

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4449

**FISCAL
NOTE**

By Delegates Hillenbrand, Kump, Sheedy, Mallow,
Bell, Ellington, Funkhouser, and Dean

[Introduced January 16, 2026; referred to the
Committee on Education then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §18-1-5, relating to permitting cameras in school classrooms; providing
3 definitions; setting out camera placements; providing for retention of recordings;
4 establishing notice provisions; creating confidentiality; establishing process for requests to
5 review footage; establishing process for appeals; authorizing school or LEA to accept gifts
6 towards equipment; and authorizing rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEFINITIONS; LIMITATIONS OF CHAPTER; GOALS FOR EDUCATION.

§18-1-5. Cameras permissible in classrooms.

1 (a) Cameras permissible in classrooms. – A teacher may submit a request to install a video
2 camera or audio recording device in a classroom to the principal of the school who has complete
3 discretion on whether to approve a request.

4 (b) Definitions. – As used in this section:

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

7 (A) An employee or volunteer of a public school or local educational agency; or

8 (B) Another student;

9 (c) Camera placement. –

10 (1) Any video camera placed in a classroom shall be capable of:

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

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

15 (2) A video camera placed in a classroom shall not monitor a restroom or any other area in
16 the classroom where a student changes his or her clothes except, for incidental monitoring of a
17 minor portion of a restroom or other area where a student changes his or her clothes because of

18 the layout of the self-contained classroom.

19 (3) A video camera or audio recording device required by this section is not required to be
20 in operation during the time when students are not present in the classroom.

21 (d) Records retention. –

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

26 (2) If there is an interruption in the operation of the video camera or audio recording device
27 for any reason, a written explanation should be submitted to the school principal explaining the
28 reason and length for which there was no recording. The explanation shall be maintained at the
29 school office for at least one year.

30 (3) Except as provided in subdivision (4) of this subsection, a public school shall retain
31 video and audio recorded pursuant to this section as long as the recording devices allow after the
32 date of the recording. If the minimum three-month period overlaps the summer break occurring
33 between the last day of one instructional term and the first day of the next instructional term, the
34 minimum three-month period shall be extended by the number of days occurring between the two
35 instructional terms;

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

39 (A) The earlier of the person reviewing the recording or 60 days after the person who
40 requested the video or audio recording was notified by the public school that the video or audio
41 recording is available; and

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

(5) In no event may the recording be deleted or otherwise made unretrievable before the time period set forth in subdivision (3) of this subsection elapses.

(e) Notice of placement. –

(1) Before a public school initially places a video camera or audio device in a classroom pursuant to this section, the school shall provide written notice of the placement to:

(A) The parent or legal guardian of a student who is assigned to the classroom; and

(B) All school employees or volunteers who are assigned to work in the classroom.

(2) The notice under this subsection shall include:

(A) The purpose of the recording;

(B) How long recordings will be retained;

(C) Who has access to the recordings; and

(D) The manner and method to access the recordings.

(f) This section does not:

(1) Waive any immunity from liability of a public local educational agency or employee of a public local educational agency;

(2) Create any liability for a cause of action against a public school or local educational agency or employee of a public school or local educational agency;

(3) Require 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; or

(4) Effect any requirements of §18-20-11 of this code.

(g) Limitations on use of recordings. – A public school or local educational agency shall not use video or audio recorded under this section for:

(1) Teacher evaluations; or

(2) Any purpose other than the promotion and protection of the health, wellbeing, and safety of students using the classroom.

70 (h) Confidentiality. – Except as provided under subsections (i) and (j) of this section, a
71 recording made under this section is confidential and shall not be released or reviewed by anyone
72 except the school principal, other school administration designee, or local educational agency
73 designee if the school principal or other school administration designee is unable to review the
74 video or audio recording pursuant to this subsection. The school principal, other school
75 administration designee, or local educational agency designee shall review no less than 15
76 minutes of the video and no less than 15 minutes of audio of each self-contained classroom and
77 restroom at the school no less than every 90 calendar days. The state board shall include in its rule
78 authorized by this section requirements for documentation of compliance with the video and audio
79 reviewing requirements of this subsection.

80 (i) Request to review recordings. – Within seven days of receiving a request, a public
81 school or local educational agency shall allow review of a recording by:

82 (1) A public school or local educational agency employee who is involved in an alleged
83 incident that is documented by the recording and has been reported to the public school or local
84 educational agency;

85 (2) No later than five days after an incident, a parent or legal guardian of a student who is
86 involved in an alleged incident that is documented by the recording and has been reported to the
87 public school or local educational agency may request a school administrator to review the
88 recording of the incident; or

89 (3) An employee of a public school or local educational agency as part of an investigation
90 into an alleged incident that is documented by the recording and has been reported to the public
91 school or local educational agency.

92 (j) Within seven days of receiving a request, a public school or local educational agency
93 shall allow review of a recording by and comply with all subsequent requests for review or release
94 of the recording by:

95 (1) A law-enforcement officer or employee of the Department of Human Services, as part

of an investigation 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 local educational agency 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 in any matters related to legal issues arising from an incident: *Provided*, That the recording may only be released pursuant to an appropriate protective order or under seal.

(k) *Discovery of incident.* – If an incident is discovered while initially reviewing a recording that requires a report to be made under §49-2-803 of this code, that report shall be made by the reviewer pursuant to that section within 24 hours of viewing the incident.

(l) 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 subject to disciplinary action by the school for such unrelated violation unless it reveals a separate incident.

(m) It is not a violation of subsection (h) of this section if a contractor or other employee of a public school or local educational agency incidentally reviews a recording under this section if the contractor or employee of a public school or local educational agency is performing job duties related to the:

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

(2) Retention of video or audio recordings.

(n) This section applies solely to cameras and audio recording devices installed pursuant to this code section and does not limit the access of a student's parent or legal guardian to a recording reviewable under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C.

122 §1232g, or any other law.

123 (o) A public school or local educational agency shall:

124 (1) Take necessary precautions to conceal the identity of a student who appears in a video
125 recording but is not involved in the alleged incident documented by the video recording for which
126 the public school allows viewing under subsection (h) of this section; and

127 (2) Provide procedures to protect the confidentiality of student records contained in a
128 recording in accordance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C.
129 §1232g, or any other law.

130 (p) Appeals. –

131 (1) Any aggrieved person may appeal to the State Board of Education an action by a public
132 school or local educational agency that the person believes to be in violation of this section.

133 (2) The state board shall grant a hearing on an appeal under this subsection within 45 days
134 of receiving the appeal.

135 (q) Acceptance gifts for equipment. – A public school or local educational agency may
136 accept gifts, grants, or donations to meet the requirements of this section.

137 (r) Rulemaking. – The state board may promulgate a rule in accordance with §29A-3B-1 et
138 seq. of this code to clarify the requirements of this section and address any unforeseen issues that
139 might arise relating to the implementation of the requirements of this section.

NOTE: The purpose of this bill is to permit the use of cameras in classrooms.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.