

Bill as Introduced

HB 1372 - AS INTRODUCED

2016 SESSION

16-2588

08/05

HOUSE BILL **1372**

AN ACT permitting a child with a disability to use audio or video recording devices in the classroom.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Grenier, Sull. 7; Rep. Boehm, Hills. 20; Rep. Massimilla, Graf. 1; Rep. Harris, Rock. 9; Rep. V. Sullivan, Hills. 16; Rep. Adams, Hills. 26; Sen. Avard, Dist 12; Sen. Stiles, Dist 24

COMMITTEE: Education

ANALYSIS

This bill permits a child with a disability to use audio or video recording devices in the classroom.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

AN ACT permitting a child with a disability to use audio or video recording devices in the classroom.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Student Information Protection and Privacy. Amend RSA 189:68, IV to read as follows:

2 IV. No school shall record in any way a school classroom for ~~any~~ ***the purpose of teacher***
3 ***evaluations*** without school board approval after a public hearing, and without written consent of
4 the teacher and the parent or legal guardian of each affected student.

5 ***V.(a) Nothing in this section shall preclude the use of audio or video recordings for***
6 ***use with or by a child with a disability, or by such child's teacher or service provider when***
7 ***the child's individualized education program or accommodation plan includes audio or***
8 ***video recording as part of the child's special education, related services, assistive***
9 ***technology service, or methodology, so long as such audio or video recordings are made,***
10 ***used, and maintained in accordance with the Family Education Rights and Privacy Act,***
11 ***20 U.S.C. section 1232g, and applicable state law.***

12 ***(b) Nothing in this section shall preclude the use of audio or video recordings***
13 ***for student instructional purposes.***

14 2 Effective Date. This act shall take effect upon its passage.

HB 1372 - AS AMENDED BY THE HOUSE

9Mar2016... 0459h

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12 ***(b) Nothing in this section shall preclude the use of audio or video recordings***
13 ***for student instructional purposes.***

14 ***(c) Nothing in this section shall preclude the use of audio or video recordings***
15 ***for use in the instruction of teacher interns or student teachers after written notification***
16 ***to the parent or legal guardian of each affected student as to the purpose of, and privacy***
17 ***policy for, the recordings.***

18 2 Effective Date. This act shall take effect upon its passage.

CHAPTER 87
HB 1372 - FINAL VERSION

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17 ***policy for, the recordings.***

18 87:2 Effective Date. This act shall take effect upon its passage.

19 Approved: May 19, 2016

20 Effective Date: May 19, 2016

Committee Minutes

SENATE CALENDAR NOTICE

Education

Sen John Reagan, Chair
 Sen Nancy Stiles, Vice Chair
 Sen Kevin Avard, Member
 Sen Molly Kelly, Member
 Sen David Watters, Member

Date: April 6, 2016

HEARINGS

Tuesday	04/12/2016
(Day)	(Date)
Education	LOB 103 9:00 a.m.
(Name of Committee)	(Place) (Time)

EXECUTIVE SESSION MAY FOLLOW

- | | | |
|------------|-------------------|--|
| 9:00 a.m. | HB 1130 | (New Title) relative to placement on school property of a memorial or memorial plaque honoring those who have died during military service. |
| 9:10 a.m. | HB 1644-FN | (New Title) relative to screening and intervention for dyslexia and related disorders and establishing a reading specialist position in the department of education. |
| 9:30 a.m. | HB 1372 | permitting a child with a disability to use audio or video recording devices in the classroom. |
| 10:00 a.m. | HB 1637-FN | relative to school attendance in towns with no public schools. |

Sponsors:

HB 1130

Rep. Bates Rep. Baldasaro

HB 1644-FN

Rep. Balcom Rep. Ebel Rep. Kidder Rep. Cordelli

Rep. Rollo Rep. Grenier Rep. Ford Rep. Buco

Rep. Verschueren Rep. Myler Sen. Stiles Sen. Feltes

Sen. Watters Sen. D'Allesandro

HB 1372

Rep. Cordelli Rep. Grenier Rep. Boehm Rep. Massimilla

Rep. Harris Rep. V. Sullivan Rep. Adams Sen. Avard

Sen. Stiles

HB 1637-FN

Rep. Boehm Rep. Edelblut Rep. Gottling Rep. Irwin

Rep. Grenier

Jennifer Horgan 271-3092

John Reagan
Chairman

Senate Education Committee
Jennifer Horgan 271-3092

HB 1372, permitting a child with a disability to use audio or video recording devices in the classroom.

