

1 A bill to be entitled
2 An act relating to exceptional students and video
3 cameras in public schools; amending s. 1003.57, F.S.;
4 prohibiting district school superintendents and
5 principals from increasing the total number of
6 students in certain classes by more than a specified
7 percentage; creating s. 1003.5741, F.S.; providing
8 definitions; requiring a video camera be placed in
9 certain public school classrooms, including certain
10 charter school classrooms; providing requirements for
11 such video cameras; requiring a written explanation if
12 the operation of such cameras is interrupted;
13 requiring such explanation to be maintained for a
14 specified time period; requiring a school or charter
15 school to provide written notice of the placement of a
16 video camera to certain persons; providing
17 requirements for retaining and deleting video
18 recordings; providing prohibitions for the use of such
19 video cameras and recordings; providing that a school
20 or charter school principal is the custodian of such
21 video cameras and recordings; providing requirements
22 for such principals and video recordings; providing
23 requirements relating to student privacy; providing
24 requirements for the viewing of such video recordings;
25 providing an appeal process for actions of a school,

26 school district, or charter school; providing that
 27 incidental viewings of video recordings by specified
 28 persons are not a violation of certain provisions;
 29 providing construction; requiring the Department of
 30 Education to collect specified information;
 31 authorizing the State Board of Education to adopt
 32 rules; providing an effective date.

33

34 Be It Enacted by the Legislature of the State of Florida:

35

36 Section 1. Paragraph (e) of subsection (1) of section
 37 1003.57, Florida Statutes, is amended to read:

38 1003.57 Exceptional students instruction.—

39 (1)

40 (e) In providing for the education of exceptional
 41 students, the district school superintendent, principals, and
 42 teachers shall utilize the regular school facilities and adapt
 43 them to the needs of exceptional students to the maximum extent
 44 appropriate. To the extent appropriate, students with
 45 disabilities, including those students in public or private
 46 institutions or other facilities, shall be educated with
 47 students who are not disabled. Segregation of exceptional
 48 students shall occur only if the nature or severity of the
 49 exceptionality is such that education in regular classes with
 50 the use of supplementary aids and services cannot be achieved

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51 satisfactorily. During the school year, a district school
52 superintendent or principal may not impact the special
53 instruction or services being provided to an exceptional student
54 in a separate class by increasing the total number of students
55 in the class by more than 50 percent.

56 Section 2. Section 1003.5741, Florida Statutes, is created
57 to read:

58 1003.5741 Video cameras in certain public school
59 classrooms.—

60 (1) As used in this section, the term:

61 (a) "Incident" means an event, a circumstance, an act, or
62 an omission that results in the abuse or neglect of a student
63 by:

64 1. An employee of a public school, school district, or
65 charter school; or

66 2. Another student.

67 (b) "Self-contained classroom" means a classroom at a
68 public school or a charter school in which at least one student
69 in regular attendance is nonverbal and is provided special
70 education services and is assigned to one or more such
71 classrooms for at least 50 percent of the instructional day.

72 (2) A school district must provide a video camera to each
73 school with a self-contained classroom. A charter school must
74 provide a video camera to each self-contained classroom.

75 (3) (a) A video camera placed in a self-contained classroom

76 must be capable of all of the following:

77 1. Monitoring all areas of the self-contained classroom,
78 including, without limitation, any room attached to the self-
79 contained classroom which is used for other purposes.

80 2. Recording audio from all areas of the self-contained
81 classroom, including, without limitation, any room attached to
82 the self-contained classroom which is used for other purposes.

83 (b) A video camera placed in a self-contained classroom
84 may not monitor a restroom or any other area in the self-
85 contained classroom in which a student changes his or her
86 clothes, except for the entryway, exitway, or hallway outside a
87 restroom or other area in which a student changes his or her
88 clothes because of the layout of the self-contained classroom.

89 (c) A video camera placed in a self-contained classroom is
90 not required to be in operation when students are not present in
91 the self-contained classroom.

92 (d) If there is an interruption in the operation of the
93 video camera for any reason, an explanation must be submitted in
94 writing to the school or charter school principal and, if
95 applicable, the district school board which explains the reason
96 for and duration of the interruption. The written explanation
97 must be maintained at the charter school or district school
98 board office for at least 1 year.

