

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H2/11/19

A Bill

HOUSE BILL 1019

5 By: Representative Sorvillo
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For An Act To Be Entitled

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

Subtitle

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13 TO REQUIRE VIDEO CAMERAS IN CERTAIN
14 CLASSROOMS UPON REQUEST; AND TO DECLARE
15 AN EMERGENCY.
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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. Video cameras in classrooms.

24 (a) As used in this section:

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

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

30 (B) Another student;

31 (2) "Self-contained classroom" means a classroom at a public
32 school that is comprised of students with disabilities, as defined in the
33 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., who
34 spend less than forty percent (40%) of the school day in a regular classroom
35 environment; and

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



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

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

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

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

13 (C) Superintendent, principal, or assistant principal of
14 the public school or school district; or

15 (D) Member of the board of directors of the public school
16 or school district.

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

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

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

29 (2) If a public school intends to discontinue the operation and
30 maintenance of a video camera under this section for any reason, no later
31 than five (5) days before the operation and maintenance of the video camera
32 is to be discontinued the public school shall notify every person eligible to
33 make a request under subsection (b) of this section that the operation and
34 maintenance of the video camera will be discontinued unless a new request for
35 the school year is made under subsection (b) of this section.

36 (3) No later than ten (10) days before the end of a school year,

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

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

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

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

14 (2) A video camera placed in a self-contained classroom shall
15 not monitor a restroom or any other area in the self-contained classroom
16 where a student changes his or her clothes except for incidental monitoring
17 of a minor portion of a restroom or other area where a student changes his or
18 her clothes because of the layout of the self-contained classroom.

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

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

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

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

28 (3) Members of the board of directors of the public school or
29 school district; and

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

32 (f)(1) A public school shall retain video recorded from a camera
33 placed under this section for at least *thirty (30) days* after the date the
34 video was recorded.

35 (2) If a person requests to view a recording under subsection
36 (j) of this section, the public school shall retain the recording from the

1 date of the request until:

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

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

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

11 (g) This section does not:

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

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

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

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

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

20 (A) Teacher evaluations; or

21 (B) Any purpose other than the promotion of the health,
22 well-being, and safety of students receiving special education in a self-
23 contained classroom.

24 (i)(1) Except as provided under subsections (j) and (k) of this
25 section, a video recording of a student made under this section is
26 confidential and shall not be released or viewed.

27 (2) A video recording of a student under this section is an
28 education record under the Family Educational Rights and Privacy Act, 20
29 U.S.C. § 1232(g), as it existed on January 1, 2019.

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

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

35 (2) A parent or legal guardian of a student who is involved in
36 an alleged incident that is documented by the video recording and has been

1 reported to the public school or school district;

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

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

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

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

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

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

21 (2) Retention of video recordings.

22 (1)(1) A public school or school district that receives a request
23 under subsection (b) of this section shall begin operation and maintenance of
24 a video camera under this section:

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

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

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

32 (A) In unusual and limited circumstances, as determined by
33 the commissioner; and

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

35 (m) This section does not limit the access of a student's parent or
36 legal guardian to a video recording regarding the student under the Family

1 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, or any other
2 law.

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

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

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

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

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

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

24 (1) Made;

25 (2) Authorized; and

26 (3) Denied.

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

30 (r) The Division of Youth Services of the Department of Human Services
31 is exempt from this section.

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33 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that the safety of students is of
35 the utmost importance; that parents should be able to monitor their children
36 while their children are at school and hold accountable those responsible for

1 their children while their children are at school; and that this act is
2 immediately necessary to protect students who are currently in school from
3 any inappropriate or unwanted action from those who are responsible for the
4 students at school. Therefore, an emergency is declared to exist, and this
5 act being immediately necessary for the preservation of the public peace,
6 health, and safety shall become effective on:

7 (1) The date of its approval by the Governor;

8 (2) If the bill is neither approved nor vetoed by the Governor,
9 the expiration of the period of time during which the Governor may veto the
10 bill; or

11 (3) If the bill is vetoed by the Governor and the veto is
12 overridden, the date the last house overrides the veto.

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14 /s/Sorvillo
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