

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/14/17

A Bill

HOUSE BILL 2117

5 By: Representative Sorvillo
6

For An Act To Be Entitled

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

Subtitle

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14 TO REQUIRE CAMERAS IN CERTAIN CONTAINED
15 SPECIAL EDUCATION CLASSROOMS UPON
16 REQUEST.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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; or

32 (B) By using sign language.

33 (b) A public school district with a three-quarter average daily
34 membership of at least twenty thousand (20,000) students shall provide a
35 video camera to a public school for use in a self-contained special education
36 classroom that contains a nonverbal student upon request of a:



1 (1) Parent or legal guardian of a nonverbal student who is
2 assigned to the self-contained special education classroom;

3 (2) Member of the board of directors of the public school
4 district; or

5 (3) School employee.

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

10 (d) A video camera placed in a self-contained special education
11 classroom shall be capable of:

12 (1) Covering all areas of the self-contained special education
13 classroom except for:

14 (A) A restroom; or

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

17 (2) Recording audio from all areas of the self-contained special
18 education classroom.

19 (e) Before a public school places a video camera in a self-contained
20 special education classroom, the public school shall provide written notice
21 of the placement to:

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

23 (2) The parent or legal guardian of a student who is assigned to
24 the self-contained special education classroom.

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

28 (g) This section does not:

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

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

33 (h) A public school district shall not:

34 (1) Allow regular or continual monitoring of video recorded
35 under this section; or

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

1 (A) Teacher evaluations; or

2 (B) Any other purpose other than the promotion of the
3 safety of students receiving special education services in the self-contained
4 special education classroom.

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

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

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

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

15 (3) Appropriate personnel as part of an ethics investigation
16 under § 6-17-428;

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

19 (5) A law enforcement officer as part of an investigation into
20 an incident documented by the recording for which a complaint has been
21 reported to a local law enforcement agency.

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

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

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31 /s/Sorvillo
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