

HOUSE BILL NO. 2546

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

4837H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 162, RSMo, by adding thereto two new sections relating to protections for students receiving special educational services.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 162, RSMo, is amended by adding thereto two new sections, to be known as sections 162.067 and 162.696, to read as follows:

162.067. 1. As used in this section, the following terms mean:

(1) "Incident", a teacher's, aide's, or parent's suspicion of bullying, abuse, neglect, or harm of a child or harm to a school employee by a school employee or by a student;

(2) "Parent", a child's parent, guardian, or other person having control or custody of the child;

(3) "School", any public school or school district as defined in section 160.011;

(4) "School vehicle", any school's motor vehicle that provides transportation to any student receiving special educational services from such school;

(5) "Special educational services", the same definition as in section 162.675;

(6) "Transportation", any related service as defined in 34 CFR 300.34(c)(16), as amended.

2. Each school shall install and maintain a working video camera system in each school vehicle.

3. Before a school initially installs a video camera system in any school vehicle under this section, the school shall provide written notice to:

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 (1) Each student who is assigned to such school vehicle and the student's
18 parents; and

19 (2) Each school employee who is assigned to work with one or more students in
20 such school vehicle.

21 4. (1) A video camera system installed in a school vehicle shall be capable of
22 monitoring and recording video and audio from all areas of the school vehicle.

23 (2) No video camera system installed in a school vehicle shall monitor video of
24 any area where a student changes clothes, except for incidental video monitoring of a
25 minor portion of an area where a student changes clothes because of the layout of the
26 school vehicle.

27 5. The school's principal or the school district's custodian of records shall be the
28 custodian of the video camera system, all recordings generated by the video camera
29 system, and access to the video camera system's recordings.

30 6. If there is an interruption in the operation of the video camera system for any
31 reason, a written explanation shall be submitted to the school principal, the school
32 board, each student in a school vehicle monitored by the video camera system, and the
33 parents of each such student explaining the reason and length for which the video
34 camera system failed to operate. The school shall maintain such written explanation for
35 at least one year.

36 7. (1) Each school shall retain video recorded from a video camera system
37 installed under this section for at least one year after the date the video was recorded,
38 after which the school shall delete such recording or otherwise make such recording
39 un retrievable.

40 (2) If a person requests to view a recording or receive a copy of the recording
41 under subsection 9 of this section, the school shall retain the recording from the date of
42 the request until:

43 (a) Except as provided in subdivision (3) of this subsection, the person views the
44 recording or receives a copy of the recording; and

45 (b) Any investigation and any administrative or legal proceedings that result
46 from the recording have been completed including, but not limited to, the exhaustion of
47 all appeals.

48 (3) A person who requests to view or receive a copy of a recording shall make
49 oneself available for viewing or taking possession of the copy of the recording within
50 thirty days after being notified by the school that the video is ready.

51 8. Except as provided under subsections 9 and 10 of this section, a video
52 recording of a student made under this section is confidential and shall not be released
53 or viewed.

54 **9. Within twenty-four hours of receiving a request, a school shall allow viewing**
55 **of a video recording by or provide a copy of the video recording to:**

56 **(1) A school employee who is involved in an alleged incident that is documented**
57 **by the video recording and has been reported to the school;**

58 **(2) A student, parent of the student, or an advocate or attorney for the parent or**
59 **student who is involved in an alleged incident that is documented by the video recording**
60 **and has been reported to the school;**

61 **(3) A school employee as part of an investigation into an alleged incident that is**
62 **documented by the video recording and has been reported to the school;**

63 **(4) A law enforcement officer as part of an investigation into an alleged incident**
64 **that is documented by the video recording and has been reported to the law enforcement**
65 **agency; or**

66 **(5) The department of social services as part of a child abuse and neglect**
67 **investigation; provided that, any access provided to the department of social services**
68 **under this subdivision shall comply with the federal Family Educational Rights and**
69 **Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended.**

