

1 State of Arkansas As Engrossed: H2/11/19 H3/11/19 H3/25/19  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

HOUSE BILL 1019

4  
5 By: Representative Sorvillo  
6 By: Senator B. Davis

## For An Act To Be Entitled

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

### Subtitle

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

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

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

22 6-41-105. Video cameras in classrooms.

23 (a) As used in this section:

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

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

29 (B) Another student;

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

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

36 (b)(1) Upon receipt of a written request by a person under subdivision



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

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

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

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

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

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

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

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

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

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

35 (3) No later than ten (10) days before the end of a school year,  
36 the public school shall notify every person eligible to make a request under

1 subsection (b) of this section that the operation and maintenance of the  
2 video camera will be discontinued for the following school year unless a new  
3 request for the following school year is made under subsection (b) of this  
4 section.

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

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

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

13 (2)(A) A video camera placed in a self-contained classroom shall  
14 not monitor the interior of a restroom or the interior of any other area in  
15 the self-contained classroom where a student changes his or her clothes.

16 (B)(i) However, a video camera placed in a self-contained  
17 classroom may monitor a portion of the area immediately outside of a restroom  
18 or a portion of the area immediately outside of any other area in the self-  
19 contained classroom where a student changes his or her clothes.

20 (ii) If a video camera placed in a self-contained  
21 classroom incidentally records the interior of a restroom or the interior of  
22 any other area in the self-contained classroom where a student changes his or  
23 her clothes while an individual is in the interior of the restroom or the  
24 interior of any other area where a student changes his or her clothes and  
25 while the video camera is monitoring a portion of the area immediately  
26 outside of the restroom or a portion of the area immediately outside of any  
27 other area in the self-contained classroom where a student changes his or her  
28 clothes as permitted under subdivision (d)(2)(B)(i) of this section, the  
29 recording of the interior of the restroom or of the interior of any other  
30 area in the self-contained classroom where a student changes his or her  
31 clothes is not subject to viewing under subsection (i) of this section unless  
32 necessary precautions have been taken to redact or segregate from the  
33 recording personally identifiable information or personally identifiable  
34 images captured during the recording of any individual in the interior of the  
35 restroom or the interior of any other area in the self-contained classroom  
36 where a student changes his or her clothes, including without limitation

1 blurring the face or other body part of any individual.

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

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

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

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

11 (3) Members of the board of directors of the public school or  
12 school district; and

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

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

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

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

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

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

30 (3) If a request to view a recording under subsection (j) of  
31 this section has not been made within thirty (30) days of the date the video  
32 was recorded, the recording shall be erased or otherwise destroyed within  
33 thirty (30) days after the first thirty-day period has expired.

34 (g) This section does not:

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

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

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

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

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

7 (A) Teacher evaluations; or

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

11 (i) Within seven (7) days of receiving a request, a public  
12 school or school district shall allow viewing of a video recording by:

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

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

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

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

25 (5) A law enforcement officer as part of an investigation into  
26 an alleged incident that is documented by the video recording and has been  
27 reported to the law enforcement agency.

28 (j) A contractor or other employee of a public school or school  
29 district who is not specifically permitted to view a video recording under  
30 subsection (i) of this section may incidentally view a video recording under  
31 this section if the contractor or employee of a public school or school  
32 district is performing job duties related to the:

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

35 (2) Retention of video recordings.

36 (k)(1) A public school or school district that receives a request

1 under subsection (b) of this section shall begin operation and maintenance of  
2 a video camera under this section:

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

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

8 (2) The Commissioner of Education may grant a public school or  
9 school district an extension of time under subdivision (k)(1) of this  
10 section:

11 (A) In unusual and limited circumstances, as determined by  
12 the commissioner; and

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

14 (1) A public school or school district shall:

15 (1) Take necessary precautions to conceal the identity of a  
16 student who appears in a video recording but is not involved in the alleged  
17 incident documented by the video recording for which the public school allows  
18 viewing under subsection (i) of this section, including without limitation  
19 blurring the face or other body part of the uninvolved student; and

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

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

28 (2) The state board shall grant a hearing on an appeal under  
29 subdivision (m)(1) of this section within forty-five (45) days of receiving  
30 the appeal.

31 (n) The Department of Education shall collect data relating to  
32 requests for a video camera made under this section and actions taken by a  
33 public school or school district in response to a request, including without  
34 limitation the number of requests:

35 (1) Made;

36 (2) Authorized; and

1           (3) Denied.

2           (o) A public school or school district may accept gifts, grants, or  
3 donations for the purpose of fulfilling a request made under subsection (b)  
4 of this section.

5           (p) The Division of Youth Services of the Department of Human Services  
6 is exempt from this section.

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/s/Sorvillo

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