HLS 20RS-1279 ORIGINAL

2020 Regular Session

HOUSE BILL NO. 768

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BY REPRESENTATIVE ILLG

CHILDREN/CARE: Requires early learning centers to provide for the installation and operation of cameras as a condition of state licensure

AN ACT

2 To amend and reenact R.S. 44:4.1(B)(9) and to enact R.S. 17:407.54, relative to the 3 licensing of early learning centers; to require that early learning centers provide for 4 the installation and operation of cameras as a condition of licensure; to require the 5 development of policies relative to such cameras; to provide a limitation relative to 6 public records; and to provide for related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. R.S. 17:407.54 is hereby enacted to read as follows: 9 §407.54. Cameras; condition of licensure 10 A. Each early learning center shall provide for the installation and operation 11 of cameras that record both video and audio. Compliance with the provisions of this 12 Section shall be a condition of an early learning center's licensure by the state 13 Department of Education as provided in this Part. 14 B. The director of each early learning center shall develop and share with all 15 center employees and parents of children enrolled in the center a policy relative to 16 cameras that, at minimum, provides for the following: 17 (1) The location and placement of cameras in any room in which children are taught or cared for and including a prohibition against the recording of the interior 18 19 of a restroom or any other area in which a child's clothing may be changed or 20 removed.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1	(2) A requirement that written notice of the cameras be provided to teachers
2	and other employees, parents, and authorized visitors.
3	(3) A requirement that all teachers and other employees who provide
4	services at the early learning center receive training concerning the provisions of this
5	Section.
6	(4) Provisions relative to the duration of the retention of the video and audio
7	data recorded and procedures for data storage and disposal.
8	(5) Procedures for protecting children's privacy and for determining to whom
9	and under what circumstances the data may be disclosed. Such policies shall provide
10	for viewing only by the director of the early learning center, the state superintendent
11	of education or his designee, and the parent of a recorded student upon the parent's
12	request. Such policies shall also require any person who views a recording showing
13	what he believes could be a violation of state law or federal law to report it to the
14	appropriate law enforcement agency.
15	(6) A requirement that any camera installed pursuant to this Section be in
16	compliance with the National Fire Protection Association Life Safety Code.
17	C. Recordings made pursuant to this Section shall be kept confidential and
18	are not public records; however, a recording may be viewed by the director of the
19	early learning center, the state superintendent of education or his designee, by
20	parents, and by law enforcement officials as provided in the policy required by
21	Paragraph (A)(5) of this Section.
22	Section 2. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:
23	§4.1. Exceptions
24	* * *
25	B. The legislature further recognizes that there exist exceptions, exemptions,
26	and limitations to the laws pertaining to public records throughout the revised
27	statutes and codes of this state. Therefore, the following exceptions, exemptions, and

limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * * *

(9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.54, 407.65, 500.2, 1175, 1202, 1237, 1252, 1952, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3390, 3773, 3884

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 768 Original

2020 Regular Session

Illg

Abstract: Requires each early learning center to provide for the installation and operation of cameras that record both video and audio as a condition of licensure by the state Dept. of Education.

<u>Present law</u> provides for the licensure of early learning centers by the state Dept. of Education (DOE) and requires a center to be licensed in order to operate. <u>Proposed law</u> requires each early learning center to provide for the installation and operation of cameras that record both video and audio and provides that compliance with <u>proposed law</u> is a condition of its licensure.

<u>Proposed law</u> further requires the director of each early learning center to develop and share with all center employees and parents a policy relative to cameras that, at minimum, provides for the following:

- (1) The location and placement of cameras, including a prohibition against the recording of the interior of a restroom or any other area in which a child's clothing may be changed or removed.
- (2) A requirement that written notice of the cameras be provided to teachers and other employees, parents, and authorized visitors.
- (3) A requirement that all teachers and other employees who provide services at the early learning center receive training concerning proposed law.
- (4) Provisions relative to the duration of the retention of the video and audio data recorded and procedures for data storage and disposal.
- (5) Procedures for protecting children's privacy and for determining to whom and under what circumstances the data may be disclosed.
- (6) A requirement that cameras be in compliance with the National Fire Protection Association Life Safety Code.

<u>Proposed law</u> provides that recordings shall be kept confidential and are not public records.

(Amends R.S. 44:4.1(B)(9); Adds R.S. 17:407.54)