

# SENATE . . . . . No. 365

---

## The Commonwealth of Massachusetts

PRESENTED BY:

***Barry R. Finegold, (BY REQUEST)***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to video cameras required in certain special education classrooms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jennifer Baptista</i>		
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/10/2025</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>3/11/2025</i>

# SENATE . . . . . No. 365

---

By Mr. Finegold (by request), a petition (accompanied by bill, Senate, No. 365) of Jennifer Baptista, Patrick Joseph Kearney and Rodney M. Elliott for legislation relative the placement of video and audio equipped cameras in self-contained and sub-separate classrooms and audio recording devices in the restrooms of self-contained classrooms. Education.

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
\_\_\_\_\_

An Act relative to video cameras required in certain special education classrooms.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           (a) The Massachusetts Department of Elementary and Secondary Education shall ensure  
2 placement of video and audio equipped cameras in self-contained and sub-separate classrooms  
3 and audio recording devices in the restrooms of self-contained classrooms.

4           (b) As used in this section:

5           (1) "Incident" means a raised suspicion by a teacher, aide, parent, guardian of a child, or  
6 student of bullying, abuse, harm, or neglect of a child, or of harm to an employee of a public  
7 school by:

8           (A) A full or part time employee, a contractor, consultant or an invitee of a public school  
9 or school district; or

10          (B) Another student;

(C) A student who is the object of the alleged complaint

(2) "Self-contained classroom" or "sub-separate classroom" means a classroom at a public school in which a majority of the students in regular attendance are provided special education instruction and as further defined in state department policy; and

(3) "Special education" means the same as defined in 34 CFR 300

(c) (1) The State Department of elementary and secondary education shall insure that a video camera with audio capabilities is supplied to every public school for each self-contained or sub-separate classroom that is a part of that school which shall be used in every self-contained or sub-separate classroom.

(2) The State Department of Elementary and Secondary education shall insure that an audio recording device to a public school to be used in the restroom of each self-contained classroom that is a part of that school.

(3) The principal of the school or other school administrator whom the principal assigns as a designee shall be the custodian of the video camera and audio recording device(s), all recordings generated by the video camera and audio recording device, and access to those recordings pursuant to this section.

(d)(1) Every public school that receives a video camera under this section shall operate and maintain the video camera in every self-contained classroom that is part of that school.

(2) Every public school that receives an audio recording device under this section shall operate and maintain the audio recording device in every restroom that is a part of a self-contained or sub-separate classroom that is part of that school: Provided, that each restroom of a

self-contained or sub-separate classroom shall have posted on its door a notice that states:  
"Pursuant to state law, this restroom is equipped with an audio recording device for the  
protection of the students."

(3) If there is an interruption in the operation of the video camera or audio recording  
device for any reason, a written explanation should be submitted by the custodian of those  
recordings to the school principal and the county board explaining the reason and length for  
which there was no recording. The explanation shall be maintained by the principal of each  
school.

(e)(1) A video camera placed in a self-contained or sub-separate classroom shall be  
capable of:

(A) Monitoring all areas of the self-contained classroom, including, without limitation, a  
room attached to the self-contained classroom and used for other purposes; and

(B) Recording audio from all areas of the self-contained classroom, including, without  
limitation, a room attached to the self-contained classroom and used for other purposes.

(2) A video camera placed in a self-contained or sub-separate classroom shall not monitor  
a restroom or any other area in the self-contained or sub-separate classroom where a student  
changes his or her clothes.

(3) An audio recording device shall be placed in the restroom of the self-contained or sub  
separate classroom, Provided, that each restroom, self-contained or sub-separate classroom shall  
have posted on its door a notice that states: "Pursuant to state law, this restroom is equipped with  
an audio recording device for the protection of the students."

(4) A video camera or audio recording device required by this section is not required to be in operation during the time in which students are not present in the self-contained classroom.

(f) Before a public school initially places a video camera in a self-contained or sub-separate classroom or an audio recording device in the restroom of a self-contained or sub-separate classroom pursuant to this section, the school shall provide written notice of the placement to:

(1) The parent or legal guardian of a student who is assigned to the self-contained or sub-separate classroom: and

(2) The school employee(s) who is assigned to work with one or more students in the self-contained classroom.

(g)(1) Except as provided in subdivision (2) of this subsection, a public school shall retain video and audio recorded pursuant to this section for at least one (1) year after the date of the recording, subject to the following:

(A) If the minimum one-year period overlaps the summer break occurring between the last day of one instructional term and the first day of the next instructional term, the minimum one-year period shall be extended by the number of days occurring between the two instructional terms;

(B) For any school-based camera system or audio device recording device that is installed or replaced, the public school shall retain video recordings from a camera or audio device recording for at least 365 days after the date the video or audio was recorded.

