

SENATE BILL NO. 224—SENATOR HARRIS

FEBRUARY 27, 2017

Referred to Committee on Education

SUMMARY—Requires cameras to be installed in certain classrooms and other locations within a public school which are used for special education. (BDR 34-477)

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 cameras in certain classrooms or other locations within a school which are used for special education; specifying the circumstances under which a recording from such a camera 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 for law enforcement purposes or as part of an installed system of
4 security. (NRS 393.400) **Section 1** of this bill requires each public school,
5 including, without limitation, a charter school, to install, operate and maintain one
6 or more video cameras that are capable of recording audio in each classroom or
7 other location within the school in which a majority of the pupils in regular
8 attendance: (1) receive special education; (2) have speech and language
9 impairments; and (3) are assigned to the classroom or other location within the
10 school to receive special education for at least 50 percent of the instructional day.
11 **Section 1** also requires that written notice of the video camera be provided to each
12 person likely to be recorded by the video camera, including, without limitation, the
13 parent or legal guardian of a pupil receiving such special education at the school. In
14 addition, before assigning an employee of a public school to a classroom or other
15 location in the school where a video camera is installed, **section 1** requires the
16 principal of a public school to ensure that the employee receives certain training.
17 **Section 1** further provides that such a recording is confidential and may only be



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18 viewed, released or used if consent is obtained from all persons who appear in the
19 recording, or: (1) based on certain complaints or investigations; (2) based on
20 possible criminal activity; or (3) for use by the parent or legal guardian of a pupil in
21 a legal proceeding. **Sections 2 and 3** of this bill make conforming changes.

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. *Each school district and the governing body of each*
4 *charter school, as applicable, shall provide equipment, including,*
5 *without limitation, one or more video cameras with the capability*
6 *of recording sound, to each public school which has a classroom*
7 *or other location within the public school in which a majority of*
8 *the pupils who regularly are present in the classroom or other*
9 *location:*

10 (a) *Receive special education pursuant to the provisions of this*
11 *section and NRS 388.417 to 388.469, inclusive;*

12 (b) *Have speech and language impairments; and*

13 (c) *Are assigned to the classroom or other location within the*
14 *school to receive special education pursuant to the provisions of*
15 *this section and NRS 388.417 to 388.469, inclusive, for at least 50*
16 *percent of the instructional day.*

17 2. *A video camera installed pursuant to subsection 1 must*
18 *record all areas of the classroom or other location, except that the*
19 *video camera must not record the interior of a bathroom or any*
20 *other area in which a pupil may change or remove his or her*
21 *clothing.*

22 3. *The principal of a public school shall provide written*
23 *notice that a video camera has been or will be installed pursuant*
24 *to this section to each parent or legal guardian of a pupil who*
25 *receives such special education at the school and to any other*
26 *person likely to be recorded by the video camera, including,*
27 *without limitation, an employee of the school who will be in the*
28 *classroom or other location.*

29 4. *Before assigning any employee who provides services to*
30 *pupils at a public school to provide such services in a classroom or*
31 *other location within the school in which a video camera has been*
32 *installed pursuant to subsection 1, the principal of the school shall*
33 *ensure that the employee has received appropriate training*
34 *concerning the use of the video camera, the rights and*
35 *responsibilities of the employee regarding the video camera and*
36 *the other provisions of this section.*



1 5. *A public school shall not allow the regular monitoring of a*
2 *recording made by a video camera pursuant to this section by any*
3 *person and shall retain any recording that is made for at least 120*
4 *days or until the disposition of a complaint, whichever is longer,*
5 *unless required to do so for a longer period by a court order,*
6 *subpoena or pursuant to law.*

7 6. *The board of trustees of a school district and the governing*
8 *body of a charter school may solicit or accept gifts, grants or*
9 *donations from any person to support the installation of video*
10 *cameras in public schools pursuant to this section.*

11 7. *A recording made pursuant to this section is confidential*
12 *and is not a public book or record within the meaning of NRS*
13 *239.010. Except as otherwise provided in subsection 8, a recording*
14 *may not be viewed, released or used by any person unless the*
15 *board of trustees of the school district or the governing body of the*
16 *charter school that made the recording obtains the written consent*
17 *of each person who appears in the recording, including, without*
18 *limitation, the parent or legal guardian of a pupil who appears in*
19 *the recording.*

