84th Texas Legislature:
SB 507 Bill Summary As Passed With Implementation Considerations

Topic: Relates to the placement of video cameras in self-contained classrooms providing special education services.
Author: Sen. Eddie Lucio Jr. (D- Brownsville)

This bill’s requirements do not apply until the beginning of the 2016-2017 school year.

This bill amends Section 26.009(b) of the Texas Education Code related to parental consent when making a video for safety reasons.

Below are the components of SB 507 as finally passed:

I. Initiation
• School districts and open-enrollment charters are required to provide video camera equipment to each school in the district or charter school campus with particular special education classrooms upon the request of a
  o Parent;
  o Trustee; or
  o Staff member.
• Audio recording is also required.

II. Location
• Cameras are required to be placed each self-contained classroom or other special education setting in which the majority of students in regular attendance are:
  o Provided special education and related services; and
  o Assigned to a self-contained classroom or other special education setting for at least 50 percent of the instructional day.
• The cameras are required to cover all areas of the classroom except the bathroom or changing room areas.
• The cameras are required to be operative and maintained as long as the classroom/setting meets the conditions above.
• Audio recording is required in all areas of the classroom and setting including bathroom and changing areas.

III. Notice
• Prior to placing a camera in a classroom a written notice must be provided to:
  o The parents of all students in the classroom, and
  o All school or campus staff.
• Parental consent for placement of the cameras is not required.
IV. Retention
• The video recordings must be retained for at least six months after the date of the recording.

V. Monitoring
• Regular or continual monitoring of the video is not allowed.
• Videos cannot be used for teacher evaluation or for purposes other than student safety.

VI. Confidentiality and Viewing
• A video recording of a student is confidential and may not be released or viewed except as part of a complaint or investigation.
• The video recording shall be released or viewed by:
  o A school district employee or parent/guardian of a student who is involved in a documented incident for which a complaint has been reported to the district;
  o Appropriate Department of Family and Protective Services personnel as part of an investigation under Section 261.406, Family Code;
  o Peace officer, school nurse, district administrator trained in de-escalation and restraint techniques, human resources staff member designated by the board or governing body in response to a complaint or investigation of district or school personnel or a complaint of abuse committed by a student; or
  o Appropriate agency or SBEC personnel or agents as part of an investigation.
• This bill specifies that nothing under FERPA or other law can limit the student’s parent’s access to the video recording.

VI. Response
• If a person viewing the video believes the recording documents a possible violation of the Family Code, this person shall notify Department of Family and Protective Services.
• If the person viewing the video determines that a recording documents a violation of district or school policy, this person may allow access to the recording to appropriate legal and human resources personnel.
• A recording determined to document a violation of district or school policy can be used as part of a disciplinary action against district or school personnel and can be released at the request of the student’s parent/guardian in a legal proceeding.

VII. Funding
• School districts and charter schools may solicit and accept gifts, grants, and donation for the costs of placing the video cameras in the classrooms;
• In the event there are excess funds from TEA’s the Foundation School Program, the commissioner shall create a grant program for the purchase of video equipment giving priority to districts with:
• maintenance and operations tax rates at the greatest rates permitted by law;
• maintenance and operations tax rates at least equal to the state maximum compressed tax rate and lowest amounts of maintenance and operations tax revenue per weighted student; and
• debt service tax rates near or equal to the greatest rates permitted by law.

VIII. Liability
• This bill does not waive any immunity from liability of a school district or charter school, or of their or school officers or employees;
• This bill does not create any liability for a cause of action against a school district or charter school, or against district or school officers or employees.

Implementation Considerations

It is possible that camera implementation will not be the responsibility of the special education department, however special education leaders may be asked for guidance and information.

• Budgeting:
  o Share this information with your district’s Chief Operating Officer or administrator responsible for technology and/or building operations;
  o Remind them to ensure funds are appropriated in the 2016-2017 operations budget;
  o You might be asked if you can fund these cameras from local or federal special education dollars.
    ▪ TEA has stated this is not an allowable federal expenditure as it is a state requirement.
    ▪ If you believe it is an allowable state or local special education expenditure, identify and share any impact to maintenance of effort. Determine if special approval from TEA is required.
    ▪ Be sure to explain to your administration what services or programs may be reduced if your local special education dollars are used.
  o Share this information with your district’s communication/community relations/information requests department. Recommend procedures be developed for requesting camera installation and requests to view the video.
  o Identify which classrooms meet the definitions as outlined in the bill. Share this information with supervisors and district infrastructure departments.
  o Identify district administrators trained in de-escalation and restraint who will be allowed to view video per bill’s requirements.
  o Work with the appropriate district office to draft parent and staff notices per the requirements of this bill.
  o Consider enhancing your district’s current child abuse training to include examples of abuse on students with significant disabilities in educational settings.
  o Consider training staff that work in self-contained settings on the components of the new law.
  o Consider having the district’s law enforcement office maintain the video. Video maintained by law enforcement is an exception to FERPA requirements.