

SENATE No.

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:

Jennifer Baptista

SENATE No.

[Pin Slip]

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;

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

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

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

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

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

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

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

29 (2) Every public school that receives an audio recording device under this section shall
30 operate and maintain the audio recording device in every restroom that is a part of a self-
31 contained or sub-separate classroom that is part of that school: Provided, that each restroom of a
32 self-contained or sub-separate classroom shall have posted on its door a notice that states:

33 "Pursuant to state law, this restroom is equipped with an audio recording device for the
34 protection of the students."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

81 (h) This section does not:

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

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

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

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

91 (1) Teacher training or evaluations; or

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

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

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

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

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

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

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

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

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

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

131 (n) When a recording is under review as part of the investigation of an alleged incident,
132 and the recording reveals a student violating a disciplinary code or rule of the school, which
133 violation is not related to the alleged incident for which the review is occurring, and which
134 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.