

Amendment No. 224

Senate Amendment to Senate Bill No. 158	(BDR 34-182)
Proposed by: Senate Committee on Education	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 158 (§ 1).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



## SENATE BILL NO. 158—SENATOR HAMMOND

FEBRUARY 15, 2023

Referred to Committee on Education

SUMMARY—Requires video cameras to be installed in certain classrooms used for special education within a public school. (BDR 34-182)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring public schools to install video cameras in certain classrooms used for special education; prescribing the length of time that a recording from such a video camera must be retained; specifying the circumstances under which such a recording may be released; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law makes it a crime to engage in surreptitious electronic surveillance on the property of a public school without the knowledge of the person being observed, unless the surveillance is for law enforcement purposes, is part of a system of security or is authorized by the teacher of a class or laboratory. (NRS 393.400) **Section 1** of this bill ~~requires each school district and the governing body of each charter school to provide to each school one or more video cameras that are capable of recording sound in each~~ **authorizes the parent or legal guardian of a pupil who is regularly present in a** classroom of ~~the~~ **a public** school in which a majority of the pupils who are regularly present in the classroom receive special education for a certain percentage of the instructional day ~~to request the installation in the classroom of video cameras that are capable of recording sound.~~ **Section 1** requires ~~each such~~ **a school district or the governing body of a charter school to provide such video cameras to a school if such a request is made and requires the school** to install such cameras ~~to request the installation in the classroom of video cameras that are capable of recording sound in every classroom.~~ **Section 1** provides that such a video camera may be used only to record a classroom during a regular school day; (2) requires that written notice of the video camera be provided to each person likely to be recorded by the video camera and to the parent or legal guardian of a pupil ~~receiving special education at the school;~~ **who is or will be regularly present in the classroom;** and (3) requires that written notice of the video camera be posted at the entrance to any classroom in which the camera is installed. Before assigning an employee of a public school to a classroom in which a video camera is installed, **section 1** requires the principal of the public school to ensure that the employee receives certain training.

**Section 1** further provides that any recording made pursuant to **section 1** is confidential and may only be viewed, released or used if consent is obtained from all persons who appear

in the recording and the viewing release or use is: (1) related to certain complaints or investigations; (2) for use by a parent or guardian of a pupil in a legal proceeding; (3) related to possible criminal activity; (4) in response to a subpoena; or (5) related to an employee or contractor of the school district ensuring that the video camera is operating properly. Finally, **section 1** requires a recording to be retained by the public school for at least 45 days after the recording is made, unless ~~the public school is required to retain the recording for a longer period by a court order, subpoena or other provision of law.~~ a civil action or an investigation or proceeding by a government entity is commenced before the recording is destroyed, in which case the recording must be retained until the conclusion of all such actions, investigations and proceedings.

**Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes. **Section 3** of this bill makes a conforming change to exclude video cameras installed, operated and maintained pursuant to **section 1** from the prohibition against surreptitious electronic surveillance on the property of a public school. **Section 4** of this bill makes a conforming change to reflect that the recordings made pursuant to **section 1** are confidential.

~~[Section 5 of this bill requires elementary schools to begin installing video cameras, where required, on July 1, 2024, and to complete such installation not later than June 30, 2026. Section 5 requires middle schools, junior high schools and high schools to begin installing video cameras, where required, on July 1, 2026, and to complete such installation not later than June 30, 2028.]~~

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. [Except as otherwise provided in subsection 2, the board of trustees of each school district and the governing body of each charter school shall provide to each public school equipment, including, without limitation, one or more video cameras, with the capability of recording sound, for each.]~~ The parent or legal guardian of a pupil who is regularly present in a classroom in ~~the~~ a public school in which a majority of the pupils who are regularly present in the classroom receive special education pursuant to the provisions of this section and NRS 388.417 to 388.469, inclusive:

(a) For pupils who are at least 6 but less than 21 years of age, for 60 percent or more of the school day; and

(b) For pupils who are at least 3 but less than 6 years of age, for 50 percent or more of the school day. ~~]~~

↪ may request the installation in such a classroom of equipment, including, without limitation, one or more video cameras, with the capability of recording sound. If such a request is made, the school district or the governing body of the charter school shall provide the equipment to the public school.

