

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

A Bill

HOUSE BILL 2117

4
5 By: Representative Sorvillo

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.

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) As used in this section, "nonverbal student" means a student with:

25 (1) Significant cognitive disabilities who is unable to speak;

26 or

27 (2) A physical impairment that prohibits speech.

28 (b) A public school district or open-enrollment public charter school
29 shall provide a video camera to a public school for use in a self-contained
30 special education classroom that contains a nonverbal student upon request of

31 a:

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

34 (2) Member of the board of directors of the public school
35 district; or

36 (3) School employee.



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

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

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

9 (A) A restroom; or

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

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

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

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

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

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

23 (g) This section does not:

24 (1) Waive any immunity from liability of a public school
25 district, open-enrollment public charter school, or employee of a public
26 school district or open-enrollment public charter school; or

27 (2) Create any liability for a cause of action against a public
28 school district, open-enrollment public charter school, or employee of a
29 public school district or open-enrollment public charter school.

30 (h) A public school district or open-enrollment public charter school
31 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

36 (B) Any other purpose other than the promotion of the

1 safety of students receiving special education services in the self-contained
2 special education 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 or open-enrollment public charter school
7 shall release a recording for viewing by:

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

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

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

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

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

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

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

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