

SENATE BILL NO. 158—SENATOR HAMMOND

FEBRUARY 15, 2023

Referred to Committee on Education

SUMMARY—Requires video cameras to be installed in certain classrooms used for special education within a public school. (BDR 34-182)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [~~omitted material~~] is material to be omitted.

AN ACT relating to education; requiring public schools to install video cameras in certain classrooms used for special education; prescribing the length of time that a recording from such a video camera must be retained; specifying the circumstances under which such a recording may be released; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law makes it a crime to engage in surreptitious electronic surveillance
2 on the property of a public school without the knowledge of the person being
3 observed, unless the surveillance is for law enforcement purposes, is part of a
4 system of security or is authorized by the teacher of a class or laboratory. (NRS
5 393.400) **Section 1** of this bill authorizes the parent or legal guardian of a pupil
6 who is regularly present in a classroom of a public school in which a majority of
7 the pupils who are regularly present in the classroom receive special education for a
8 certain percentage of the instructional day to request the installation in the
9 classroom of video cameras that are capable of recording sound. **Section 1** requires
10 a school district or the governing body of a charter school to provide such video
11 cameras to a school if such a request is made and requires the school to install such
12 cameras in the classroom. **Section 1:** (1) provides that such a video camera may be
13 used only to record a classroom during a regular school day; (2) requires that
14 written notice of the video camera be provided to each person likely to be recorded
15 by the video camera and to the parent or legal guardian of a pupil who is or will be
16 regularly present in the classroom; and (3) requires that written notice of the video
17 camera be posted at the entrance to any classroom in which the camera is installed.



18 Before assigning an employee of a public school to a classroom in which a video
19 camera is installed, **section 1** requires the principal of the public school to ensure
20 that the employee receives certain training.

21 **Section 1** further provides that any recording made pursuant to **section 1** is
22 confidential and may only be viewed, released or used if consent is obtained from
23 all persons who appear in the recording and the viewing release or use is: (1)
24 related to certain complaints or investigations; (2) for use by a parent or guardian of
25 a pupil in a legal proceeding; (3) related to possible criminal activity; (4) in
26 response to a subpoena; or (5) related to an employee or contractor of the school
27 district ensuring that the video camera is operating properly. Finally, **section 1**
28 requires a recording to be retained by the public school for at least 45 days after the
29 recording is made, unless a civil action or an investigation or proceeding by a
30 government entity is commenced before the recording is destroyed, in which case
31 the recording must be retained until the conclusion of all such actions,
32 investigations and proceedings.

33 **Section 2** of this bill makes a conforming change to indicate the proper
34 placement of **section 1** in the Nevada Revised Statutes. **Section 3** of this bill makes
35 a conforming change to exclude video cameras installed, operated and maintained
36 pursuant to **section 1** from the prohibition against surreptitious electronic
37 surveillance on the property of a public school. **Section 4** of this bill makes a
38 conforming change to reflect that the recordings made pursuant to **section 1** are
39 confidential.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The parent or legal guardian of a pupil who is regularly*
4 *present in a classroom in a public school in which a majority of*
5 *the pupils who are regularly present in the classroom receive*
6 *special education pursuant to the provisions of this section and*
7 *NRS 388.417 to 388.469, inclusive:*

8 *(a) For pupils who are at least 6 but less than 21 years of age,*
9 *for 60 percent or more of the school day; and*

10 *(b) For pupils who are at least 3 but less than 6 years of age,*
11 *for 50 percent or more of the school day,*

12 *↪ may request the installation in such a classroom of equipment,*
13 *including, without limitation, one or more video cameras, with the*
14 *capability of recording sound. If such a request is made, the*
15 *school district or the governing body of the charter school shall*
16 *provide the equipment to the public school.*

17 *2. A public school that receives equipment pursuant to*
18 *subsection 1 must install one or more video cameras with the*
19 *capability of recording sound in the classroom. A video camera*
20 *installed pursuant to this subsection must record:*

21 *(a) The classroom only during a regular school day that is part*
22 *of the regular school year; and*



1 (b) All areas of the classroom, except the video camera must
2 not record the interior of a bathroom or any other area intended,
3 or likely to be used, as an area for a pupil to change or remove his
4 or her clothing.