~~2. [The board of trustees of each school district and the governing body of each charter school shall ensure that each classroom in a school that enrolls only pupils who receive special education pursuant to the provisions of this section and NRS 388.417 to 388.469, inclusive, is provided the equipment described in subsection 1.]~~

~~3.]~~ A public school that receives equipment pursuant to subsection 1 ~~for 2]~~ must install one or more video cameras with the capability of recording sound in ~~each~~ the classroom. ~~[described in the applicable subsection.]~~ A video camera installed pursuant to this subsection must record:

(a) The classroom only during a regular school day that is part of the regular school year; and

(b) All areas of the classroom, except the video camera must not record the interior of a bathroom or any other area intended, or likely to be used, as an area for a pupil to change or remove his or her clothing.

~~4.4~~ 3. The principal of a public school shall:

(a) Provide written notice that a video camera has been or will be installed pursuant to subsection ~~3.1~~ 2 to each parent or legal guardian of a pupil who ~~receives such special education at the school~~ is or will be regularly present in the classroom and to any other person likely to be recorded by the video camera, including, without limitation, an employee of the school who will be assigned to work with one or more pupils in the classroom; and

(b) Post at the entrance to any classroom in which a video camera is installed pursuant to subsection ~~3.1~~ 2 notice that the classroom is under video and audio surveillance.

~~5.1~~ 4. Before assigning any employee to provide services to pupils in a classroom in which a video camera has been installed pursuant to subsection ~~3.1~~ 2, the principal of the school shall ensure that the employee has received appropriate training concerning the use of the video camera, the rights and responsibilities of the employee regarding the video camera and the other provisions of this section.

~~6.1~~ 5. Except as authorized by this subsection, a public school shall not allow the regular monitoring of a recording made by a video camera pursuant to this section by any person. A public school may allow an employee or independent contractor to regularly monitor a recording made by a video camera pursuant to this section to ensure that the video camera is operating properly.

~~7.1~~ 6. A public school shall retain any recording made by a video camera pursuant to this section for at least 45 days after the recording is made, unless ~~the school is required to do so for a longer period by a court order or subpoena or pursuant to law.~~

~~8.1~~ before the recording is destroyed, deleted or otherwise disposed of, a civil action is filed or a professional licensing board, law enforcement agency or other governmental entity commences an investigation or criminal or administrative proceeding to which the recording is relevant, in which case the public school shall retain the recording until all such actions, investigations and proceedings are concluded.

7. The board of trustees of a school district and the governing body of a charter school may solicit or accept gifts, grants or donations from any person to ~~support the purchase and installation of video cameras in public schools pursuant to~~ carry out the provisions of this section.

~~10.1~~ 8. A recording made by a video camera pursuant to this section is confidential and is not a public book or record within the meaning of NRS 239.010. Except as otherwise provided in subsections ~~6.1~~ 5 and ~~10.1~~ 9, a recording made by a video camera pursuant to this section may not be viewed, released or used by any person, unless the board of trustees of the school district or the governing body of the charter school that made the recording obtains the written consent of each person who appears in the recording or, for a pupil who appears in the recording, the parent of legal guardian of the pupil.

~~10.1~~ 9. To the extent not prohibited by federal law and in accordance with any regulations adopted by the State Board, a public school shall release a recording made by a video camera pursuant to this section to:

(a) The parent or legal guardian of a pupil or an employee of the school, as applicable, who appears in a recording relating to a complaint;

1       (b) *An employee designated by the Department to investigate a complaint*  
2 *relating to the recording;*

3       (c) *An agency which provides child welfare services, as defined in NRS*  
4 *432B.030, as part of an investigation of a report concerning the abuse or neglect*  
5 *of a child;*

6       (d) *A peace officer as part of a criminal investigation;*

7       (e) *A parent or legal guardian of a pupil who appears in the recording, for*  
8 *use in a legal proceeding; or*

9       (f) *A court of competent jurisdiction in response to a subpoena issued by the*  
10 *court.*