Hearing Date: April 12, 2016

Time Opened: 9:30 a.m.
a.m.

Time Closed: 9:34

Members of the Committee Present: Senators Reagan, Stiles, Avard, Kelly and Watters

Members of the Committee Absent: None

Bill Analysis: This bill permits a child with a disability to use audio or video recording devices in the classroom.

Sponsors:

Rep. Cordelli

Rep. Grenier

Rep. Boehm

Rep. Massimilla

Rep. Harris

Rep. V. Sullivan

Rep. Adams

Sen. Avard

Sen. Stiles

Who supports the bill: Representative Cordelli; Senator Stiles; Senator Avard; Representative Ladd; Ellen Nuffer, Keene State College/UNSH; Dean Michener, NH School Boards Association; Bonnie Dunham

Who opposes the bill: No one

Summary of testimony presented in support:

Representative Cordelli

- This is a follow up to HB507 because last summer there was discussion about unintended consequences
- This bill will clarify those issues concerns
- V(a) clarifies that recording devices may be used by students with IEPs, as the intent of HB507 was not to prevent students with IEPs from using recording devices
- V(b) clarifies that recordings may be used for teaching and this language was worked on with the School Board Association
- V(c) simply requires notification of the parent or legal guardian of a recording and does not require written approval. It is the result of working with USNH and the Community College system in terms of

- recording student teachers and teacher interns for teaching purposes
- This will hopefully clarify any issues and prevent any disruptions in the classroom
- Senator Stiles asked if it is outlined in the bill that this will not be used for teacher evaluation
 - Correct
- Senator Reagan asked if there were any privacy concerns
 - That was originally the concern. We notify the parents that these student teachers/interns are being recorded for teaching purposes and nothing else, and that alleviated their concerns
- Senator Watters asked if 'affected student' means anyone who is going to be there
 - Correct
- Senator Watters asked if there is going to be student intern, does that notification go out at the start of the semester.
 - Yes

Bonnie Dunham

- This is very helpful to children who need this resource
- Every recording has to be maintained in terms of privacy and special education laws
- Senator Reagan asked what happens to the recording after the student is done with it
 - Generally, it is the staff making the recording or a student if they are doing the audio tape. Doesn't know if they destroy it, as they use it for study purposes

Summary of testimony presented in opposition:

None

Fiscal Note: N/A

Future Action: Ought to Pass

jch

Date Hearing Report completed: April 14, 2016

Speakers

Testimony



Education Office

Keene State College

229 Main Street, Keene, New Hampshire 03435-2611
603-358-2301 Fax 603-358-2399
www.keene.edu

April 12, 2016

The Honorable John Reagan
Chairman, Senate Education Committee
Legislative Office Building, Rm. 103
Concord, NH 03301

Dear Chairman Reagan and members of the Senate Education Committee,

I apologize that I could not be with you for today's hearing on House Bill 1372: Permitting a child with a disability to use audio or video recording devices in the classroom. I did however want to write express my support for the bill on behalf of my colleagues in the Education Departments at each of the University System of New Hampshire's (USNH) four institutions. I specifically want to voice our support for the provision on lines 14-17 of the bill that would allow interns in educator preparation programs, including student teachers, the opportunity to use the powerful tools of audio or video recording as long as parents have advanced written notification and the chance to opt out.


Most teacher preparation curricula require student teachers to submit video or audio recordings of their in-school internship experiences as a means of providing on-going feedback and evaluating competence. As currently written, RSA 189:68, IV creates a significant administrative burden for our school administrators and school boards, as well as for our pre-service students and Education Departments in order to obtain the necessary approvals to meet this requirement. If unchanged, the law may make it more difficult to place student teachers in certain districts, and could jeopardize the pipeline of new teachers entering the state's schools. In fact, we know of schools that have refused to take student teachers specifically because they fear they will not correctly respond to all of the nuances of the law as written.

