

SB56 INTRODUCED



1 OQ2UMW-1

2 By Senators Orr, Coleman-Madison, Scofield, Hatcher, Jones,
3 Albritton, Melson, Waggoner, Allen, Barfoot, Butler, Elliott,
4 Weaver, Sessions, Williams, Chesteen, Figures, Kelley,
5 Singleton

6 RFD: Education Policy

7 First Read: 07-Mar-23

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SYNOPSIS:

This bill would require local boards of education to provide for the use and maintenance of video cameras in public K-12 classrooms in which at least half of the regularly attending students receive special education services.

A BILL
TO BE ENTITLED
AN ACT

Relating to public K-12 schools; to add Section 16-39-13 to the Code of Alabama 1975; to require local boards of education to install, maintain, and operate video cameras in certain self-contained classrooms providing special education services; and to provide protections for the use of video recordings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-39-13 is added to the Code of Alabama 1975, to read as follows:

§16-39-13.

(a) For the purposes of this section, the following words have the following meanings:

(1) SELF-CONTAINED CLASSROOM. A public K-12 classroom



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29 in which at least half of the students in regular attendance
30 are provided special education services. This term includes
31 any room attached to the classroom where special education
32 services are provided and any calm down rooms, sensory rooms,
33 and common areas.

34 (2) SPECIAL EDUCATION SERVICES. Educational instruction
35 and special services provided to students pursuant to Section
36 16-39-3.

37 (b) (1) In order to promote student safety, each local
38 board of education in the state shall provide, place, operate,
39 and maintain video cameras in each self-contained classroom
40 under the jurisdiction of the board in which at least half of
41 the students are provided special education services. The
42 local board of education shall provide enough video cameras so
43 that all areas of the self-contained classroom may be
44 recorded. The video cameras shall record audio and video
45 during school hours and at any time a student is present in
46 the self-contained classroom.

47 (2) A video camera placed in a self-contained classroom
48 may not monitor a restroom or any other area where a student
49 changes his or her clothes, except for incidental monitoring
50 of a minor portion of a restroom or changing area because of
51 the inherent layout of the self-contained classroom.

52 (3) Each local board of education shall provide written
53 notice of the placement of video cameras to each parent or
54 legal guardian of any student assigned to a self-contained
55 classroom where video cameras are installed.

56 (c) (1) All video and audio recordings of students made



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57 pursuant to this section are confidential and shall not be
58 released or viewed, except as provided in subdivision (2) and
59 where the release or viewing is otherwise consistent with the
60 federal Family Educational Rights and Privacy Act of 1974
61 (FERPA) and state law.

62 (2) In the event an incident of alleged abuse or
63 neglect of a student has been reported to the local board of
64 education or the principal of the school, the video or audio
65 recordings that document the alleged abuse or neglect shall be
66 provided to the following individuals upon request:

67 a. Any employee who is involved in the alleged incident
68 of abuse or neglect.

69 b. Each parent or legal guardian of any student who is
70 involved in the alleged incident of abuse or neglect.

71 c. The employee or administrator designated by the
72 local board of education to investigate the alleged incident
73 of abuse or neglect.

74 d. Appropriate law enforcement officers and state
75 agency officials who are investigating the report of an
76 alleged incident of abuse or neglect.

77 e. Legal counsel representing any of the listed
78 individuals.

79 (3) A contractor or employee performing job duties
80 relating to the installation, operation, or maintenance of
81 video equipment or retention of video or audio recordings, who
82 incidentally views a video recording of an alleged incident of
83 abuse or neglect, may not be found in violation of this
84 section.



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85 (d) The local board of education shall retain all audio
86 and video recordings for at least three months after the date
87 of recording, subject to the following:

88 (1) If the minimum three-month period overlaps with the
89 summer break occurring between the last day of one
90 instructional term and the first day of the next instructional
91 term, the minimum three-month period shall be extended by the
92 number of days occurring between the two instructional terms.

93 (2) If an alleged incident of abuse or neglect has been
94 reported to the local board of education or school principal,
95 the video and audio recordings shall be retained until the
96 completion of all investigations, administrative proceedings,
97 and legal proceedings relating to the alleged incident of
98 abuse or neglect, including the exhaustion of all appeals.

99 (e) A video or audio recording made pursuant to this
100 section may not be used for any of the following:

101 (1) Routine teacher evaluations.

102 (2) Regular or continued monitoring of a classroom,
103 including through a live stream.

104 (3) Any purpose that does not conform to this section.

105 (f) (1) This section may not be interpreted to limit the
106 access of a student's parent or legal guardian to a video
107 recording viewable under FERPA, or any other law.

108 (2) The local board of education shall take necessary
109 precautions to conceal the identity of any student who appears
110 in a video or audio recording who is not personally involved
111 in the alleged incident of abuse or neglect, including,
112 without limitation, blurring the face of any uninvolved



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113 student.

114 Section 2. This act shall become effective on the
115 first day of the third month following its passage and
116 approval by the Governor, or its otherwise becoming law.