

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/14/17 H3/23/17
A Bill

HOUSE BILL 2117

By: Representative Sorvillo

For An Act To Be Entitled

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

Subtitle

*TO REQUIRE CAMERAS IN CERTAIN CLASSROOMS
UPON REQUEST.*

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

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

6-41-105. Cameras in classrooms.

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

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

(B) A physical impairment that prohibits speech.

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

(A) In writing;

(B) By using technology; or

(C) By using sign language.

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

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



assigned to the classroom;

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

(3) School employee.

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

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

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

(A) A restroom; or

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

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

(e) Before a public school places a video camera in a classroom, the public school shall provide written notice of the placement to:

(1) All employees of the public school; and

(2) The parent or legal guardian of a student who is assigned to the classroom.

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

(g) This section does not:

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

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

(h) A public school district shall not:

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

(2) Use video recorded under this section for:

(A) Teacher evaluations; or

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

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

be released or viewed.

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

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

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

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

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

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

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

(l) A public school district shall take necessary precautions to conceal the identity of a student who appears in a recording but is not involved in the incident documented by the recording for which the public school releases a recording for viewing under subsection (j) of this section, including without limitation blurring the face of the uninvolved student.

/s/Sorvillo