

2020 Regular Session

HOUSE BILL NO. 138

BY REPRESENTATIVE WRIGHT

EDUCATION/SPECIAL: Requires the use of video cameras in classrooms where special education services are provided to certain students with exceptionalities

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, under certain circumstances, public  
4 school governing authorities to provide for cameras in education settings where  
5 students with exceptionalities receive special education; to require the adoption of  
6 policies relative to cameras; to provide a limitation relative to public records; and to  
7 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 school  
12 shall provide, upon the written request of a parent, for the installation and operation  
13 of a camera that records both video and audio in a classroom. For purposes of this  
14 Section, "classroom" means a self-contained classroom or other special education  
15 setting in which a majority of students in regular attendance are provided special  
16 education and related services and are assigned to one or more self-contained  
17 classrooms or other special education settings for at least fifty percent of the  
18 instructional day. Each governing authority shall adopt policies for this purpose,  
19 which policies, at a minimum, shall provide for the following:

1           (1) The location and placement of cameras, including a prohibition against  
2           the recording of the interior of a restroom or any other area in which a student's  
3           clothing may be changed or removed.

4           (2) A requirement that written notice of the cameras be provided to teachers  
5           and other school employees, students, parents, and authorized visitors.

6           (3) A requirement that any teacher or other school employee who provides  
7           services in a classroom receive training concerning the provisions of this Section.

8           (4) Provisions relative to the duration of the retention of the video and audio  
9           data recorded and procedures for data storage and disposal, including a requirement  
10          that the data be retained for at least thirty days from the recording date.

11          (5) Procedures for protecting student privacy and for determining to whom  
12          and under what circumstances the data may be disclosed. Such policies shall provide  
13          for viewing only by the superintendent or his designee and by the parent of a  
14          recorded student upon the parent's request. Such policies shall require the redaction  
15          of footage of students other than the parent's child. Such policies shall also require  
16          any person who views a recording showing what he believes could be a violation of  
17          state law or federal law to report it to the appropriate law enforcement agency.

18          (6) A requirement that any camera installed pursuant to this Section be in  
19          compliance with the National Fire Protection Association Life Safety Code.

20          (7) A provision that a parent's request for cameras shall be granted only for  
21          a classroom in which the parent's child is in regular attendance.

22          B.(1) Recordings made pursuant to this Section shall be kept confidential  
23          and are not public records; however, a recording may be viewed by the  
24          superintendent or his designee, by parents, and by law enforcement officials as  
25          provided in the policy required by Paragraph (A)(5) of this Section.

26          (2) Such recordings are not "personally identifiable information" as defined  
27          in R.S. 17:3914.

28          C. The provisions of this Section do not apply to special education  
29          classrooms and other special education settings where the only students with

1 exceptionalities receiving special education and related services are those who have  
2 been deemed to be gifted or talented and have not been identified as also having a  
3 disability.

4 D. Implementation of the provisions of this Section shall be subject to the  
5 appropriation of funds by the legislature for this purpose.

6 \* \* \*

7 §3996. Charter schools; exemptions; requirements

8 \* \* \*

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

16 \* \* \*

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

18 \* \* \*

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

20 §4.1. Exceptions

21 \* \* \*

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

27 \* \* \*

1                       (9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175,  
2                       1202, 1237, 1252, 1948, ~~1952~~, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3390,  
3                       3773, 3884

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 138 Original   2020 Regular Session   Wright

**Abstract:** Requires video cameras in self-contained special education classrooms upon parental request.

Proposed law requires the governing authority of each public school, including charter schools, to provide, upon request by a parent, for the installation and operation of cameras that record both video and audio in classrooms. 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 are assigned to special education settings for at least 50% of the instructional day. Requires adoption of policies, which at a minimum provide for the following:

- (1)     The location and placement of cameras, including a prohibition against recording restroom interiors or other areas in which clothing may be changed or removed.
- (2)     A requirement that written notice of the cameras be provided to teachers and other school employees, students, parents, and authorized visitors.
- (3)     A requirement that any teacher or other school employee who provides services in such a classroom or educational setting receive training concerning proposed law.
- (4)     Provisions relative to the duration of the retention of data recorded on the cameras and procedures for data storage and disposal, which shall require that data be retained for at least 30 days from the date of the recording.
- (5)     Procedures for protecting student privacy and determining to whom and under what circumstances the data 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 footage 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 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.

- (2) That recordings made pursuant to proposed law shall be kept confidential and are not public records but may be viewed by the superintendent or his designee, by parents, or by law enforcement as provided in the policy required by proposed law.

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 is not "personally identifiable information".

Proposed law provides that proposed law implementation is subject to the appropriation of funds by the legislature.

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