

2021 Regular Session

SENATE BILL NO. 86

BY SENATORS FOIL, ABRAHAM, BARROW, BOUDREAUX, CLOUD, FESI,
TARVER, WHITE AND WOMACK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SPECIAL EDUCATION. Requires the governing authority of each public school to develop and adopt policies for the installation and operation of video cameras in certain classrooms.
(gov sig)

AN ACT

To amend and reenact R.S. 44:4.1(B)(9) and to enact R.S. 17:1948 and 3996(B)(59), relative to students with exceptionalities; to require public school governing authorities to adopt policies relative to the installation and operation of cameras in certain classrooms upon the request of a parent or legal guardian; to provide an exception relative to public records; to provide relative to funding; to provide relative to implementation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1948 and 3996(B)(59) are hereby enacted to read as follows:

§1948. Cameras in certain classrooms; definitions; required policies; confidentiality; authorization of funding

A. The governing authority of each public elementary and secondary school shall adopt policies relative to the installation and operation of cameras that record both video and audio in a classroom upon the written request of a parent or legal guardian.

B. For purposes of this Section, "classroom" shall mean a self-contained classroom or other special education setting in which a majority of students in

1 regular attendance are provided special education and related services and are
2 assigned to one or more self-contained classrooms or other special education
3 settings for at least fifty percent of the instructional day and for which a parent
4 or legal guardian has requested a camera to be installed. "Classroom" shall not
5 mean special education classrooms and other special education settings where
6 the only students with exceptionalities receiving special education and related
7 services are those who have been deemed to be gifted or talented and have not
8 been identified as also having a disability.

9 C. The policies shall include provisions for the following:

10 (1) The location and placement of cameras, including a prohibition
11 against the recording of the interior of a restroom or any area designated for
12 students to change or remove clothing.

13 (2) Written notice of the placement of the cameras to be provided to
14 persons who enter a classroom where a camera is installed, including teachers
15 and other school employees, students in the classroom, the students' parents and
16 legal guardians, and authorized visitors.

17 (3) Training concerning the provisions of this Section for any teacher or
18 other school employee who provides services in a classroom where cameras are
19 installed.

20 (4) The retention, storage, and disposal of the video and audio data
21 recorded, including a requirement that the recordings be retained for at least
22 one month from the recording date.

23 (5) Protecting student privacy and for determining to whom and under
24 what circumstances the recordings may be disclosed including:

25 (a) Limiting viewing of the recordings to the superintendent or his
26 designee and the parent or legal guardian of a recorded student upon request.

27 (b) Requiring any person who views a recording and who suspects the
28 recordings show a violation of state or federal law to report the suspected
29 violation to the appropriate law enforcement agency.

1 (6) Requiring each camera installed to be in compliance with the
2 National Fire Protection Association's Life Safety Code.

3 (7) Procedures for the approval or disapproval of a request for the
4 installation and operation of cameras in a classroom.

5 (8) Procedures regarding how a parent or legal guardian may request to
6 review a recording, under what circumstances a request may be made, and any
7 limitations to a request.

8 D.(1) Recordings made pursuant to this Section shall be confidential and
9 shall not be public record. However, a recording may be viewed by the
10 superintendent or his designee, the parent or legal guardian of a recorded
11 student, or by law enforcement officials as provided in the policies required by
12 Paragraph (C)(5) of this Section.

13 (2) The recordings shall not be considered "personally identifiable
14 information" as defined in R.S. 17:3914.

15 E. The governing authority of each public elementary and secondary
16 school is authorized to accept, administer, and make use of federal, state, and
17 local funds, any public and private grants and donations, and, when considered
18 appropriate and feasible, to accept nonmonetary resources in the form of
19 services or equipment for use in connection with the installation and operation
20 of cameras pursuant to this Section.

21 F. The state Department of Education shall assist public school
22 governing authorities in identifying state and federal funds that may be used for
23 the installation and operation of cameras pursuant to this Section.

24 G. As specific funding becomes available for this purpose, each public
25 school governing authority shall implement the provisions of this Section.

26 * * *

27 §3996. Charter schools; exemptions; requirements

28 * * *

29 B. Notwithstanding any state law, rule, or regulation to the contrary and

except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(59) Cameras in special education classrooms, R.S. 17:1948.

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Section 2. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised 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, 407.65, 500.2, 1175, 1202, 1237, 1252, **1948**, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3137, 3390, 3773, 3884

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Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument was prepared by Cheryl Serrett. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 86 Re-Reengrossed

2021 Regular Session

Foil

Proposed law requires the governing authority of each public school, including charter schools, to adopt policies relative to the installation and operation of cameras that record both video and audio in classrooms, upon the written request of a student's parent or legal guardian.

Proposed law 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 and for which a parent or legal guardian has requested a camera to be installed. Further provides the definition of "classroom" does not include 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.

Proposed law requires the policies to include provisions for the following:

- (1) The location and placement of cameras, including a prohibition against recording restroom interiors or any area designated for students to change or remove clothing.
- (2) Written notice of the placement of the cameras be provided to persons who enter the classroom, including teachers and other school employees, students in the classroom, the students' parents or legal guardians, and authorized visitors.
- (3) Training on the proposed law for any teacher or other school employee who provides services in a classroom with an installed camera.
- (4) The retention, storage, and disposal of the audio and video data recorded, including a requirement that recordings be retained for at least one month from the date of the recording.
- (5) Protecting student privacy and determining to whom and under what circumstances the recordings may be disclosed, including limiting viewing of the recordings to the superintendent or his designee and the parent or legal guardian of a recorded student upon request; and requiring any person who views a recording and who suspects the recording includes a violation of law to report the suspected violation to the appropriate law enforcement agency.
- (6) Requiring each camera installed to comply with national fire safety standards.
- (7) Procedures for the approval or disapproval of a request for the installation and operation of cameras in a classroom.
- (8) Procedures regarding how a parent or legal guardian may request review of a recording, under what circumstances a request may be made, and any limitations to such requests.

Proposed law provides that recordings made pursuant to proposed law shall be confidential and shall not be public records but may be viewed by the superintendent or his designee, by the parent or legal guardian of a recorded student, or by law enforcement as provided in the

policies required by proposed law.

Present law (R.S. 17:3914) 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.

Proposed law retains present law but provides that recordings made pursuant to proposed law shall not be considered "personally identifiable information".

Proposed law authorizes the governing authority of each public elementary and secondary school to accept, administer, and make use of federal, state, and any local and private appropriations, any public and private grants and donations, and, when it is considered appropriate and feasible, to accept nonmonetary funding in the form of services or equipment for use in connection with the installation and operation of the cameras.

Proposed law requires the state Department of Education to assist each school governing authority in identifying funding which may be available to assist in the installation and operation of the cameras.

Proposed law provides that as specific funding becomes available for this purpose, each public school governing authority shall implement proposed law.

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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Requires policies that prohibit placement of cameras in any area designated for students to change or remove clothing.
2. Removes requirement that recordings of students other than the student of a parent/guardian requesting a viewing be redacted.
3. Requires procedures for a request to view a recording.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Revises subject to appropriation language to provide that as specific funding becomes available for this purpose, each public school governing authority shall implement proposed law.

Senate Floor Amendments to reengrossed bill

1. Make technical changes.