

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 classroom of the 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. **Section 1** requires each such school to install such cameras. **Section 1** further requires a school that enrolls only pupils who receive special education to install video cameras that are capable of recording sound in every classroom. **Section 1:** (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; 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.

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.

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 classroom in the 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.

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 or 2 must install one or more video cameras with the capability of recording sound in each 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. 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 to each parent or legal guardian of a pupil who receives such special education at the school 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 notice that the classroom is under video and audio surveillance.

5. Before assigning any employee to provide services to pupils in a classroom in which a video camera has been installed pursuant to subsection 3, 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. 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. 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. 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 this section.



9. 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 and 10, 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. 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;

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

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

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

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

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

11. This section does not:

(a) Create a cause of action; or

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

12. The State Board may adopt such regulations as are necessary to carry out the provisions of this section.

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

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

388.417 As used in NRS 388.417 to 388.515, inclusive **[H]**, and section 1 of this act:

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is



impaired, to facilitate communication which may include, without limitation:

- (a) American Sign Language;
- (b) English-based manual or sign systems;
- (c) Oral and aural communication;
- (d) Spoken and written English, including speech reading or lip reading; and
- (e) Communication with assistive technology devices.

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

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

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

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

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

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

8. “Pupil with a disability” means a “child with a disability,” as that term is 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



1 mathematical calculations. The term includes, without limitation,
2 perceptual disabilities, brain injury, minimal brain dysfunction,
3 dyslexia and developmental aphasia.

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

5 393.400 1. Except as otherwise provided in subsection 2, it is
6 unlawful for a person to engage in any kind of surreptitious
7 electronic surveillance on any property of a public school without
8 the knowledge of the person being observed.

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

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

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

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

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

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

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

23 239.010 1. Except as otherwise provided in this section and
24 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
25 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
26 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
27 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
28 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
29 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
30 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
31 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
32 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
33 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
34 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
35 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
36 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
37 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
38 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
39 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
40 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
41 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
42 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
43 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
44 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
45 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,



1 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
2 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
3 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
4 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
5 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
6 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
7 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
8 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
9 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
10 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
11 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
12 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
13 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
14 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
15 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
16 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
17 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
18 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
19 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
20 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
21 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
22 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
23 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
24 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
25 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
26 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
27 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
28 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
29 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
30 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
31 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
32 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
33 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
34 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
35 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
36 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
37 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
38 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
39 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
40 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
41 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
42 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
43 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
44 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
45 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,



1 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
2 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
3 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
4 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
5 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
6 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
7 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
8 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
9 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
10 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
11 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
12 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
13 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
14 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
15 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
16 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
17 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
18 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
19 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
20 711.600, *and section 1 of this act*, sections 35, 38 and 41 of chapter
21 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
22 of Nevada 2013 and unless otherwise declared by law to be
23 confidential, all public books and public records of a governmental
24 entity must be open at all times during office hours to inspection by
25 any person, and may be fully copied or an abstract or memorandum
26 may be prepared from those public books and public records. Any
27 such copies, abstracts or memoranda may be used to supply the
28 general public with copies, abstracts or memoranda of the records or
29 may be used in any other way to the advantage of the governmental
30 entity or of the general public. This section does not supersede or in
31 any manner affect the federal laws governing copyrights or enlarge,
32 diminish or affect in any other manner the rights of a person in any
33 written book or record which is copyrighted pursuant to federal law.

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

36 3. A governmental entity that has legal custody or control of a
37 public book or record shall not deny a request made pursuant to
38 subsection 1 to inspect or copy or receive a copy of a public book or
39 record on the basis that the requested public book or record contains
40 information that is confidential if the governmental entity can
41 redact, delete, conceal or separate, including, without limitation,
42 electronically, the confidential information from the information
43 included in the public book or record that is not otherwise
44 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.

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:

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

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

