

By: Representative Hobgood-Wilkes

To: Education

HOUSE BILL NO. 790

1 AN ACT TO REQUIRE PUBLIC SCHOOL DISTRICTS AND POSTSECONDARY
2 EDUCATIONAL INSTITUTIONS TO INSTALL VIDEO SURVEILLANCE CAMERAS
3 EQUIPPED WITH AUDIO RECEPTION TECHNOLOGY IN CERTAIN AREAS OF
4 SCHOOLS FOR THE SAFETY AND EDUCATION OF STUDENTS; TO REQUIRE
5 NOTICE TO BE PROVIDED TO PARENTS BEFORE THE INSTALLATION AND USE
6 OF THE CAMERAS; TO PRESCRIBE THE MINIMUM SPECIFICATION FOR THE
7 TYPE OF SURVEILLANCE CAMERAS TO BE USED; TO PROVIDE THAT
8 SURVEILLANCE FOOTAGE SHALL BE MAINTAINED FOR 90 DAYS UNLESS AN
9 EXCEPTION APPLIES FOR EXTENDED RETENTION; TO SPECIFY THE
10 CONDITIONS FOR WHICH EXTENDED RETENTION OF SURVEILLANCE FOOTAGE IS
11 REQUIRED; TO REQUIRE CLASSROOM VIDEO SURVEILLANCE CAMERAS TO ONLY
12 BE USED FOR PURPOSES OF MONITORING CLASSROOM INSTRUCTION,
13 MONITORING CLASSROOM INTERACTIONS AND TEACHER OBSERVATION; TO
14 PROHIBIT THE USE OF SURVEILLANCE FOOTAGE FOR MARKETING PURPOSES;
15 TO LIMIT VIEWING ACCESS OF RECORDED SURVEILLANCE TO CERTAIN
16 PERSONNEL OF THE SCHOOL DISTRICT OR POSTSECONDARY EDUCATIONAL
17 INSTITUTION; TO REQUIRE SCHOOL DISTRICTS AND POSTSECONDARY
18 EDUCATIONAL INSTITUTIONS TO ESTABLISH PROCEDURES AND REGULATIONS
19 GOVERNING ACCESS AND REVIEW OF SURVEILLANCE FOOTAGE; TO REQUIRE
20 THE PROTECTION OF THE PRIVACY AND IDENTITY OF STUDENTS CAPTURED IN
21 THE SURVEILLANCE WHO ARE NOT THE SUBJECT OF INCIDENTS GIVING RISE
22 TO A PARENT'S REQUEST FOR REVIEW, OR ANY INVESTIGATION OR
23 LITIGATION; TO AUTHORIZE SCHOOL DISTRICT AND POSTSECONDARY
24 EDUCATIONAL INSTITUTIONS TO CONTRACT WITH ANY COMPANY OR
25 INDIVIDUAL TO PROVIDE SURVEILLANCE MONITORING SERVICE; TO BRING
26 FORWARD SECTION 37-3-83, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF
27 POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

29 **SECTION 1.** (1) (a) Each local public school district and
30 public postsecondary educational institution shall install video



31 surveillance cameras, equipped with audio reception technology,
32 into each classroom of all school facilities under their
33 respective authority, which provide daily instruction, as well as
34 in the auditorium, gymnasium, interior corridors, cafeteria,
35 designated recreational activity areas and on the exterior
36 parameters of each such school facility. Additionally, each point
37 of access that allows for the entry and exit of individuals shall
38 also be under video surveillance. Surveillance cameras installed
39 within such school facilities shall only be installed in areas
40 where there is no reasonable expectation of privacy, and shall be
41 accompanied by signage indicating the use of such cameras within
42 and on the premises of such facilities.

43 (b) Before the installation of surveillance cameras,
44 and prior to the beginning of each scholastic year during which
45 such surveillance cameras will be operated in a school facility,
46 the appropriate school administrations shall inform parents of the
47 installation and use of such cameras on school premises to assist
48 in the safety and education of the students enrolled therein.

49 (c) The surveillance camera system used shall be a
50 cloud-based video security system, which provides:

51 (i) Video monitoring coverage of the entire
52 classroom surveillance area, to the extent practical;

53 (ii) Twenty-four-hour real-time observation;

54 (iii) Remote management and access;



55 (iv) Cloud backup of recorded surveillance; and
56 (v) Permission-based access, which can be granted
57 to the parents of enrolled students during the regular operational
58 and instructional hours of the school or postsecondary educational
59 institution.

60 (2) Any surveillance footage captured shall be retained by
61 the school or postsecondary educational institution for ninety
62 (90) days from the date of the original recording, after which the
63 recording shall be deleted or made unretrievable, except as
64 otherwise provided in subsection (4)(c).

