

By: Representative Hobgood-Wilkes

To: Education

HOUSE BILL NO. 278

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;



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

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

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

(4) (a) The surveillance footage and audio shall only be viewable, respectively, by the local school board, the school district superintendent, the principal and licensed personnel in the school building where the equipment is installed, the 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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

- (a) Metal detectors;
- (b) Video surveillance cameras, communications
equipment and monitoring equipment for classrooms, school
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



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

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

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

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

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

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

(a) Methods for increasing teacher, student and parental awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a 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.



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

SECTION 3. This act shall take effect and be in force from and after July 1, 2023.

