

RÉSUMÉ DIGEST

ACT 456 (SB 86)

2021 Regular Session

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New 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.

New 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.

New 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 new 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.

New law provides that recordings made pursuant to new 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 new law.

Prior law (R.S. 17:3914) prohibited 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.

New law retains prior law but provides that recordings made pursuant to new law shall not be considered "personally identifiable information".

New 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.

New 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.

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

Effective upon signature of the governor (June 23, 2021).

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