20 8. *A public school shall release a recording made pursuant to*
21 *this section to:*

22 (a) *The parent or legal guardian of a pupil or an employee of*
23 *the school, as applicable, who appears in a recording relating to a*
24 *complaint filed with the Department.*

25 (b) *An employee designated by the Department to investigate a*
26 *complaint relating to the recording.*

27 (c) *An agency which provides child welfare services as defined*
28 *in NRS 432B.030 as part of an investigation of a report*
29 *concerning the abuse or neglect of a child.*

30 (d) *A peace officer as part of a criminal investigation.*

31 (e) *A parent or legal guardian of a pupil who appears in the*
32 *recording, for use in a legal proceeding.*

33 9. *This section does not:*

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

35 (b) *Waive any immunity from liability or limitation on liability*
36 *of a school district or a charter school, or an officer or employee*
37 *of a school district or charter school that is otherwise provided by*
38 *law.*

39 10. *The State Board may adopt such regulations as it deems*
40 *necessary to carry out the provisions of this section.*

41 11. *As used in this section, "complaint" means a complaint*
42 *filed with the Department pursuant to 20 U.S.C. § 1415, 34 C.F.R.*
43 *§§ 300.151 et seq. and NRS 388.463.*



1 **Sec. 2.** 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) By a uniformed peace officer of the Nevada Highway Patrol
14 Division of the Department of Public Safety pursuant to
15 NRS 480.365;

16 (e) Which is necessary as part of a system of security used to
17 protect and ensure the safety of persons on the property of the public
18 school **†**, *including, without limitation, a video camera installed,*
19 *operated and maintained pursuant to section 1 of this act;* or

20 (f) Of a class or laboratory when authorized by the teacher of the
21 class or laboratory.

22 **Sec. 3.** NRS 239.010 is hereby amended to read as follows:

23 239.010 1. Except as otherwise provided in this section and
24 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
25 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
26 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
27 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
28 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
29 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
30 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
31 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
32 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
33 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
34 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
35 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
36 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
37 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
38 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
39 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
40 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
41 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
42 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
43 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
44 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
45 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,



1 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
2 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
3 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
4 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
5 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
6 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
7 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
8 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
9 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
10 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
11 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
12 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
13 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
14 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
15 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
16 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
17 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
18 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
19 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
20 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
21 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
22 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
23 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
24 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
25 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
26 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
27 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
28 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
29 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
30 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
31 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
32 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
33 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
34 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
35 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
36 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
37 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
38 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
39 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
40 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
41 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
42 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
43 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
44 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41
45 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter



1 391, Statutes of Nevada 2013 and unless otherwise declared by law
2 to be confidential, all public books and public records of a
3 governmental entity must be open at all times during office hours to
4 inspection by any person, and may be fully copied or an abstract or
5 memorandum may be prepared from those public books and public
6 records. Any such copies, abstracts or memoranda may be used to
7 supply the general public with copies, abstracts or memoranda of the
8 records or may be used in any other way to the advantage of the
9 governmental entity or of the general public. This section does not
10 supersede or in any manner affect the federal laws governing
11 copyrights or enlarge, diminish or affect in any other manner the
12 rights of a person in any written book or record which is
13 copyrighted pursuant to federal law.

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

16 3. A governmental entity that has legal custody or control of a
17 public book or record shall not deny a request made pursuant to
18 subsection 1 to inspect or copy or receive a copy of a public book or
19 record on the basis that the requested public book or record contains
20 information that is confidential if the governmental entity can
21 redact, delete, conceal or separate the confidential information from
22 the information included in the public book or record that is not
23 otherwise confidential.

24 4. A person may request a copy of a public record in any
25 medium in which the public record is readily available. An officer,
26 employee or agent of a governmental entity who has legal custody
27 or control of a public record:

28 (a) Shall not refuse to provide a copy of that public record in a
29 readily available medium because the officer, employee or agent has
30 already prepared or would prefer to provide the copy in a different
31 medium.

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

36 **Sec. 4.** The provisions of NRS 354.599 do not apply to any
37 additional expenses of a local government that are related to the
38 provisions of this act.

39 **Sec. 5.** This act becomes effective on July 1, 2017.



