
6

### For An Act To Be Entitled

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

### Subtitle

11 TO REQUIRE VIDEO CAMERAS IN CERTAIN  
12 CLASSROOMS UPON REQUEST.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 6, Chapter 41, Subchapter 1, is amended to  
20 add an additional section to read as follows:

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

22 (a)(1) Upon receipt of a written request by a person under subdivision  
23 (a)(2) of this section, a public school or school district shall provide a  
24 video camera to a public school for use in a self-contained classroom or  
25 other special education setting in which a majority of the students in  
26 regular attendance are provided special education and other services.

27 (2) A request under subdivision (a)(1) of this section may be  
28 made by a:

29 (A) Parent or legal guardian of a student who is assigned  
30 to the self-contained classroom or other special education setting in which  
31 the parent or legal guardian requests a video camera;

32 (B) School employee who is assigned to work with one (1)  
33 or more students in the self-contained classroom or other special education  
34 setting in which the school employee requests a video camera;

35 (C) Superintendent, principal, or assistant principal of  
36 the public school or school district; or

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1                   (D) Member of the board of directors of the public school  
2 or school district.

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

5                   (b)(1)(A) A public school that receives a video camera under  
6 subsection (a) of this section shall operate and maintain the video camera in  
7 the self-contained classroom or other special education setting for which the  
8 video camera was requested for the remainder of the school year for which the  
9 public school received the request, unless the person who requested the video  
10 camera withdraws the request in writing.

11                   (B) A public school shall not continue to operate and  
12 maintain the video camera in the self-contained classroom or other special  
13 education setting for the following school year unless a person makes a new  
14 request under subsection (a) for a video camera to be operated and maintained  
15 in the following school year.

16                   (2) If a public school intends to discontinue the operation and  
17 maintenance of a video camera under this section for any reason, no later  
18 than five (5) days before the operation and maintenance of the video camera  
19 is to be discontinued the public school shall notify every person eligible to  
20 make a request under subsection (a) of this section that the operation and  
21 maintenance of the video camera will be discontinued unless a new request for  
22 the school year is made under subsection (a) of this section.

23                   (3) No later than ten (10) days before the end of a school year,  
24 the public school shall notify every person eligible to make a request under  
25 subsection (a) of this section that the operation and maintenance of the  
26 video camera will be discontinued for the following school year unless a new  
27 request for the following school year is made under subsection (a) of this  
28 section.

29                   (c)(1) A video camera placed in a self-contained classroom or other  
30 special education setting shall be capable of:

31                   (A) Monitoring all areas of the self-contained classroom  
32 or other special education setting, including without limitation a room  
33 attached to the self-contained classroom or other special education setting  
34 and used for time-outs or other purposes; and

35                   (B) Recording audio from all areas of the self-contained  
36 classroom or other special education setting, including without limitation a

1 room attached to the self-contained classroom or other special education  
2 setting and used for a time-out or other purpose.

3 (2) A video camera placed in a self-contained classroom or other  
4 special education setting shall not monitor a restroom or any other area in  
5 the self-contained classroom or other special education setting where a  
6 student changes his or her clothes except for incidental monitoring of a  
7 minor portion of a restroom or other area where a student changes his or her  
8 clothes because of the layout of the self-contained classroom or other  
9 special education setting.

10 (3) A video camera placed in a self-contained classroom or other  
11 special education setting is not required to be in operation during the time  
12 in which students are not present in the self-contained classroom or other  
13 special education setting.

14 (d) Before a public school places a video camera in a self-contained  
15 classroom or other special education setting, the public school shall provide  
16 written notice of the placement to:

17 (1) The parent or legal guardian of a student who is assigned to  
18 the self-contained classroom or other special education setting;

19 (2) Members of the board of directors of the public school or  
20 school district; and

21 (3) A school employee who is assigned to work with one (1) or  
22 more students in the self-contained classroom or other special education  
23 setting.

24 (e)(1) Except as provided in subdivision (e)(2) of this section, a  
25 public school shall retain video recorded from a camera placed under this  
26 section for at least three (3) months after the date the video was recorded.

27 (2) If a person requests to view a recording under subsection  
28 (i) of this section, the public school shall retain the recording from the  
29 date of the request until:

30 (A) The person views the recording; and

31 (B) The alleged incident has been resolved, including  
32 without limitation the exhaustion of all appeals.

33 (f) This section does not:

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

36 (2) Create any liability for a cause of action against a public

1 school or school district or employee of a public school or school district.

2 (g) A public school or school district shall not:

3 (1) Allow regular or continual monitoring of video recorded  
4 under this section; or

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

6 (A) Teacher evaluations; or

7 (B) Any purpose other than the promotion of the safety of  
8 students receiving special education services in the self-contained classroom  
9 or other special education setting.

10 (h) Except as provided under subsections (i) and (j) of this section,  
11 a video recording of a student made under this section is confidential and  
12 shall not be released or viewed.

13 (i) Within forty-five (45) days of receiving a request, a public  
14 school or school district shall allow viewing of a video recording by:

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

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

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

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

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

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

33 (j) It is not a violation of subsection (h) of this section if a  
34 contractor or other employee of a public school or school district  
35 incidentally views a video recording under this section if the contractor or  
36 employee of a public school or school district is performing job duties

1 related to the:

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

3 or

4 (2) Retention of video recordings.

5 (k)(1) A public school or school district that receives a request  
6 under subsection (a) of this section shall begin operation and maintenance of  
7 a video camera under this section:

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

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

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

15 (A) In unusual and limited circumstances, as determined by  
16 the commissioner; and

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

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

22 (m) A public school or school district shall:

23 (1) Take necessary precautions to conceal the identity of a  
24 student who appears in a video recording but is not involved in the alleged  
25 incident documented by the video recording for which the public school allows  
26 viewing under subsection (i) of this section, including without limitation  
27 blurring the face of the uninvolved student; and

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

32 (n)(1) A person who is eligible to make a request for a video camera  
33 under subsection (a) of this section may appeal to the State Board of  
34 Education an action by a public school or school district that the person  
35 believes to be in violation of this section.

36 (2) The state board shall grant a hearing on an appeal under

1 subdivision (n)(1) of this section within forty-five (45) days of receiving  
2 the appeal.

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

- 7 (1) Made;
- 8 (2) Authorized; and
- 9 (3) Denied.

10 (q) A public school or school district may accept gifts, grants, or  
11 donations for the purpose of fulfilling a request made under subsection (a)  
12 of this section.

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