

2023 Regular Session

HOUSE BILL NO. 213

BY REPRESENTATIVE BRASS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC RECORDS: Exempts certain school surveillance and security video from the Public Records Law

1 AN ACT

2 To enact R.S. 44:3.1.1, relative to public records; to exempt certain surveillance and security  
3 video in and around buildings owned, operated, or maintained by a public school  
4 board or a charter school from the Public Records Law; to provide for policies  
5 adopted by school governing authorities to provide for limited retention and viewing  
6 of surveillance and security video in and around school property; to provide for an  
7 effective date: and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 44:3.1.1 is hereby enacted to read as follows:

10 §3.1.1. School surveillance and security video; limited retention and viewing policy

11 A. Except as otherwise provided in this Section, the provisions of this  
12 Chapter shall not apply to any surveillance and security video of the inside of or  
13 covering the area immediately surrounding a building owned, operated, or  
14 maintained by a public school board or a charter school.

15 B. The governing authority of each public elementary and secondary school,  
16 including charter schools, shall adopt a policy governing all surveillance and security  
17 video in and around buildings owned, operated, or maintained by the governing  
18 authority. Each policy shall contain provisions for all of the following:

19 (1) Retaining, storing, and disposing of the recorded video and audio data,  
20 including a requirement that the recordings be retained for at least thirty days from  
21 the recording date.

1           (2) Protecting student privacy and for determining to whom and under what  
2           circumstances the recordings may be disclosed including limiting viewing of the  
3           recordings to the appropriate school officials, law enforcement officials investigating  
4           an incident, and, upon request, the parent or legal guardian of a recorded student if  
5           there was an incident involving that student.

6           (3) Procedures regarding how a parent or legal guardian may request to  
7           review a recording, and any limitations to a request.

8           C.(1) For purposes of this Section, the phrase "parent or legal guardian"  
9           shall have the same meaning as provided in R.S. 17:3914.

10           (2) For purposes of compliance with Subsection B of this Section, the  
11           surveillance and security video recordings shall not be considered "personally  
12           identifiable information" as defined in R.S. 17:3914.

13           D. Nothing in this Section shall affect a parent's or legal guardian's right to  
14           access videos pursuant to R.S. 17:1948.

15           Section 2. This Act shall become effective upon signature by the governor or, if not  
16 signed by the governor, upon expiration of the time for bills to become law without signature  
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
19 effective on the day following such approval.

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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 213 Engrossed

2023 Regular Session

Brass

**Abstract:** Exempts surveillance and security video of the inside of or covering the area immediately surrounding a building owned, operated, or maintained by a public school board or a charter school from the Public Records Law except for provisions for policies to require limited retention and viewing.

Present law (R.S. 44:1 et seq.-Public Records Law) provides that all types of documentary materials, regardless of format, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or

payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Present law excludes from the definition of "public record" any documentary material of a security feature of a public body's electronic data processing system, information technology system, telecommunications network, or electronic security system. Present law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

Present law further exempts blueprints and floor plans of the interior of a public school building or facility from the Public Records Law.

Proposed law additionally exempts surveillance and security video of the inside of or covering the area immediately surrounding a building owned, operated, or maintained by a school board or a charter school from the Public Records Law, except requires the governing authority of each public elementary and secondary school, including charter schools, to adopt a policy to govern the video. Requires the policy to contain provisions relative to the retention of the video for at least 30 days, protecting student privacy, and determining to whom and under what circumstances the recordings may be disclosed, procedures for how a parent or legal guardian may request to review a recording and any limitations relative thereto. Refers to present law (R.S. 17:3914) definition of parent or legal guardian for proposed law purposes. Further specifies that proposed law does not affect a parent's or legal guardians' right to access video recordings in accordance with present law (R.S. 17:1948) provisions for videos in a classroom or other special education setting in which a majority of students in regular attendance are provided special education and related services.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 44:3.1.1)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Add a requirement for the adoption of policies for the limited retention and viewing of the video under specified circumstances.
2. Detail the minimum requirements of the policies.
3. Specify that proposed law does not affect a parent's or legal guardians' right to access video recordings in special education settings as provided in present law.
4. Provide that "parent or legal guardian" means a student's parent, legal guardian, or other person or entity responsible for the student as provided in present law.