5 3. The principal of a public school shall:

6 (a) Provide written notice that a video camera has been or will
7 be installed pursuant to subsection 2 to each parent or legal
8 guardian of a pupil who is or will be regularly present in the
9 classroom and to any other person likely to be recorded by
10 the video camera, including, without limitation, an employee of
11 the school who will be assigned to work with one or more pupils
12 in the classroom; and

13 (b) Post at the entrance to any classroom in which a video
14 camera is installed pursuant to subsection 2 notice that the
15 classroom is under video and audio surveillance.

16 4. Before assigning any employee to provide services to pupils
17 in a classroom in which a video camera has been installed
18 pursuant to subsection 2, the principal of the school shall ensure
19 that the employee has received appropriate training concerning
20 the use of the video camera, the rights and responsibilities of the
21 employee regarding the video camera and the other provisions of
22 this section.

23 5. Except as authorized by this subsection, a public school
24 shall not allow the regular monitoring of a recording made by a
25 video camera pursuant to this section by any person. A public
26 school may allow an employee or independent contractor to
27 regularly monitor a recording made by a video camera pursuant to
28 this section to ensure that the video camera is operating properly.

29 6. A public school shall retain any recording made by a video
30 camera pursuant to this section for at least 45 days after the
31 recording is made, unless before the recording is destroyed,
32 deleted or otherwise disposed of, a civil action is filed or a
33 professional licensing board, law enforcement agency or other
34 governmental entity commences an investigation or criminal or
35 administrative proceeding to which the recording is relevant, in
36 which case the public school shall retain the recording until all
37 such actions, investigations and proceedings are concluded.

38 7. The board of trustees of a school district and the governing
39 body of a charter school may solicit or accept gifts, grants or
40 donations from any person to carry out the provisions of this
41 section.

42 8. A recording made by a video camera pursuant to this
43 section is confidential and is not a public book or record within
44 the meaning of NRS 239.010. Except as otherwise provided in
45 subsections 5 and 9, a recording made by a video camera pursuant



1 *to this section may not be viewed, released or used by any person,*
2 *unless the board of trustees of the school district or the governing*
3 *body of the charter school that made the recording obtains the*
4 *written consent of each person who appears in the recording or,*
5 *for a pupil who appears in the recording, the parent of legal*
6 *guardian of the pupil.*

7 *9. To the extent not prohibited by federal law and in*
8 *accordance with any regulations adopted by the State Board, a*
9 *public school shall release a recording made by a video camera*
10 *pursuant to this section to:*

11 *(a) The parent or legal guardian of a pupil or an employee of*
12 *the school, as applicable, who appears in a recording relating to a*
13 *complaint;*

14 *(b) An employee designated by the Department to investigate a*
15 *complaint relating to the recording;*

16 *(c) An agency which provides child welfare services, as defined*
17 *in NRS 432B.030, as part of an investigation of a report*
18 *concerning the abuse or neglect of a child;*

19 *(d) A peace officer as part of a criminal investigation;*

20 *(e) A parent or legal guardian of a pupil who appears in the*
21 *recording, for use in a legal proceeding; or*

22 *(f) A court of competent jurisdiction in response to a subpoena*
23 *issued by the court.*

24 *10. This section does not:*

25 *(a) Create a cause of action; or*

26 *(b) Waive any immunity from liability or limitation on liability*
27 *of a school district or a charter school, or an officer or employee*
28 *of a school district or charter school, that is otherwise provided by*
29 *law.*

30 *11. The State Board may adopt such regulations as are*
31 *necessary to carry out the provisions of this section.*

