

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**

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,

- (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 proposed law 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 proposed law.
- (2) That proposed law 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.

Present law 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 provides that data recorded pursuant to proposed law shall not be considered "personally identifiable information".

Proposed law provides that 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))