

Senate Education Committee Hearing on SB 507

Compiled by Mark Gabehart & Jennifer Bergland

The Texas Senate Education Committee held a [special hearing](#) on February 10, 2016, in McAllen to discuss the placement of video cameras in self-contained special education classrooms as specified by [SB 507](#). This bill was overwhelmingly [approved](#) by the Texas House of Representatives and was [approved](#) by the Texas Senate by a vote of 21-10.

Provisions of SB 507

- Require districts to install video and audio equipment in classrooms in which a majority of the students in attendance are provided special education services, *and* are assigned to a self-contained classroom or other special education setting for at least 50% of the instructional day.
- A request for this type of recording in a classroom is triggered by a parent, trustee, or staff member of a school district or open-enrollment charter school.
- Video equipment must be able to record all areas of the classroom or special education setting, except the inside of a bathroom or any area in the classroom in which a student's clothes are changed. Audio recording is still required in these areas.
- Written notice must be given to all school or campus staff and to the parents of the students in the classroom prior to the installation of recording equipment.
- Recording is only permissible while the conditions that triggered the request are still present.
- The recording may not be used for the purpose of teacher evaluation; however, it may be used against district or school personnel if the recording is believed to document a possible violation of district or school policy.
- The recordings must be maintained for at least six months.
- The commissioner of education may make rules giving districts guidance in the implementation of this law.

Outstanding Questions:

- When someone requests that a camera be placed in a classroom, does that require a district to put cameras in all classrooms covered by the bill?
- Does a recording constitute an educational record, thus triggering FERPA requirements which would require the storage of the recording for much longer than six months?
- When will the commissioner's rules be available for public comment?

What Was Learned at the Hearing:

TEA has had one stakeholder meeting to gather input before the commissioner makes his rules. At the stakeholder meeting, TEA indicated that the commissioner's rules would probably not address whether a request for video recording would trigger one classroom or multiple classrooms. They also indicated that the rules would not address how much time a district has to comply with a request due to infrastructure or budget availability. At the hearing, TEA indicated that the proposed rules will not be available for comment for at least four weeks. Janna Lilly, Director of Government Relations for TCASE, provided testimony about the challenges and concerns that districts have with the implementation of SB 507. She made it clear that districts are eager to comply with the law, but that districts need clarification regarding implementation of the law. One of the biggest challenges districts are facing is whether one request triggers the installation of video and audio recording equipment in multiple classrooms or just that one. She predicted that the cost projection for the equipment is between \$3,000 to \$3,500 a classroom. If districts must install this equipment in multiple classrooms, it could be a large financial burden on many districts. She urged the committee to consider appropriating additional funding in the 85th Legislature for districts to implement SB 507.

The senators on the Senate Education committee expressed their frustration that TEA has not released the proposed rules by now. Since student safety prompted this law, the senators want districts to have as much information as they need to implement the bill by the beginning of the 2016-2017 school year, as required. They also were adamant that they never intended one request to trigger multiple rooms across the district, nor did they consider the recordings to be considered an educational record. They also suggested that districts look for grants or gifts to be given for the purpose of camera and audio equipment installation.

District and Stakeholder Input:

I see two avenues to impact the implementation of SB 507. First, when the rules are posted, provide feedback to TEA. The commissioner and TEA staff will use this input to help edit and shape the rules. Second, contact your senator and let them know of your concerns, especially if they are on the Senate Education Committee. Senator Van Taylor stated that this law is at the top of the list of bills with which his superintendents are concerned. He indicated that their concerns involved cost, implementation, and privacy issues related to storing video of students. He was very much interested in getting answers to the questions that were posed by his superintendents from TEA.

The senators see this as a safety issue and thus are eager to get it implemented, but we can continue to engage them in conversations that will help inform the legislators of the questions and struggles districts are having in the implementation.

Senate Education Committee

[Sen. Larry Taylor](#) (Chairman)
[Sen. Eddie Lucio, Jr.](#) (Vice-Chairman)
[Sen. Paul Bettencourt](#)
[Sen. Donna Campbell](#)
[Sen. Sylvia Garcia](#)
[Sen. Don Huffines](#)
[Sen. Lois W. Kolkhorst](#)
[Sen. José R. Rodríguez](#)
[Sen. Kel Seliger](#)
[Sen. Van Taylor](#)
[Sen. Royce West](#)

Other Resources:

[Moak Casey Associates](#)
[House Interim Charges](#)
[Senate Interim Charges](#)
<http://www.tcea.org/blog/sb-507/>