32 *12. As used in this section, "complaint" means a complaint*
33 *filed with the Department pursuant to 20 U.S.C. § 1415, 34 C.F.R.*
34 *§§ 300.151 et seq., and NRS 388.463.*

35 **Sec. 2.** NRS 388.417 is hereby amended to read as follows:

36 388.417 As used in NRS 388.417 to 388.515, inclusive [],
37 *and section 1 of this act:*

38 1. "Communication mode" means any system or method of
39 communication used by a person with a disability, including,
40 without limitation, a person who is deaf or whose hearing is
41 impaired, to facilitate communication which may include, without
42 limitation:

43 (a) American Sign Language;

44 (b) English-based manual or sign systems;

45 (c) Oral and aural communication;



1 (d) Spoken and written English, including speech reading or lip
2 reading; and

3 (e) Communication with assistive technology devices.

4 2. "Dyslexia" means a neurological learning disability
5 characterized by difficulties with accurate and fluent word
6 recognition and poor spelling and decoding abilities that typically
7 result from a deficit in the phonological component of language.

8 3. "Dyslexia intervention" means systematic, multisensory
9 intervention offered in an appropriate setting that is derived from
10 evidence-based research.

11 4. "Individualized education program" has the meaning
12 ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

13 5. "Individualized education program team" has the meaning
14 ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

15 6. "Provider of special education" means a school within a
16 school district or charter school that provides education or services
17 to pupils with disabilities or any other entity that is responsible for
18 providing education or services to a pupil with a disability for a
19 school district or charter school.

20 7. "Pupil who receives early intervening services" means a
21 person enrolled in kindergarten or grades 1 to 12, inclusive, who is
22 not a pupil with a disability but who needs additional academic and
23 behavioral support to succeed in a regular school program.

24 8. "Pupil with a disability" means a "child with a disability," as
25 that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22
26 years of age.

27 9. "Response to scientific, research-based intervention" means
28 a collaborative process which assesses a pupil's response to
29 scientific, research-based intervention that is matched to the needs
30 of a pupil and that systematically monitors the level of performance
31 and rate of learning of the pupil over time for the purpose of making
32 data-based decisions concerning the need of the pupil for
33 increasingly intensified services.

34 10. "Specific learning disability" means a disorder in one or
35 more of the basic psychological processes involved in understanding
36 or using spoken or written language which is not primarily the result
37 of a visual, hearing or motor impairment, intellectual disability,
38 serious emotional disturbance, or an environmental, cultural or
39 economic disadvantage. Such a disorder may manifest itself in an
40 imperfect ability to listen, think, speak, read, write, spell or perform
41 mathematical calculations. The term includes, without limitation,
42 perceptual disabilities, brain injury, minimal brain dysfunction,
43 dyslexia and developmental aphasia.



1 **Sec. 3.** NRS 393.400 is hereby amended to read as follows:
2 393.400 1. Except as otherwise provided in subsection 2, it is
3 unlawful for a person to engage in any kind of surreptitious
4 electronic surveillance on any property of a public school without
5 the knowledge of the person being observed.

6 2. Subsection 1 does not apply to any electronic surveillance:
7 (a) Authorized by a court order issued to a public officer, based
8 upon a showing of probable cause to believe that criminal activity is
9 occurring on the property of the public school under surveillance;

10 (b) By a law enforcement agency pursuant to a criminal
11 investigation;

12 (c) By a peace officer pursuant to NRS 289.830;

13 (d) Which is necessary as part of a system of security used to
14 protect and ensure the safety of persons on the property of the public
15 school ~~§~~, *including, without limitation, a video camera installed,*
16 *operated and maintained pursuant to section 1 of this act;* or

17 (e) Of a class or laboratory when authorized by the teacher of
18 the class or laboratory.