65 (3) Classroom video surveillance cameras shall only be used
66 for purposes of monitoring classroom instruction, monitoring
67 classroom interactions and teacher observation, and review of
68 recorded material shall only be for such purposes, except as
69 provided in subsection (4), at the written request of the parent
70 or guardian of a child with respect to a specific incident in
71 which the parent's child was involved, or pursuant to the subpoena
72 of a court of competent jurisdiction. Recorded material,
73 including identity of students or demographics of students, shall
74 not be used for marketing purposes.

75 (4) (a) The surveillance footage and audio shall only be
76 viewable, respectively, by the local school board, the school
77 district superintendent, the principal and licensed personnel in
78 the school building where the equipment is installed, the
79 president and dean of students of the postsecondary educational



80 institution, the board of trustees with jurisdiction over the
81 postsecondary educational institution, and any faculty of the
82 postsecondary educational institution in whose presence the
83 incident captured on surveillance footage took place.

84 (b) In the event of an incident involving an enrolled
85 student that warrants the disclosure of the video surveillance for
86 disciplinary, investigative or litigation purposes, schools and
87 postsecondary educational institutions shall adopt procedures and
88 requirements to protect the confidentiality and privacy of all
89 student records contained in the videos recorded from the
90 surveillance cameras in accordance with the federal Family
91 Educational Rights and Privacy Act (FERPA) and the identity of any
92 student not involved in the incident giving rise to the
93 disciplinary action, investigation or litigation for which the
94 surveillance of an alleged incident is being sought. In
95 developing its procedures, schools and postsecondary educational
96 institutions shall:

97 (i) Determine what acts or conduct are violations
98 of school or legal standards when committed by a student that are
99 of interest to the school or postsecondary educational institution
100 which necessitate the retention of the surveillance footage of an
101 alleged incident;

102 (ii) Determine whether video surveillance footage
103 belongs in the education record of any one (1) or several students
104 involved in the alleged incident; and



105 (iii) Determine who has access to video
106 surveillance footage depicting multiple students in a manner
107 consistent with a parent's right of access under FERPA, provided
108 that:

109 1. If the school or postsecondary educational
110 institution obtains prior written consent from the parents from
111 all the other students depicted in the surveillance footage, then
112 all of the parents may receive a copy of the surveillance footage;

113 2. In the absence of parental consent, an
114 administrator of the school or postsecondary educational
115 institution may allow a parent to watch the segment of the video
116 depicting his/her child, even if the parent sees other students;
117 or

118 3. In the absence of parental consent, an
119 administrator of the school or postsecondary educational
120 institution may inform the parent about the contents of the video
121 recording.

122 (c) Upon the receipt of a written request of a parent
123 of a child enrolled at the school or postsecondary educational
124 institution to review surveillance footage, or pursuant to the
125 subpoena of a court of competent jurisdiction, the school or
126 postsecondary educational institution in possession of the video
127 surveillance depicting the alleged incident under review shall
128 have seven (7) days to respond to such request or subpoena. At
129 such time, the school or postsecondary educational institution



130 shall retain the surveillance footage from the date of the request
131 is received until:

132 (i) The parent submitting the request for review
133 has viewed the surveillance footage, except as otherwise provided
134 in subparagraph (ii) of this paragraph (c);

135 (ii) The parent submitting the request for review
136 shall make himself or herself available for viewing of the
137 surveillance footage within thirty (30) days of receiving
138 notification from the school or postsecondary educational
139 institution that the request for review has been granted;

140 (iii) Any investigation and any administrative or
141 legal proceedings that result from the recording have been
142 completed, including, without limitation, the exhaustion of all
143 appeals.

144 (5) School districts and postsecondary educational
145 institutions are authorized to contract with any company or
146 individual, independent of the school district or postsecondary
147 educational institution, to provide the necessary surveillance
148 monitoring service. However, the school district or postsecondary
149 educational institution, acting through its respective governing
150 board, shall not select any one (1) company or individual without
151 first advertising a request for proposals in a newspaper published
152 in the county in which the school district is located, or, if no
153 newspaper is published in that county, then in a newspaper having
154 a general circulation therein, for two (2) successive weeks, the



155 first being at least ten (10) days before the public contract.
156 The contract shall then be awarded to the best bid received and
157 accepted by the respective board.

158 **SECTION 2.** Section 37-3-83, Mississippi Code of 1972, is
159 brought forward as follows:

160 37-3-83. (1) There is established within the State
161 Department of Education, using only existing staff and resources,
162 a School Safety Grant Program, available to all eligible public
163 school districts, to assist in financing programs to provide
164 school safety. However, no monies from the Temporary Assistance
165 for Needy Families grant may be used for the School Safety Grant
166 Program.

