

Cameras in Special Education Classroom/Settings Procedures Implementing La. R.S. 17:1948

I. Summary/Purpose

La. R.S. 17:1948 requires school districts and open-enrollment public charter schools, to place, operate, and maintain video cameras with audio recording capability in certain Self-contained Classrooms and Other Special Education Settings for students with disabilities, upon the request of a parent or legal guardian, for the purpose of promoting student safety. The statute is intended to protect students who, because of a disability, may not be able to report mistreatment by district employees or other students. These procedures have been specifically developed for purposes of promoting student safety and complying with Louisiana law.

Definitions

Classroom – For purposes of La. R.S. 17:1948, either a “Self-contained Classroom” or “Other Special Education Setting” as defined herein below and does not include settings wherein students classified under Bulletin 1508 as Gifted or Talented, who do not also have a disability under Bulletin 1508, receive services.

Day – A school business day when a school campus or District administrative offices are open to the public.

Designated District Representative – An administrator designated by the Superintendent and responsible for coordinating the approval/denial of requests for installation and operation of camera equipment in compliance with La. R.S. 17:1948 and implementation of these Procedures.

Incident – An event or circumstance alleged to have occurred in a Self-contained Classroom or Other Special Education Setting under La. R.S. 17:1948 involving alleged “abuse” or “neglect” of a student by a staff member of the District, or alleged “sexual abuse” of a student by another student as outlined in the Louisiana Children’s Code or Louisiana Revised Statutes.

Incident Report/Complaint – Written notification to the District of an alleged incident that occurred in a Self-contained Classroom or Other Special Education Setting in which camera recording is implemented. An incident report must be initiated by completing and providing the District’s **Incident Report** form to the School Principal.

Parent or Legal Guardian– A parent or legal guardian (also referenced as “Eligible Requestor”) whose rights have not been terminated and whose child receives special

Ref: La. Rev. Stat. Ann. 17:1948; Board Minutes 12.07.22

education and related services in one or more Self-contained Classrooms or Other Special Education Settings in the District. "Parent" also means a student who receives special education and related services in one or more Self-contained Classrooms or Other Special Education Settings who is 18 years of age or older, unless the student has been determined incompetent or the student's rights have been otherwise restricted by a court order.

Other Special Education Setting – For purposes of these procedures, *other special education setting* means a classroom on a separate school campus (i.e., a campus that serves only students receiving special education and related services, such as Louisiana School for the Deaf/Louisiana School for the Visually Impaired and some Louisiana Special School District Programs).

Self-contained Classroom – A classroom on a regular school campus (i.e., a campus that serves students in general education and students in special education), including a room attached to the classroom, in which the Requestor's child and majority of other students in regular attendance are provided special education and related services for at least 50 percent of the instructional day. A resource room instructional arrangement does not meet the definition of a Self-contained Classroom, although students who attend resource rooms for part of the school day may also be educated in a Self-contained Classroom.

Video Camera – A video recording device with audio recording capabilities.

Video Equipment – One or more video cameras with audio recording capabilities and any related technology and equipment needed to place, operate, and maintain video cameras, and any technology and equipment needed to store and access video recordings in accordance with La. R.S. 17:1948.

II. **Applicability**

These procedures are applicable to Self-contained Classrooms or Other Special Education Settings in which the majority of students in regular attendance are provided special education and related services and assigned to one or more Self-contained Classrooms or Other Special Education Settings for at least fifty percent (50%) of the instructional day and for which a parent or legal guardian of a student in that classroom has requested a camera to be installed. These procedures are not applicable to Special Education Classrooms and Other Special Education Settings where the only students with exceptionalities receiving special education and related services are those identified as gifted or talented under Louisiana Department of Education (LDE) Bulletin 1508 who have not been identified as also having a disability under Bulletin 1508 and served in special instructional settings for 50% of the day as described hereinabove.

Ref: La. Rev. Stat. Ann. 17:1948; Board Minutes 12.07.22

III. Procedures for Requesting Video/Audio Camera Installation

A request by a Parent or legal guardian for installation and operation of video/audio camera in a Self-contained Classroom or Other Special Education Setting must be made by completing and submitting to the School Principal a written Request for the installation of video and audio recording equipment ("**Request for Camera Installation**"- **Form A**), including identification of the specific Self-contained Classroom or Other Special Education Setting for which the request is being made. The Principal will email/provide a copy of the Request to the Designated District Representative within one school day.