(2) If a person requests to review a recording under subsection (k) or subsection (l) of this section, the public school shall retain the recording from the date of the request until:

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

(3) In no event may the recording be deleted or otherwise made unretrievable before the time period set forth in subdivision (1) of this subsection elapses or during any investigation and any administrative or legal proceedings that result from the recording or complaints regarding the same, have been completed including without limitation the exhaustion of all appeals.

(h) This section does not:

(1) allow any person found responsible or guilty, or pleads to a lesser included offense from making use of any type of immunity claim

(2) any claim of immunity for a cause of action against a public school or school district or employee of a public school or school district; or

(3) Require or allow the principal or other designated school administrator to review the recording absent an authorized request pursuant to this code section or suspicion of an incident except as otherwise provided in subsection (j) of this section.

(i) A public school or school district shall not use video or audio recorded under this section for:

(1) Teacher training or evaluations; or

(2) Any purpose other than the promotion and protection of the health, wellbeing, and safety of students receiving special education and related services in a self-contained or sub-separate classroom or restroom of a self-contained or sub-separate classroom.

(j) Except as provided under subsections (k) and (l) of this section, a recording made under this section is confidential and shall not be reviewed by anyone except the school principal, or the principal's administration designee, if the school principal or other school administration designee is unable to review the video or audio recording pursuant to this subsection. The school principal, or the principal's administration designee, shall review no less than 15 minutes of the video and no less than 15 minutes of audio of each self-contained or sub-separate classroom and restroom at the school no less than every 90 days. The state board shall include in its rule authorized by this section requirements for documentation of compliance with the video and audio reviewing requirements of this subsection.

(k) Within seven days of receiving a request or complaint, a public school or school district shall allow review of a recording by:

(1) A public school or school district employee who is involved in an alleged incident that is documented by the recording and has been reported to the public school or school district;

(2) A parent, legal guardian or legal representative of a student who is involved in an alleged incident that is documented by the recording and has been reported to the public school or school district; or

(3) An employee of a public school or school district as part of an investigation into an alleged incident that is documented by the recording and has been reported to the public school or school district or who is the subject of a charge or claim of any type.

(l) Within seven days of receiving a request, a public school or school district shall allow review of a recording by and comply with all subsequent requests for review or release of the recording by:

(1) A law-enforcement officer or employee of the Department of Human Services, as part of an investigation and/or complaint into an alleged incident that is documented by the recording and has been reported to the agency: Provided, That if a release of the recording is requested pursuant to this subdivision, the agency receiving a copy of the recording shall maintain strict confidentiality of the recording and not further release the recording without authorization from the public school district through its superintendent; or

(2) A judge, counsel, or other legal entity that is charged with deciding or representing either the school board, students, or employees or those acting under color of the school or school district in any matters related to legal issues arising from an incident or claim: Provided, That the recording may only be released pursuant to an appropriate protective order or under seal.

(m) If an incident is discovered while initially reviewing a recording that requires a report to be made to the proper authorities, that report shall be made by the reviewer pursuant to that section as soon as possible but no later than 24 hours of viewing the incident.

(n) When a recording is under review as part of the investigation of an alleged incident, and the recording reveals a student violating a disciplinary code or rule of the school, which violation is not related to the alleged incident for which the review is occurring, and which violation is not already the subject of a disciplinary action against the student, the student is not



135 subject to disciplinary action by the school for such unrelated violation unless it reveals a  
136 separate violation.

137 (o) It is not a violation of subsection (j) of this section if a contractor or other employee  
138 of a public school or school district incidentally reviews a recording under this section if the  
139 contractor or employee of a public school or school district is performing job duties related to  
140 the:

141 (1) Installation, operation, or maintenance of video or audio equipment; or

142 (2) Retention of video or audio recordings.

143 (p) This section applies solely to cameras and audio recording devices installed pursuant  
144 to this section and does not limit the access of a student's parent or legal guardian to a recording  
145 reviewable under the any applicable law.

146 (q) A public school or school district shall:

147 (1) Take necessary precautions to conceal the identity of a student who appears in a video  
148 recording but is not involved in the alleged incident documented by the video recording for  
149 which the public school allows viewing under subsection (j) of this section, including, without  
150 limitation, blurring the face of the uninvolved student; and

151 (2) Provide procedures to protect the confidentiality of student records contained in a  
152 recording in accordance with any applicable law.

153 (r) (1) Any aggrieved person may appeal to the State Board of Education an action by a  
154 public school or school district that the person believes to be in violation of this section.

155           (2) The state board shall grant a hearing on an appeal under this subsection within 45  
156 days of receiving the request for the appeal.

157           The Department of Elementary and Secondary Education shall promulgate, within ninety  
158 (90) days of this section becoming law, regulations to clarify the requirements of this section and  
159 address any unforeseen issues that might arise relating to the implementation of the requirements  
160 of this section.