USNH institutions already send notice home to families that a student teacher will be present in their child's classroom and that audio or video recording will occur in connection with that experience. This notice gives families the chance to opt their student out, and provides an opportunity for them to ask questions of administrators and teachers as to how this might impact their child's education. We believe this is important information for families to have and that such a notification requirement strikes an appropriate balance to ensure children, pre-service students, school administrators, and in-service teachers are protected.

As amended by this bill, RSA 189:68, IV provides important protections for teachers and students while ensuring the law works for all stakeholders, including in-service teachers and administrators, interns in pre-service educator preparation programs, families, school boards, and most importantly the children in our schools.

Thank you for the opportunity to express my support for this legislation.

Sincerely,

A handwritten signature in black ink that reads "Ellen L. Nuffer". The signature is written in a cursive style with a large, prominent "E" and "N".

Ellen L. Nuffer Ed.D.

Professor and Chair, Education Department
Keene State College
enuffer@keene.edu

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, April 12, 2016

THE COMMITTEE ON Education

to which was referred **HB 1372**

AN ACT

permitting a child with a disability to use audio or
video recording devices in the classroom.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

CONSENT CALENDAR VOTE: 5-0

Senator Nancy Stiles
For the Committee

This bill permits a child with a disability to use audio or video recording devices in the classroom. The ability to utilize these devices is vital for these students and the language simply clarifies the intent of this statute and addresses student/teacher privacy issues

Jennifer Horgan 271-3092

FOR THE CONSENT CALENDAR

EDUCATION

HB 1372, permitting a child with a disability to use audio or video recording devices in the classroom.

Ought to Pass, Vote 5-0.

Senator Nancy Stiles for the committee.

This bill permits a child with a disability to use audio or video recording devices in the classroom. The ability to utilize these devices is vital for these students and the language simply clarifies the intent of this statute and addresses student/teacher privacy issues

New Hampshire General Court - Bill Status System

Docket of HB1372

Docket Abbreviations

Bill Title: permitting a child with a disability to use audio or video recording devices in the classroom.*Official Docket of HB1372:*

Date	Body	Description
2/11/2016	H	Introduced 01/06/2016 and referred to Education HJ 4 P. 12
1/27/2016	H	==CANCELLED== Public Hearing: 02/11/2016 10:30 AM LOB207
1/27/2016	H	==RESCHEDULED== Public Hearing: 02/12/2016 10:30 AM LOB 207
1/27/2016	H	Executive Session: 02/18/2016 09:30 AM LOB 207
3/2/2016	H	Committee Report: Ought to Pass with Amendment #2016-0459h for 03/09/2016 (Vote 20-0; CC) HC 14 P. 11
3/9/2016	H	Amendment #2016-0459h : AA VV 03/09/2016 HJ 23 P. 19
3/9/2016	H	Ought to Pass with Amendment 0459h: MA VV 03/09/2016 HJ 23 P. 19
3/22/2016	S	Introduced 03/17/2016 and Referred to Education; SJ 10
4/6/2016	S	Hearing: 04/12/2016, Room 103, LOB, 09:30 am; SC 14
4/13/2016	S	Committee Report: Ought to Pass, 04/21/2016; Vote 5-0; CC; SC 15
4/21/2016	S	Ought to Pass : MA, VV; OT3rdg; 04/21/2016; SJ 14
5/11/2016	S	Enrolled (In recess 05/05/2016); SJ 17
5/12/2016	H	Enrolled 05/11/2016 HJ 38 P. 46
5/23/2016	H	Signed by Governor Hassan 05/19/2016; Chapter 87; Eff. 5/19/2016

NH House.

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

H31372 ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION ____ AS AMENDED BY THE SENATE

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

PLEASE INCLUDE THE COMMITTEE OF CONFERENCE REPORT HERE IF IT IS SIGNED BY ALL.

DATE DELIVERED TO SENATE CLERK

3/26/16

BY:



COMMITTEE AIDE