167 (2) The school board of each school district, with the
168 assistance of the State Department of Education School Safety
169 Center, shall adopt a comprehensive local school district school
170 safety plan and shall update the plan on an annual basis.

171 (3) Subject to the extent of appropriations available, the
172 School Safety Grant Program shall offer any of the following
173 specific preventive services, and other additional services
174 appropriate to the most current school district school safety
175 plan:

176 (a) Metal detectors;

177 (b) Video surveillance cameras, communications
178 equipment and monitoring equipment for classrooms, school
179 buildings, school grounds and school buses;



180 (c) Crisis management/action teams responding to school
181 violence;

182 (d) Violence prevention training, conflict resolution
183 training, behavioral stress training and other appropriate
184 training designated by the State Department of Education for
185 faculty and staff; and

186 (e) School safety personnel.

187 (4) Each local school district of this state may annually
188 apply for school safety grant funds subject to appropriations by
189 the Legislature. School safety grants shall include a base grant
190 amount plus an additional amount per student in average daily
191 attendance in the school or school district. The base grant
192 amount and amount per student shall be determined by the State
193 Board of Education, subject to specific appropriation therefor by
194 the Legislature. In order to be eligible for such program, each
195 local school board desiring to participate shall apply to the
196 State Department of Education by May 31 before the beginning of
197 the applicable fiscal year on forms provided by the department,
198 and shall be required to establish a local School Safety Task
199 Force to involve members of the community in the school safety
200 effort. The State Department of Education shall determine by July
201 1 of each succeeding year which local school districts have
202 submitted approved applications for school safety grants.

203 (5) As part of the School Safety Grant Program, the State
204 Department of Education may conduct a pilot program to research



205 the feasibility of using video camera equipment in the classroom
206 to address the following:

207 (a) Determine if video cameras in the classroom reduce
208 student disciplinary problems;

209 (b) Enable teachers to present clear and convincing
210 evidence of a student's disruptive behavior to the student, the
211 principal, the superintendent and the student's parents; and

212 (c) Enable teachers to review teaching performance and
213 receive diagnostic feedback for developmental purposes.

214 (6) Any local school district may use
215 audio/visual-monitoring equipment in classrooms, hallways,
216 buildings, grounds and buses for the purpose of monitoring school
217 disciplinary problems.

218 (7) As a component of the comprehensive local school
219 district school safety plan required under subsection (2) of this
220 section, the school board of a school district may adopt and
221 implement a policy addressing sexual abuse of children, to be
222 known as "Erin's Law Awareness." Any policy adopted under this
223 subsection may include or address, but need not be limited to, the
224 following:

225 (a) Methods for increasing teacher, student and
226 parental awareness of issues regarding sexual abuse of children,
227 including knowledge of likely warning signs indicating that a
228 child may be a victim of sexual abuse;



229 (b) Educational information for parents or guardians,
230 which may be included in the school handbook, on the warning signs
231 of a child being abused, along with any needed assistance,
232 referral or resource information;

233 (c) Training for school personnel on child sexual
234 abuse;

235 (d) Age-appropriate curriculum for students in
236 prekindergarten through fifth grade;

237 (e) Actions that a child who is a victim of sexual
238 abuse should take to obtain assistance and intervention;

239 (f) Counseling and resources available for students
240 affected by sexual abuse; and

241 (g) Emotional and educational support for a child who
242 has been abused to enable the child to be successful in school.

243 (8) As part of the school safety grant program, the State
244 Department of Education shall establish three (3) pilot programs
245 in six (6) school districts utilizing an evidence-based curriculum
246 to provide students in Grades K-5 with skills to manage stress and
247 anxiety in order for them to be better equipped to handle
248 challenges in a healthy way and build resiliency. The Mississippi
249 Department of Mental Health shall be responsible for the selection
250 of the content of the evidence-based curriculum. The results of
251 this pilot program shall be measured and reported, and such
252 results shall be used in consideration of the implementation of
253 this curriculum statewide.



254 (9) As a component of the comprehensive local school
255 district safety plan required under subsection (2) of this
256 section, beginning in the 2019-2020 school year, the State
257 Department of Education shall require local school districts to
258 conduct, every two (2) years, refresher training on mental health
259 and suicide prevention for all school employees and personnel,
260 including all cafeteria workers, custodians, teachers and
261 administrators. The Mississippi Department of Mental Health shall
262 be responsible for the development and/or selection of the content
263 of the training, which training shall be provided at no cost to
264 school employees. School districts shall report completion of the
265 training to the State Department of Education.

266 **SECTION 3.** This act shall take effect and be in force from
267 and after July 1, 2022.

