ORIGINAL

SLS 20RS-124

2020 Regular Session

SENATE BILL NO. 39

BY SENATOR FOIL

SPECIAL EDUCATION. Requires the use of video cameras in certain classrooms where special education services are provided to certain students with exceptionalities. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 44:4.1(B)(9) and to enact R.S. 17:1948 and 3996(B)(59), relative
3	to students with exceptionalities; to require public school governing authorities to
4	provide for cameras in certain classrooms and other education settings where certain
5	students with exceptionalities receive special education and related services upon
6	parental request; to require the adoption of policies relative to cameras; to provide
7	a limitation relative to public records; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 17:1948 and 3996(B)(59) are hereby enacted to read as follows:
10	§1948. Cameras; students with exceptionalities
11	A. The governing authority of each public elementary and secondary
12	school shall provide, pursuant to policies it shall adopt for such purpose, for the
13	installation and operation of cameras that record both video and audio in
14	classrooms upon the written request of a parent. For purposes of this Section,
15	"classroom" shall mean a self-contained classroom or other special education
16	setting in which a majority of students in regular attendance are provided
17	special education and related services and are assigned to one or more

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1	self-contained classrooms or other special education settings for at least fifty
2	percent of the instructional day. Such policies, at a minimum, shall provide for
3	the following:
4	(1) The location and placement of cameras, including a prohibition
5	against the recording of the interior of a restroom or any other area in which
6	a student's clothing may be changed or removed.
7	(2) A requirement that written notice of the cameras be provided to
8	teachers and other school employees, students, parents, and authorized visitors.
9	(3) A requirement that any teacher or other school employee who
10	provides services in such a classroom or educational setting receive training
11	concerning the provisions of this Section.
12	(4) Provisions relative to the duration of the retention of the video and
13	audio data recorded and procedures for storage and disposal of the recordings,
14	including a requirement that recordings be retained for at least one month from
15	the recording date.
16	(5) Procedures for protecting student privacy and for determining to
17	whom and under what circumstances the recordings may be disclosed. Such
18	policies shall provide for viewing only by the superintendent or his designee and
19	by the parent of a recorded student upon the parent's request. Such policies
20	shall require the redaction of recordings of students other than the parent's
21	child. Such policies shall also require any person who views a recording showing
22	what he believes could be a violation of state law or federal law to report it to
23	the appropriate law enforcement agency.
24	(6) A requirement that any camera installed pursuant to this Section be
25	in compliance with the National Fire Protection Association Life Safety
26	regulations.
27	(7) A provision that a parent's request for cameras shall be granted only
28	for a classroom in which the parent's child is in regular attendance.
29	B.(1) Recordings made pursuant to this Section shall be confidential and

1	shall not be public records. However, a recording may be viewed by the
2	superintendent or his designee, by parents, or by law enforcement officials as
3	provided in the policies required by Paragraph (A)(5) of this Section.
4	(2) Such data shall not be considered "personally identifiable
5	information" as defined in R.S. 17:3914.
6	C. The provisions of this Section shall not apply to special education
7	classrooms and other special education settings where the only students with
8	exceptionalities receiving special education and related services are those who
9	have been deemed to be gifted or talented and have not been identified as also
10	having a disability.
11	D. Implementation of the provisions of this Section shall be subject to the
12	appropriation of funds.
13	* * *
14	§3996. Charter schools; exemptions; requirements
15	* * *
16	B. Notwithstanding any state law, rule, or regulation to the contrary and
17	except as may be otherwise specifically provided for in an approved charter, a
18	charter school established and operated in accordance with the provisions of this
19	Chapter and its approved charter and the school's officers and employees shall be
20	exempt from all statutory mandates or other statutory requirements that are
21	applicable to public schools and to public school officers and employees except for
22	the following laws otherwise applicable to public schools with the same grades:
23	* * *
24	(59) Cameras in special education classrooms, R.S. 17:1948.
25	* * *
26	Section 2. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:
27	§4.1. Exceptions
28	* * *
29	B. The legislature further recognizes that there exist exceptions, exemptions,

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1	and limitations to the laws pertaining to public records throughout the revised
2	statutes and codes of this state. Therefore, the following exceptions, exemptions, and
3	limitations are hereby continued in effect by incorporation into this Chapter by
4	citation:
5	* * *
6	(9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175,
7	1202, 1237, 1252, 1952, <u>1948,</u> 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3390,
8	3773, 3884
9	* * *
10	Section 3. This Act shall become effective upon signature by the governor or, if not
11	signed by the governor, upon expiration of the time for bills to become law without signature
12	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13	vetoed by the governor and subsequently approved by the legislature, this Act shall become
14	effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Serrett.

DIGEST 2020 Regular Session

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<u>Proposed law</u> requires the governing authority of each public school, including charter schools, to provide, pursuant to policies it adopts for such purpose, for the installation and operation of cameras that record both video and audio in classrooms upon the written request of a parent. Defines "classroom" as a self-contained classroom or other special education setting in which a majority of students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50% of the instructional day. Requires such policies, at a minimum, to provide for the following:

- (1) The location and placement of cameras, including a prohibition against recording restroom interiors or other areas in which clothing may be changed or removed.
- (2) A requirement that written notice of the cameras be provided to teachers and other school employees, students, parents, and authorized visitors.
- (3) A requirement that any teacher or other school employee who provides services in such a classroom or educational setting receive training concerning proposed law.
- (4) Provisions relative to the duration of the retention of the audio and video data recorded on the cameras and procedures for storage and disposal of recordings, which shall require that recordings be retained for at least one month from the date of the recording.

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- (5) Procedures for protecting student privacy and determining to whom and under what circumstances the recordings may be disclosed. Such policies shall provide for viewing only by the superintendent or his designee and by the parent of a recorded student upon the parent's request; require redaction of recordings of students other than the parent's child; and require any person who views a recording showing what he believes could be a violation of law to report it to law enforcement.
- (6) A requirement that cameras comply with national fire safety standards.
- (7) A provision that a parent's request for cameras shall only be granted for a classroom in which the parent's child is in regular attendance.

Proposed law also provides:

- (1) That recordings made pursuant to <u>proposed law</u> shall be confidential and shall not be public records but may be viewed by the superintendent or his designee, by parents, or by law enforcement as provided in the policies required by <u>proposed law</u>.
- (2) That <u>proposed law</u> shall not apply to classrooms and other special education settings where the only students with exceptionalities who are receiving special education and related services are those who have been deemed to be gifted or talented and who have not been identified as also having a disability.

<u>Present law</u> prohibits school officials and employees from sharing a student's "personally identifiable information", defined, in part, as information about an individual that can be used to identify, contact, or locate him. <u>Proposed law</u> provides that data recorded pursuant to <u>proposed law</u> shall not be considered "personally identifiable information".

<u>Proposed law</u> provides that the implementation of <u>proposed law</u> is subject to the appropriation of funds.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 44:4.1(B)(9); adds R.S. 17:1948 and 3996(B)(59))