

SENATE BILL 507: WHAT WE KNOW (FOR NOW)



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What is SB 507?

- Largely unfunded mandate to install security cameras in special education classrooms “on request”
- Effective September 1, 2015 for compliance beginning in 2016-2017 school year
- Applies to all school districts and open-enrollment charter schools
- Commissioner will adopt rules to implement and administer

What triggers the compliance requirement?

- A “request” from
 - ▣ Parent
 - ▣ Trustee
 - ▣ Staff member
- Scope of request
 - ▣ Case by case analysis
- Compliance deadline
 - ▣ Request in 2015/2015 SY
 - ▣ Request in 2016/2017 SY

Which classrooms are affected?

- Shall “place, operate, and maintain” in each
 - ▣ Self-contained classroom or “other special education setting”
 - ▣ Majority of students in regular attendance
 - Receive special education and related services and
 - Are assigned to a self-contained classroom or other special education setting at least 50% of the instructional day
 - ▣ For as long as the classroom continues to satisfy these requirements
 - ▣ Resource, ADA, Life Skills classrooms
 - ▣ Legislative Bill Analysis: “non-verbal special needs student” is the focus of the bill

What equipment is required?

- Provide “equipment, including a video camera”
 - ▣ Must be capable of recording
 - Audio from all areas of the classroom or setting
 - Video from all areas of the classroom or setting, except
 - The inside of a bathroom
 - Areas in which students’ clothes are changed

What equipment is required?

- Legislative Fiscal Note: “inexpensive camera with limited-quality video or audio”
- The practical reality
 - ▣ Cameras with adequate resolution and fidelity
 - ▣ Network drops/cabling
 - ▣ Switches
 - ▣ Storage
 - Hosted – bandwidth concerns
 - ▣ Masking/video editing software

Is notice required?

- Shall provide “written notice of the placement”
 - ▣ To all school or campus staff
 - ▣ To the parents of a student receiving services in the classroom or setting
 - ▣ Before the placement
- No consent required
- No opt-out

What is the retention requirement?

- Shall retain video for at least six months after the date the video was recorded
 - ▣ Compression and storage
 - ▣ Retrieval process
 - Identify by camera/classroom, date, time, etc.
 - Grace period to accommodate rolling six-month period, last-minute requests, and District processing

When can the recording be accessed or used?

- Recording is confidential by law
- May not allow regular or continual monitoring
- May not use recording for teacher evaluation or for any purpose other than promotion of student safety
- May not be released or viewed, except under very specific conditions
- FERPA
 - ▣ Statute does not limit access to an education record
 - ▣ Masking/video editing software
- Open Records Request – Confidential by law

When can the recording be accessed or used?

- Only in connection with a complaint or investigation
- Only to specific individuals under certain conditions
 - ▣ Employee or parent/guardian of student involved in incident
 - ▣ DFPS personnel
 - ▣ Peace officer
 - ▣ School nurse
 - ▣ District administrator trained in de-escalation and restraint techniques
 - ▣ HR staff member designated by the Board
 - ▣ TEA or SBEC personnel
- Allows for re-disclosure and use in disciplinary action or legal proceedings under certain conditions

What are the purchasing options?

- Existing District procurements/contracts
 - ▣ Cameras/Equipment
 - ▣ Cabling/Installation
- Self-perform installation
- Purchasing co-op
 - ▣ Security and surveillance vendors
 - ▣ Possible new procurements to address SB 507
- New District procurement
 - ▣ Equipment and/or installation, financed lease, turn-key solution
 - ▣ RFP, CSP, Job Order Contracting

What funding is available?

- May “solicit and accept gifts, grants, and donations from any person”
 - ▣ Procurement inviting bidders to make offers for donations or discounts
 - ▣ E-Rate
 - Possibly infrastructure (i.e., drops)

What funding is available?

- Commissioner's grant program
 - ▣ Commissioner will adopt rules to implement and administer
 - ▣ Excess Foundation School Program funds
 - ▣ To be used for purchase and reimbursement
 - ▣ Highest priority to certain districts
 - Greatest M&O tax rates
 - Lowest M&O tax revenues
 - Greatest debt service tax rates
 - ▣ For distribution beginning with the 2015-2016 school year
 - No rules or procedures for applying at this time

What are the penalties for noncompliance?

- Does not waive immunity from liability
- Does not create any liability for a cause of action
- Noncompliance may be considered in litigation
- Commissioner will likely create sanctions for noncompliance

Best Practices

- Anticipate requests
- Evaluate procurement and funding options now
- Don't rely on grant funding
- Begin establishing procedures
- Identify responsible District personnel
- Expect changes

Thank You!



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