19 **Sec. 4.** NRS 239.010 is hereby amended to read as follows:

20 239.010 1. Except as otherwise provided in this section and
21 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
22 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
23 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
24 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
25 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
26 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
27 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
28 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
29 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
30 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
31 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
32 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
33 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
34 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
35 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
36 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
37 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
38 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
39 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
40 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
41 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
42 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
43 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
44 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
45 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,



1 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
2 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
3 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
4 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
5 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
6 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
7 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
8 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
9 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
10 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
11 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
12 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
13 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
14 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
15 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
16 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
17 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
18 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
19 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
20 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
21 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
22 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
23 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
24 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
25 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
26 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
27 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
28 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
29 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
30 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
31 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
32 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
33 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
34 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
35 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
36 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
37 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
38 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
39 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
40 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
41 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
42 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
43 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
44 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
45 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,



1 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
2 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
3 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
4 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
5 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
6 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
7 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
8 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
9 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
10 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
11 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
12 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
13 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
14 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
15 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
16 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
17 711.600, *and section 1 of this act*, sections 35, 38 and 41 of chapter
18 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
19 of Nevada 2013 and unless otherwise declared by law to be
20 confidential, all public books and public records of a governmental
21 entity must be open at all times during office hours to inspection by
22 any person, and may be fully copied or an abstract or memorandum
23 may be prepared from those public books and public records. Any
24 such copies, abstracts or memoranda may be used to supply the
25 general public with copies, abstracts or memoranda of the records or
26 may be used in any other way to the advantage of the governmental
27 entity or of the general public. This section does not supersede or in
28 any manner affect the federal laws governing copyrights or enlarge,
29 diminish or affect in any other manner the rights of a person in any
30 written book or record which is copyrighted pursuant to federal law.

31 2. A governmental entity may not reject a book or record
32 which is copyrighted solely because it is copyrighted.

33 3. A governmental entity that has legal custody or control of a
34 public book or record shall not deny a request made pursuant to
35 subsection 1 to inspect or copy or receive a copy of a public book or
36 record on the basis that the requested public book or record contains
37 information that is confidential if the governmental entity can
38 redact, delete, conceal or separate, including, without limitation,
39 electronically, the confidential information from the information
40 included in the public book or record that is not otherwise
41 confidential.

42 4. If requested, a governmental entity shall provide a copy of a
43 public record in an electronic format by means of an electronic
44 medium. Nothing in this subsection requires a governmental entity



1 to provide a copy of a public record in an electronic format or by
2 means of an electronic medium if:

3 (a) The public record:

4 (1) Was not created or prepared in an electronic format; and

5 (2) Is not available in an electronic format; or

6 (b) Providing the public record in an electronic format or by
7 means of an electronic medium would:

8 (1) Give access to proprietary software; or

9 (2) Require the production of information that is confidential
10 and that cannot be redacted, deleted, concealed or separated from
11 information that is not otherwise confidential.

12 5. An officer, employee or agent of a governmental entity who
13 has legal custody or control of a public record:

14 (a) Shall not refuse to provide a copy of that public record in the
15 medium that is requested because the officer, employee or agent has
16 already prepared or would prefer to provide the copy in a different
17 medium.

18 (b) Except as otherwise provided in NRS 239.030, shall, upon
19 request, prepare the copy of the public record and shall not require
20 the person who has requested the copy to prepare the copy himself
21 or herself.

22 **Sec. 5.** (Deleted by amendment.)

23 **Sec. 6.** The provisions of NRS 354.599 do not apply additional
24 expenses of a local government that are related to the provisions of
25 this act.

26 **Sec. 7.** 1. This section becomes effective upon passage and
27 approval.

28 2. Sections 1 to 6, inclusive, of this act become effective:

29 (a) Upon passage and approval for the purpose of adopting any
30 regulations and performing any other preparatory administrative
31 tasks that are necessary to carry out the provisions of this act; and

32 (b) On July 1, 2024, for all other purposes.

