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## SENATE BILL NO. 763

Offered January 22, 2016

A BILL to amend the Code of Virginia by adding a section numbered 22.1-215.2, relating to special education; recording of classrooms.

Patron—Dance (By Request)

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-215.2 as follows:

§ 22.1-215.2. *Recording of self-contained classrooms.*

A. In order to promote student safety, and upon written request by a parent or school board employee, a local school division shall place, operate, and maintain one or more cameras in each self-contained classroom or other special education setting in which a majority of the students in regular attendance are (i) provided special education and related services and (ii) assigned to a self-contained classroom or other special education setting for at least 50 percent of the instructional day.

B. The school division shall operate and maintain the camera in the classroom or setting as long as the classroom or setting continues to satisfy the requirements of this section. Cameras shall record video from all areas of the classroom or other special education setting, except the inside of a bathroom or any area in the classroom or setting in which a student's clothes are changed, and shall record audio from all areas of the classroom or other special education setting.

C. Prior to placing a camera in a classroom or other special education setting, the school division shall provide written notice of the placement to all school personnel and to the parents of a student receiving special education services in the classroom or setting. The school division shall not record a classroom or other setting if it receives written objection from a parent of a student enrolled in the classroom or setting. Local school divisions shall retain recordings for at least six months after the date the recording was created.

D. No school division shall allow regular or continual monitoring of video or audio recorded or use video or audio recorded for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services in a self-contained classroom or other special education setting.

E. Recordings made according to this section are confidential and shall not be released except to (i) a school board employee or a parent of a student who is involved in an incident documented by the recording for which a complaint has been reported to the division, on request of the employee or parent; (ii) the local department of social services conducting an investigation of child abuse or neglect; or (iii) the local school board in response to a complaint concerning a school board employee, as part of an investigation of a school board employee, or in response to a complaint of abuse committed by a student.

F. Nothing in this section shall (i) waive any immunity from liability of a school division or school board or of school board employees or (ii) create any liability for a cause of action against a school division or school board or against school board employees.

INTRODUCED

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