70 **10. When a video is under review as part of the investigation of an alleged**
71 **incident and the video reveals a student violating a disciplinary code or rule of the**
72 **school, which violation is not related to the alleged incident for which the review is**
73 **occurring and which violation is not already the subject of a disciplinary action against**
74 **the student, the student shall not be subject to disciplinary action by the school for such**
75 **unrelated violation unless the unrelated violation reveals a separate incident.**

76 **11. It is not a violation of subsection 8 of this section if a contractor or other**
77 **school employee incidentally views a video recording under this section if the contractor**
78 **or school employee is performing job duties related to the:**

79 **(1) Installation, operation, or maintenance of video equipment; or**

80 **(2) Retention of video recordings.**

81 **12. No school shall:**

82 **(1) Allow regular, continuous, or continual monitoring of video recorded under**
83 **this section; or**

84 **(2) Use video recorded under this section for:**

85 **(a) Teacher evaluations;**

86 **(b) Transportation provider evaluation; or**

87 **(c) Any purpose other than the promotion of the health, safety, and well-being of**
88 **students in a school vehicle.**

89 **13. This section shall not be construed to:**

90 **(1) Waive any immunity from liability of a school or an employee of a school; or**

91 **(2) Create any liability for a cause of action against a school or an employee of a**
92 **school.**

93 **14. This section shall not be construed to limit the access of a student or such**
94 **student's parent to a video recording regarding the student under the federal Family**
95 **Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended, or**
96 **any other law.**

97 **15. Each school shall:**

98 **(1) Take necessary precautions to conceal the identity of a student who appears**
99 **in a video recording but is not involved in the alleged incident documented by the video**
100 **recording including, but not limited to, blurring the face of the uninvolved student;**

101 **(2) Provide procedures to protect the confidentiality of student records**
102 **contained in a video recording in accordance with the federal Family Educational**
103 **Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended, or any other law;**
104 **and**

105 **(3) Allow access to the video recording to the student, parent of the student, or**
106 **an advocate or attorney for the parent or student.**

107 **16. A school may accept gifts, grants, or donations to meet the requirements of**
108 **this section.**

162.696. 1. As used in this section, the following terms mean:

2 **(1) "Incident", a teacher's, aide's, or parent's suspicion of bullying, abuse,**
3 **neglect, or harm of a child or harm to a school employee by a school employee or by a**
4 **student;**

5 **(2) "Parent", a child's parent, guardian, or other person having control or**
6 **custody of the child;**

7 **(3) "School", any public school or school district as defined in section 160.011;**

8 **(4) "Self-contained classroom", a school classroom or other special educational**
9 **services setting in which a majority of the students in regular attendance are provided**
10 **special educational services.**

11 **2. Each school shall install and maintain a working video camera system in each**
12 **self-contained classroom.**

13 **3. Before a school initially installs a video camera system in a self-contained**
14 **classroom under this section, the school shall provide written notice to:**

15 **(1) Each student who is assigned to the self-contained classroom and the**
16 **student's parents; and**

17 **(2) Each school employee who is assigned to work with one or more students in a**
18 **self-contained classroom.**

19 **4. (1) A video camera system installed in a self-contained classroom shall be**
20 **capable of monitoring and recording video and audio from all areas of the self-**
21 **contained classroom including, but not limited to, any room attached to the self-**
22 **contained classroom and used for other purposes.**

23 **(2) No video camera system installed in a self-contained classroom shall monitor**
24 **video of any area where a student changes clothes, except for incidental video**
25 **monitoring of a minor portion of an area where a student changes clothes because of the**
26 **layout of the self-contained classroom.**

27 **5. The school's principal or the school district's custodian of records shall be the**
28 **custodian of the video camera system, all recordings generated by the video camera**
29 **system, and access to the video camera system's recordings.**

