
DIGEST

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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))