

Senate File 294 - Introduced

SENATE FILE 294

BY CHELGREN

A BILL FOR

1 An Act requiring video and audio monitoring devices in certain
2 areas of public schools and authorizing the expenditure
3 of moneys received from the secure an advanced vision for
4 education fund for installation and operation of video and
5 audio monitoring devices.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.18 Installation and maintenance
2 of monitoring devices.

3 1. For the purposes of this section:

4 a. "*Attendance center*" means a public school building
5 that contains classrooms used for instructional purposes for
6 elementary, middle, or secondary school students.

7 b. "*Monitoring device*" means a digital video and audio
8 recording device that is part of a system of monitoring
9 activity in an area or building using a television system in
10 which signals are transmitted from a television camera to the
11 receivers by cables or wirelessly, forming a closed circuit.

12 c. "*Public school*" means a school district as described in
13 chapter 274.

14 d. "*Reasonable expectation of privacy*" means circumstances in
15 which a reasonable person would believe that the person could
16 disrobe or partially disrobe in privacy without being concerned
17 that the person disrobing or partially disrobing was being
18 viewed, photographed, or filmed when doing so.

19 e. "*Student use area*" means an area located inside an
20 attendance center where students are normally authorized to
21 be present during the school day including but not limited
22 to a classroom, gymnasium, cafeteria, library, media center,
23 laboratory, hallway, stairway, elevator, or common area.
24 "*Student use area*" does not include a restroom, locker room,
25 or any area in which a student has a reasonable expectation of
26 privacy.

27 2. In order to promote student and school employee safety
28 and to promote the evaluation and development of best teaching
29 practices, on or before July 1, 2019, the board of directors
30 of each public school shall install and maintain one or more
31 monitoring devices in each student use area located inside an
32 attendance center of the school district. Monitoring devices
33 installed under this section shall be capable of covering all
34 areas of the student use area.

35 3. Before a monitoring device is placed into service, the

1 school district shall provide written notice of the placement
2 to all school district staff working in the attendance center
3 and to the parents or guardians of each student assigned to the
4 attendance center.

5 4. Monitoring devices shall, at a minimum, be in operation
6 during the school day and during all other times when the
7 student use area is being used for student instruction or
8 activities or when students are permitted access to the student
9 use area.

10 5. The video and audio recordings from each monitoring
11 device are a public record and shall, at a minimum, be retained
12 in an electronic medium by the school district for at least
13 six months after the date the recording was made. However, if
14 the recording is part of an unresolved investigation, case,
15 or complaint, the recording shall be retained by the school
16 district for at least six months after the investigation, case,
17 or complaint, including all appeals, is resolved.

18 6. The department of education shall adopt rules relating
19 to the installation, operation, and maintenance of monitoring
20 devices under this section.

21 Sec. 2. Section 423F.3, subsection 1, Code 2017, is amended
22 by adding the following new paragraph:

23 NEW PARAGRAPH. *0a.* For the purchase and installation
24 of monitoring devices that are necessary to satisfy the
25 requirements of section 280.18.

26 Sec. 3. Section 423F.3, subsection 6, Code 2017, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. *0c.* Additionally, "*school infrastructure*"
29 includes costs associated with the purchase, installation,
30 operation, and maintenance of monitoring devices required under
31 section 280.18.

32 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
33 with section 25B.2, subsection 3, the state cost of requiring
34 compliance with any state mandate included in this Act shall
35 be paid by a school district from state school foundation aid

1 received by the school district under section 257.16 or from
2 funding sources specified in this Act. This specification of
3 the payment of the state cost shall be deemed to meet all of the
4 state funding-related requirements of section 25B.2, subsection
5 3, and no additional state funding shall be necessary for the
6 full implementation of this Act by and enforcement of this Act
7 against all affected school districts.

8

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill requires public schools, on or before July 1,
12 2019, to install and maintain one or more monitoring devices
13 in each student use area located inside an attendance center
14 of the school district. Under the bill, a "monitoring device"
15 is defined as a digital video and audio recording device
16 that is part of a system of monitoring activity in an area
17 or building using a television system in which signals are
18 transmitted from a television camera to the receivers by cables
19 or wirelessly, forming a closed circuit. The bill requires
20 monitoring devices to be installed so that they are capable of
21 covering all areas of the student use area. The bill defines
22 "student use area" to be an area located inside an attendance
23 center where students are normally authorized to be present
24 during the school day including but not limited to a classroom,
25 gymnasium, cafeteria, library, media center, laboratory,
26 hallway, stairway, elevator, or common area. However, "student
27 use area" does not include a restroom, locker room, or any area
28 in which a student has a reasonable expectation of privacy, as
29 defined in the bill.

30 Before a monitoring device is placed into service, the
31 school district is required to provide written notice of
32 the placement to all school district staff working in the
33 attendance center and to the parents or guardians of each
34 student assigned to the attendance center. Additionally,
35 monitoring devices are required, at a minimum, to be in

1 operation during the school day and during all other times when
2 the student use area is being used for student instruction or
3 activities or when students are permitted access to the student
4 use area.

5 The bill specifies that video and audio recordings from each
6 monitoring device are a public record and must, at a minimum,
7 be retained in an electronic medium by the school district for
8 at least six months after the date the recording was made or
9 for six months after resolution of an investigation, case, or
10 complaint to which the recording was a part.

11 The bill requires the department of education to adopt rules
12 relating to the installation, operation, and maintenance of
13 monitoring devices.

14 Code chapter 423F establishes the purposes for which a
15 school district may use moneys received from the secure an
16 advanced vision for education (SAVE) fund. Those purposes
17 generally include specified school infrastructure purposes
18 and property tax relief. The bill specifies that "school
19 infrastructure" includes costs associated with the purchase,
20 installation, operation, and maintenance of monitoring devices
21 required under the bill. Additionally, for those school
22 districts receiving revenues from the SAVE fund without a
23 revenue purpose statement, the bill adds to the prioritized
24 list of authorized expenditures the purchase and installation
25 of monitoring devices required under the bill.

26 The bill may include a state mandate as defined in Code
27 section 25B.3. The bill requires that the state cost of any
28 state mandate included in the bill be paid by a school district
29 from state school foundation aid received by the school
30 district under Code section 257.16 or from funding received by
31 the school district from the SAVE fund. The specification is
32 deemed to constitute state compliance with any state mandate
33 funding-related requirements of Code section 25B.2. The
34 inclusion of this specification is intended to reinstate the
35 requirement of political subdivisions to comply with any state

1 mandates included in the bill.