The completed request must be signed by the parent or legal guardian and must contain, at a minimum, the following information:

- (1) Full name and signature of requestor;
- (2) Status of requestor (i.e., parent or legal guardian);
- (3) Full name of student;
- (4) Identification of school campus and classroom/setting subject to the request; and
- (5) Date of submission of request to the Principal

The request must be for installation of a camera at a school campus that has a Self-contained Classroom or other Special Education Setting as defined by State law and Board policy.

A Parent/Legal Guardian may request installation of a video camera only for the Self-contained Classroom(s) or Other Special Education Setting(s) in which the Parent's/Legal Guardian's child is in regular attendance. Video/audio recording is not required in every room that a student receiving special education might visit during the school day. Rather, the duty to record video/audio depends on whether the location meets La. R.S. 17:1948 criteria based on the student's classroom of regular attendance.

A request for installation and operation of video/audio recording in a Self-contained Classroom(s) or Other Special Education Setting(s) must be renewed annually by an Eligible Requestor if operation of the video/audio equipment is desired for the subsequent school year.

IV. District Procedures for Responding to Requests for Video/Audio Camera Installation

1. All requests for Camera Installation in a Self-contained Special Education Classroom must be submitted in writing using the **Request for Camera Installation** form available from the District (**Form A**).

Ref: La. Rev. Stat. Ann. 17:1948; Board Minutes 12.07.22

2. The Designated District Representative will notify the requestor of receipt of the request using **Form B, Acknowledgement of Request for Camera Installation**.
3. Following receipt of a signed **Request for Camera Installation** form, the District will determine if the request was made by an Eligible Requestor (parent or legal guardian of a student with a disability in regular attendance in the identified Self-contained Classroom under the authority of the School Board, or student of majority age with decision-making authority).
4. If the request was made by an Eligible Requestor, the District will determine if the requested location is subject to La. R.S. 17:1948.
5. Following validation of a request for camera installation and operation in an applicable classroom by an Eligible Requestor, the request will be routed to the District Facilities Office for assessment of installation needs.
6. The District Facilities Office will arrange for a walk-through assessment of the requested location within (15) days.
7. Following a walk-through of the prospective installation location to which the request applies, the District Facilities Office will notify the District Finance Office of anticipated installation-related costs and number of cameras determined necessary to cover the area in accordance with La. R.S. 17:1948, in addition to anticipated monitoring, maintenance, storage, and other related costs.
8. The Finance Office will review the Facilities Office cost estimate and determine the availability of specific funding needed to honor the request. The Finance Office will report its findings to the Designated District Representative within (5) days.
9. Within (25) days from receipt of **Form A (Request for Camera Installation)** by an Eligible Requestor, the Designated District Representative will provide a written response to the requestor, either approving the request or stating the reason for denying the request. (Form C.)
10. The assessment, purchase, installation, and operation of the video/audio recording equipment will generally take place within 45 days after the request is determined to be valid (unless an extension of time is needed to obtain additional information, secure equipment, arrange for installation, Acts of God, or other issues outside of district control that impede the process). The requestor will be notified of extraordinary delays exceeding 45 days from date of request.
11. The video/audio recording equipment will not be activated until after advanced written notice, of at least five (5) days, is provided to: (a) the parents/guardians of each student regularly attending the class, advising that video and audio recording will be conducted in the classroom or setting (Form D); and (b) all campus staff and visitors via a posted notice identifying the area as subject to video and audio recording. The School Principal shall be responsible for providing this notice.

