

2021 Regular Session

SENATE BILL NO. 86

BY SENATOR FOIL

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)

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 adopt policies relative to the installation and operation of cameras in certain

5 classrooms upon the request of a parent or legal guardian; to provide an exception

6 relative to public records; to provide relative to funding; to provide relative to

7 implementation; 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 in certain classrooms; definitions, required policies;**

11 **confidentiality; authorization of funding**

12 **A. The governing authority of each public elementary and secondary**

13 **school shall adopt policies relative to the installation and operation of cameras**

14 **that record both video and audio in a classroom upon the written request of a**

15 **parent or legal guardian.**

16 **B. For purposes of this Section, "classroom" shall mean a self-contained**

17 **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.





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

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## DIGEST

SB 86 Engrossed

2021 Regular Session

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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 deemed 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 the implementation of proposed law 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))

#### Summary of Amendments Adopted by Senate

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

1. Requires for 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.