11 ~~11.1~~ 10. *This section does not:*

12       (a) *Create a cause of action; or*

13       (b) *Waive any immunity from liability or limitation on liability of a school*  
14 *district or a charter school, or an officer or employee of a school district or*  
15 *charter school, that is otherwise provided by law.*

16 ~~11.2~~ 11. *The State Board may adopt such regulations as are necessary to*  
17 *carry out the provisions of this section.*

18 ~~11.3~~ 12. *As used in this section, "complaint" means a complaint filed with*  
19 *the Department pursuant to 20 U.S.C. § 1415, 34 C.F.R. §§ 300.151 et seq., and*  
20 *NRS 388.463.*

21 **Sec. 2.** NRS 388.417 is hereby amended to read as follows:

22       388.417 As used in NRS 388.417 to 388.515, inclusive ~~H~~, *and section 1 of*  
23 *this act:*

24       1. "Communication mode" means any system or method of communication  
25 used by a person with a disability, including, without limitation, a person who is  
26 deaf or whose hearing is impaired, to facilitate communication which may include,  
27 without limitation:

28       (a) American Sign Language;

29       (b) English-based manual or sign systems;

30       (c) Oral and aural communication;

31       (d) Spoken and written English, including speech reading or lip reading; and

32       (e) Communication with assistive technology devices.

33       2. "Dyslexia" means a neurological learning disability characterized by  
34 difficulties with accurate and fluent word recognition and poor spelling and  
35 decoding abilities that typically result from a deficit in the phonological component  
36 of language.

37       3. "Dyslexia intervention" means systematic, multisensory intervention  
38 offered in an appropriate setting that is derived from evidence-based research.

39       4. "Individualized education program" has the meaning ascribed to it in 20  
40 U.S.C. § 1414(d)(1)(A).

41       5. "Individualized education program team" has the meaning ascribed to it in  
42 20 U.S.C. § 1414(d)(1)(B).

43       6. "Provider of special education" means a school within a school district or  
44 charter school that provides education or services to pupils with disabilities or any  
45 other entity that is responsible for providing education or services to a pupil with a  
46 disability for a school district or charter school.

47       7. "Pupil who receives early intervening services" means a person enrolled in  
48 kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but  
49 who needs additional academic and behavioral support to succeed in a regular  
50 school program.

51       8. "Pupil with a disability" means a "child with a disability," as that term is  
52 defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. “Response to scientific, research-based intervention” means a collaborative process which assesses a pupil’s response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. “Specific learning disability” means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

**Sec. 3.** NRS 393.400 is hereby amended to read as follows:

393.400 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on any property of a public school without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property of the public school under surveillance;

(b) By a law enforcement agency pursuant to a criminal investigation;

(c) By a peace officer pursuant to NRS 289.830;

(d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the property of the public school ~~§~~, **including, without limitation, a video camera installed, operated and maintained pursuant to section 1 of this act;** or

(e) Of a class or laboratory when authorized by the teacher of the class or laboratory.

**Sec. 4.** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,

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645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,  
645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,  
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676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,  
679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,  
681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,  
686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,  
688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,  
692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,  
704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 1 of this act,*  
sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of  
chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be  
confidential, all public books and public records of a governmental entity must be



open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

**Sec. 5.** ~~[Notwithstanding the provisions of section 1 of this act:~~

~~1. The video cameras required to be installed in an elementary school pursuant to section 1 of this act may be installed on or after July 1, 2024, but must be installed not later than June 30, 2026.~~

~~2. The video cameras required to be installed in a middle school, junior high school or high school pursuant to section 1 of this act may be installed on or after July 1, 2026, but must be installed not later than June 30, 2028.]~~ **(Deleted by amendment.)**

**Sec. 6.** The provisions of NRS 354.599 do not apply additional expenses of a local government that are related to the provisions of this act.

**Sec. 7.** 1. This section becomes effective upon passage and approval.

2. Sections 2 to 6, inclusive, of this act become effective:

1           (a) Upon passage and approval for the purpose of adopting any regulations and  
2 performing any other preparatory administrative tasks that are necessary to carry  
3 out the provisions of this act; and

4           (b) On July 1, 2024, for all other purposes.