30 **6. If there is an interruption in the operation of the video camera system for any**
31 **reason, a written explanation shall be submitted to the school principal, the school**
32 **board, each student in a self-contained classroom monitored by the video camera**
33 **system, and the parents of each such student explaining the reason and length for which**
34 **the video camera system failed to operate. The school shall maintain such written**
35 **explanation for at least one year.**

36 **7. (1) Each school shall retain video recorded from a video camera system**
37 **installed under this section for at least one year after the date the video was recorded,**
38 **after which the school shall delete such recording or otherwise make such recording**
39 **unretrievable.**

40 **(2) If a person requests to view a recording or receive a copy of the recording**
41 **under subsection 9 of this section, the school shall retain the recording from the date of**
42 **the request until:**

43 **(a) Except as provided in subdivision (3) of this subsection, the person views the**
44 **recording or receives a copy of the recording; and**

45 **(b) Any investigation and any administrative or legal proceedings that result**
46 **from the recording have been completed including, but not limited to, the exhaustion of**
47 **all appeals.**

48 **(3) A person who requests to view or receive a copy of a recording shall make**
49 **oneself available for viewing or taking possession of the copy of the recording within**
50 **thirty days after being notified by the school that the video is ready.**

51 **8. Except as provided under subsections 9 and 10 of this section, a video**
52 **recording of a student made under this section is confidential and shall not be released**
53 **or viewed.**

54 **9. Within twenty-four hours of receiving a request, a school shall allow viewing**
55 **of a video recording by or provide a copy of the video recording to:**

56 (1) A school employee who is involved in an alleged incident that is documented
57 by the video recording and has been reported to the school;

58 (2) A student, parent of the student, or an advocate or attorney for the parent or
59 student who is involved in an alleged incident that is documented by the video recording
60 and has been reported to the school;

61 (3) A school employee as part of an investigation into an alleged incident that is
62 documented by the video recording and has been reported to the school;

63 (4) A law enforcement officer as part of an investigation into an alleged incident
64 that is documented by the video recording and has been reported to the law enforcement
65 agency; or

66 (5) The department of social services as part of a child abuse and neglect
67 investigation; provided that, any access provided to the department of social services
68 under this subdivision shall comply with the federal Family Educational Rights and
69 Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended.

70 10. When a video is under review as part of the investigation of an alleged
71 incident and the video reveals a student violating a disciplinary code or rule of the
72 school, which violation is not related to the alleged incident for which the review is
73 occurring and which violation is not already the subject of a disciplinary action against
74 the student, the student shall not be subject to disciplinary action by the school for such
75 unrelated violation unless the unrelated violation reveals a separate incident.

76 11. It is not a violation of subsection 8 of this section if a contractor or other
77 school employee incidentally views a video recording under this section if the contractor
78 or school employee is performing job duties related to the:

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

80 (2) Retention of video recordings.

81 12. No school shall:

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

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

85 (a) Teacher evaluations;

86 (b) Transportation provider evaluation; or

87 (c) Any purpose other than the promotion of the health, safety, and well-being of
88 students receiving special education and related services in a self-contained classroom.

89 13. This section shall not be construed to:

90 (1) Waive any immunity from liability of a school or an employee of a school; or

91 (2) Create any liability for a cause of action against a school or an employee of a
92 school.

93 **14. This section shall not be construed to limit the access of a student or such**
94 **student's parent to a video recording regarding the student under the federal Family**
95 **Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended, or**
96 **any other law.**

97 **15. Each school shall:**

98 **(1) Take necessary precautions to conceal the identity of a student who appears**
99 **in a video recording but is not involved in the alleged incident documented by the video**
100 **recording including, but not limited to, blurring the face of the uninvolved student;**

101 **(2) Provide procedures to protect the confidentiality of student records**
102 **contained in a video recording in accordance with the federal Family Educational**
103 **Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended, or any other law;**
104 **and**

105 **(3) Allow access to the video recording to the student, parent of the student, or**
106 **an advocate or attorney for the parent or student.**

107 **16. A school may accept gifts, grants, or donations to meet the requirements of**
108 **this section.**

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