

1 State of Arkansas *As Engrossed: H3/14/17 H3/23/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 2117

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5 By: Representative Sorvillo

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For An Act To Be Entitled

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

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Subtitle

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*TO REQUIRE CAMERAS IN CERTAIN CLASSROOMS
14 UPON REQUEST.*

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

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

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6-41-105. Cameras in classrooms.

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(a)(1) As used in this section, "nonverbal student" means a student
23 with:

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

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(B) A physical impairment that prohibits speech.

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(2) "Nonverbal student" does not include a student who can
28 communicate:

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(A) In writing;

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(B) By using technology; or

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(C) By using sign language.

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

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(1) Parent or legal guardian of a nonverbal student who is



1 assigned to the classroom;

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

4 (3) School employee.

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

9 (d) A video camera placed in a classroom shall be capable of:

10 (1) Covering all areas of the classroom except for:

11 (A) A restroom; or

12 (B) Any other area in the classroom in which a student's
13 clothes are changed; and

14 (2) Recording audio from all areas of the classroom.

15 (e) Before a public school places a video camera in a classroom, the
16 public school shall provide written notice 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 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 or employee of a public school district; or

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

28 (h) A public school district shall not:

29 (1) Allow regular or continual monitoring of video recorded
30 under this section; or

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

32 (A) Teacher evaluations; or

33 (B) Any other purpose other than the promotion of the
34 safety of students receiving special education services in the classroom.

35 (i) Except as provided under subsection (j) of this section, a video
36 recording of a student made under this section is confidential and shall not

1 be released or viewed.

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

3 (1) A public school employee or a parent or legal guardian of a
4 student who is involved in an incident involving the abuse of the student
5 that is documented by the recording for which a complaint has been reported
6 to the public school district;

7 (2) An employee of a public school district as part of an
8 investigation into an incident involving the abuse of a student documented by
9 the recording for which a complaint has been reported to the public school
10 district;

11 (3) Appropriate personnel as part of an ethics investigation
12 under § 6-17-428 of an incident involving the abuse of a student documented
13 by the recording for which an ethics complaint has been reported to the
14 Professional Licensure Standards Board;

15 (4) Appropriate personnel as part of an investigation under the
16 Child Maltreatment Act, § 12-18-101 et seq., of an incident involving the
17 abuse of a student documented by the recording for which a complaint has been
18 reported under the Child Maltreatment Act, § 12-18-101 et seq.; or

19 (5) A law enforcement officer as part of an investigation into
20 an incident involving the abuse of a student documented by the recording for
21 which a complaint has been 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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