

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.

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 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 fifty percent of the instructional day and for which a parent or legal guardian has requested a camera to be installed. "Classroom" shall not mean special education classrooms and other special education settings where the only students with exceptionalities receiving special education and related services are those who have been deemed to be gifted or talented and have not

1 been identified as also having a disability.

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

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

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

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

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

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

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

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

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

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

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

30 D.(1) Recordings made pursuant to this Section shall be confidential and

1 shall not be public record. However, a recording may be viewed by the
2 superintendent or his designee, the parent or legal guardian of a recorded
3 student, or by law enforcement officials as provided in the policies required by
4 Paragraph (C)(5) of this Section.

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

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

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

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

18 * * *

19 §3996. Charter schools; exemptions; requirements

20 * * *

21 B. Notwithstanding any state law, rule, or regulation to the contrary and
22 except as may be otherwise specifically provided for in an approved charter, a
23 charter school established and operated in accordance with the provisions of this
24 Chapter and its approved charter and the school's officers and employees shall be
25 exempt from all statutory mandates or other statutory requirements that are
26 applicable to public schools and to public school officers and employees except for
27 the following laws otherwise applicable to public schools with the same grades:

28 * * *

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

30 * * *

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

2 §4.1. Exceptions

3 * * *

4 B. The legislature further recognizes that there exist exceptions, exemptions,
5 and limitations to the laws pertaining to public records throughout the revised
6 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
7 limitations are hereby continued in effect by incorporation into this Chapter by
8 citation:

9 * * *

10 (9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175,
11 1202, 1237, 1252, **1948**, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3137, 3390,
12 3773, 3884

13 * * *

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____