99 (4) Before a school or charter school initially places a
100 video camera in a self-contained classroom pursuant to this

101 section, the school or charter school shall provide written
 102 notice of the placement of such video camera to all of the
 103 following:

104 (a) The parent of each student who is assigned to the
 105 self-contained classroom.

106 (b) Each student who is assigned to the self-contained
 107 classroom.

108 (c) The school district, if applicable.

109 (d) Each school or charter school employee who is assigned
 110 to work with one or more students in the self-contained
 111 classroom.

112 (5) A school or charter school shall:

113 (a) Retain video recorded from a video camera placed
 114 pursuant to this section for at least 3 months after the date
 115 the video was recorded, after which the recording shall be
 116 deleted or otherwise made irretrievable; or

117 (b) Retain the recording until the conclusion of any
 118 investigation or any administrative or legal proceedings that
 119 result from the recording have been completed, including,
 120 without limitation, the exhaustion of all appeals.

121 (6) A school, school district, or charter school may not:

122 (a) Allow regular, continuous, or continual monitoring of
 123 video recorded under this section; or

124 (b) Use video recorded under this section for teacher
 125 evaluations or any purpose other than for ensuring the health,

126 safety, and well-being of students receiving special education
127 services in a self-contained classroom.

128 (7) The school or charter school principal is the
129 custodian of a video camera operated pursuant to this section,
130 all recordings generated by that video camera, and access to
131 such recordings.

132 (a) The release or viewing of any video recording under
133 this section must comply with s. 1002.22.

134 (b) A school, school district, or charter school shall:

135 1. Conceal the identity of each student who appears in a
136 video recording but is not involved in the alleged incident
137 documented by the video recording, which the school allows to be
138 viewed under subsection (8), including, without limitation,
139 blurring the face of the uninvolved student.

140 2. Protect the confidentiality of all student records
141 contained in a video recording in accordance with s. 1002.22.

142 (8)(a) Within 7 days after receiving a request to view a
143 video recording, a school, school district, or charter school
144 shall allow the following persons to view a video recording made
145 under this section:

146 1. A school, school district, or charter school employee
147 who is involved in an alleged incident that is documented by the
148 video recording as part of the investigative process;

149 2. A parent of a student who is involved in an alleged
150 incident that is documented by the video recording and has been

151 reported to the school, school district, or charter school;

152 3. A school, school district, or charter school employee
 153 as part of an investigation into an alleged incident that is
 154 documented by the video recording and has been reported to the
 155 school, school district, or charter school;

156 4. A law enforcement officer as part of an investigation
 157 into an alleged incident that is documented by the video
 158 recording and has been reported to the law enforcement agency;

159 or

160 5. The Department of Children and Families as part of a
 161 child abuse or neglect investigation.

162 (b) A person who requests to view a recording shall make
 163 himself or herself available for viewing the recording within 30
 164 days after being notified by the school, school district, or
 165 charter school that the person's request has been granted.

166 (c) A person who views the recording and suspects that
 167 child abuse has occurred must report the suspected child abuse
 168 to the Department of Children and Families.

169 (9)(a) A person may appeal to the State Board of Education
 170 an action by a school, school district, or charter school which
 171 the person alleges to be in violation of this section.

172 (b) The state board shall grant a hearing on an appeal
 173 under this subsection within 45 days after receiving the appeal.

174 (10) A school, school district, or charter school does not
 175 violate subsection (7) if a contractor or other employee of the

176 school, school district, or charter school incidentally views a
 177 video recording made under this section in connection with the
 178 performance of his or her duties related to the following:

179 (a) The installation, operation, or maintenance of video
 180 equipment; or

181 (b) The retention of video recordings.

182 (11) This section does not:

183 (a) Limit the access of the parent of a student, under the
 184 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
 185 1232g, or any other law, to a video recording regarding his or
 186 her student.

187 (b) Waive any immunity from liability of a school district
 188 or charter school or an employee of a school district or charter
 189 school.

190 (c) Create any liability for a cause of action against a
 191 school, school district, or charter school or an employee of a
 192 school, school district, or charter school carrying out the
 193 duties and responsibilities required by this section.

194 (d) Apply to self-contained classrooms in which the only
 195 students receiving special education services are those who have
 196 been deemed gifted.

197 (12) The department shall collect information relating to
 198 the installation and maintenance of video cameras under this
 199 section.

200 (13) The State Board of Education may adopt rules to

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201 | implement this section.

202 | Section 3. This act shall take effect July 1, 2024.