

2019 Regular Session

HOUSE BILL NO. 283

BY REPRESENTATIVE WRIGHT

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

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)(54), 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)(54) 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, pursuant to policies it shall adopt for such purpose, for the installation
13 and operation of cameras that record both video and audio in classrooms upon the
14 written request of a parent. For purposes of this Section, "classroom" shall mean a
15 self-contained classroom or other special education setting in which a majority of
16 students in regular attendance are provided special education and related services and
17 are assigned to one or more self-contained classrooms or other special education
18 settings for at least fifty percent of the instructional day. Such policies, at a
19 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 such a classroom or educational setting receive training concerning the
8 provisions of this Section.

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

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

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

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

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

27 (2) Such data shall not be considered "personally identifiable information"
28 as defined in R.S. 17:3914.

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

3 * * *

4 Section 3. This Act shall only take effect in a fiscal year in which the legislature
5 appropriates funds for this purpose to each affected school system and only to the extent and
6 amount that such funds are provided.

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)]

HB 283 Engrossed 2019 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, pursuant to policies it adopts for such purpose, for the installation and operation of cameras that record both video and audio in classrooms upon the written request of a parent. 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. Requires such policies, at a minimum, to 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 the audio and video data recorded on the cameras and procedures for data storage and disposal, which shall require that data be retained for at least one month 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 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 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 shall not be considered "personally identifiable information".

Proposed law provides that proposed law shall only take effect in a fiscal year in which the legislature appropriates funds for proposed law purposes.

(Amends R.S. 44:4.1(B)(9); Adds R.S. 17:1948 and 3996(B)(54))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Limit applicability of camera installation requirement to when requested by a parent and to self-contained classrooms.
2. Add that a parent's request for cameras shall only be granted for a classroom for which his child is in regular attendance.
3. Reduce duration of required data retention from one year to one month.
4. Add that proposed law shall only take effect in a fiscal year in which the legislature appropriates funds for proposed law purposes.