SENATE, No. 1492

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires video surveillance cameras in certain special education classrooms for promotion of student safety.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning video surveillance in special education classrooms and supplementing chapter 46 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. A school district or charter school, in order to promote student safety, shall provide video surveillance equipment, including one or more video cameras with the capability of recording sound, to each school that has a classroom in which a majority of the students in regular attendance:

(1) are provided special education and related services;

(2) are assigned to the classroom for at least 50 percent of the instructional day; and

(3) have speech or language delays which render the students unable to communicate effectively.

A school that receives video surveillance equipment shall place and operate the equipment in each classroom that satisfies the criteria of this subsection, and shall continue to operate the equipment for as long as the classroom continues to satisfy the criteria of this subsection.

b. A video camera placed pursuant to this act shall be capable of:

(1) covering all areas of the classroom, except that the camera shall not record the interior of a bathroom or other area in which a student's clothes are changed; and

(2) recording audio from all areas of the classroom.

c. Before a school activates a video camera in a classroom pursuant to this act, the school shall provide written notice of the video camera to all school staff members and to the parents or guardians of each student who attends class or engages in school activities in the classroom.

d. A school shall retain video recorded from a video camera placed pursuant to this act for at least three months after the date the video was recorded or until the resolution of an alleged incident documented by a recording which has been released for viewing pursuant to section 3 of this act, whichever is longer, unless required to retain video for a longer period by a court order, subpoena, or pursuant to law.

e. A video camera placed pursuant to this act is not required to be in operation during times when students are not present in the classroom.

2. A school district or charter school shall not:

a. allow regular or continual monitoring of recordings made by a video camera pursuant to this act; or

b. use recordings made by a video camera pursuant to this act for teacher evaluation purposes or for any purpose other than the promotion of the safety of students receiving special education and related services.

3. a. A recording made pursuant to this act is confidential and may not be released or viewed except as provided in this section.

b. A school district or charter school shall release a video recording for viewing by:

(1) a parent or guardian of a student who is involved in an alleged incident documented by the recording for which a complaint has been reported to the school district or charter school, on request of the parent or guardian;

(2) an employee of the school district or charter school who is involved in an alleged incident documented by the recording for which a complaint has been reported to the school district or charter school, on request of the employee;

(3) appropriate employees of the Department of Children and Families as part of an investigation concerning alleged child abuse or neglect;

(4) appropriate Department of Education employees as part of an investigation of an alleged incident documented by the recording; or

(5) a law enforcement officer, a school nurse, a school district or charter school administrator trained in de-escalation and restraint techniques, or a human resources staff member designated by a board of education or a board of trustees of a charter school in response to a report of an alleged incident or an investigation of an employee of a school district or charter school or a report of alleged abuse committed by a student.

c. If a person described in paragraph (4) or (5) of subsection b. of this section who views the video recording believes that the recording documents a possible violation under chapter 6 of Title 9 of the Revised Statutes, the person shall notify the Department of Children and Families for an investigation of alleged child abuse or neglect.

d. If a person described in paragraph (3), (4), or (5) of subsection b. of this section who views the video recording believes that the recording documents a possible violation of school district or charter school policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of school district or charter school policy relating to the neglect or abuse of a student may be used as part of a disciplinary action against school district or school personnel and shall be released at the request of the student’s parent or guardian in a legal proceeding.

e. This section shall not limit the access of a student’s parent or guardian to a record regarding the student under the “Family

Educational Rights and Privacy Act" (20 U.S.C. s.1232g) or any other law.

4. A school district or charter school may solicit and accept gifts, grants, and donations from any person for use in placing video cameras in special education classrooms pursuant to this act.

5. This act shall not:

a. waive any immunity from liability of a school district or charter school, or of school district or charter school officers or employees; or

b. create any liability for a cause of action against a school district or charter school or against school district or charter school officers or employees.

6. The State Board of Education shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

7. This act shall take effect in the first full school year following the date of enactment.

STATEMENT

This bill would require the placement and operation of video surveillance equipment, including one or more video cameras with the capability of recording sound, in each classroom of a public school or charter school in which a majority of the students in regular attendance: (1) are provided special education and related services; (2) are assigned to the classroom for at least 50 percent of the instructional day; and (3) have speech or language delays which render the students unable to communicate effectively. The video cameras must be capable of covering all areas of the classroom, except for bathrooms and changing areas, and must record audio from all areas of the classroom. Before activating a camera in a classroom, a school must provide written notice to school staff and the parents of each student who attends class or engages in activities in the classroom.

Under the bill, school districts and charter schools are not permitted to allow regular or continual monitoring of the video recordings or to use the recordings for teacher evaluation purposes or for any purpose other than the promotion of the safety of students receiving special education and related services. The bill provides that the video recordings are confidential and may be viewed or released only under certain circumstances and by certain individuals. The videos may be released for viewing by:

(1) a parent or guardian of a student who is involved in an alleged incident documented by the recording for which a complaint has been reported to the school district or charter school, on request of the parent or guardian;

(2) an employee of the school district or charter school who is involved in an alleged incident documented by the recording for which a complaint has been reported to the school district or charter school, on request of the employee;

(3) employees of the Department of Children and Families as part of an investigation concerning alleged child abuse or neglect;

(4) Department of Education employees as part of an investigation of an alleged incident documented by the recording; or

(5) a law enforcement officer, a school nurse, a school district or charter school administrator trained in de-escalation and restraint techniques, or a designated human resources staff member in response to a report of an alleged incident or an investigation of an employee of a school district or charter school or a report of alleged abuse committed by a student.

Under the bill, a school is required to retain recorded video for at least three months or until the resolution of an alleged incident documented by a recording which has been released for viewing pursuant to the bill's provisions, whichever is longer, unless required to retain video for a longer period by a court order, subpoena, or pursuant to law. The bill permits a school district or charter school to solicit and accept gifts, grants, and donations from any person for use in placing the video cameras in special education classrooms.