Ref: La. Rev. Stat. Ann. 17:1948; Board Minutes 12.07.22

12. The video/audio recording will cover all areas of the classroom or setting, including an area of classroom or setting that may be used for calming or time-out.
13. The inside of a bathroom or area used for toileting or diapering a student or removing or changing a student's clothes may not be visually monitored, except for incidental coverage of a minor portion of the bathroom or changing area because of the layout of the classroom or setting.
14. The audio feature of the recording will cover all areas of the classroom or setting, calming/time-out areas, and bathroom or changing area.
15. Once the video/audio equipment is activated, the District will not allow regular or continual monitoring of the video/audio recordings.
16. The video/audio camera will be operated at all times during which one or more students is present in the Self-contained Classroom or Other Special Education Setting.
17. The District will continue to operate and maintain the video/audio device(s) in the Self-contained Classroom or Other Special Education Setting for the remainder of the regular school year.
18. If the requestor withdraws the request in writing, or if the make-up of the classroom or setting changes such that the location no longer meets the definition of a Self-contained Classroom or Other Special Education Setting, the video/audio recording may be discontinued. Written notice of the discontinuation of video/audio monitoring (Form G), along with notice of the opportunity to request continued video and audio recording, will be provided to the parents of the students assigned to the Self-Contained Classroom or Other Special Education Setting and all campus staff prior to the discontinuation. The School Principal shall be responsible for providing this notice.
19. The video/audio recordings will be stored in a safe and secure manner whether stored on on-site or off-site servers or in cloud storage.
20. The District will retain the video/audio recordings for at least thirty (30) days after the video was recorded, and may retain recordings longer, if for example, a request for viewing is made as part of an allegation of abuse or neglect pursuant to State law and these procedures.

V. Confidentiality

Audio/video recordings are confidential and may only be released for viewing to certain individuals as defined by Louisiana statute. Specifically, viewing of an audio/video recording of a Self-contained Classroom or Other Special Education Setting is subject to La. R.S. 17:1948 and 17:3996(B)(59), other applicable State laws regarding student and employee information, and Board policies and procedures.

Ref: La. Rev. Stat. Ann. 17:1948; Board Minutes 12.07.22

Audio/video recordings under La. R.S. 17:1948 and 17:3996(B)(59) and these procedures are not personally identifiable information (PII) as defined in La. R.S. 17:3914. Audio/video recordings under Louisiana law and these procedures are not public records and therefore are not subject to public records requests. An individual may *not* view the recordings if prohibited from doing so by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 C.F.R. Part 99), even if that individual would otherwise be eligible to view the recordings pursuant to Louisiana law and these procedures.

VI. Access to Recordings/Limitations on Viewing

Persons eligible to request access to video/audio recordings in connection with an alleged Incident shall be limited to the Superintendent or his designees, the parent or legal guardian of a recorded student (Eligible Requestor), and law enforcement officials, as part of an investigation regarding suspected child abuse, neglect, sexual misconduct, or other violation of Louisiana or federal law.

Each request for viewing a recording must be submitted in writing by an Eligible Requestor to the School Principal. The School Principal shall forward the request to the Designated District Representative immediately. If a valid request to access an audio/video recording is approved, the Eligible Requestor will be notified and advised to schedule a viewing appointment. Recordings will be made available for review with prior approval, generally within ten (10) days of a valid request, between the hours of 9:00 a.m. and 3:00 p.m., Mondays through Thursdays, and in accordance with the school calendar. "Standing" (e.g., perpetual, ongoing) requests for viewing are not authorized under these procedures. Recordings will be made available for 30 days after receipt of a valid request in accordance with these procedures.

For the purposes of these procedures, "access" shall mean the right to view the audio/video recording(s) in accordance with School Board policy and the following:

- A District Representative must be present at all times during the viewing. District Representatives may include the School Principal, the Executive Director of Special Education Compliance, a school nurse, the Network Coordinator, and a representative of the Human Resource Department. No person other than the Eligible Requestor, District Representative(s), and law enforcement officials may be present.
- Recording is strictly prohibited while viewing. The District Representative(s) will monitor for unauthorized recording of video or audio during the viewing. The District

reserves the right to take responsive action to address violations of this recording prohibition.

Mandated Reporting. Any person who views a recording and who suspects the recording shows a violation of Louisiana or federal law is required to report the suspected violation to the appropriate law enforcement agency.

Prohibition on Copying. The opportunity to access audio/video recordings under the limited circumstances described herein does not equate to the opportunity to obtain a copy of the audio/video recording(s).

VII. Eligible Requestor Procedures for Making an Incident Report

Eligible Requestors may contact the School Principal to report an alleged incident and to request access to a video recording in connection with an alleged Incident as defined herein. The School Principal shall provide the requestor with a copy of Form E (Incident Report Form). The Eligible Requestor making the Incident Report should be specific regarding the date, time, and location of the alleged incident, include any known witnesses, and describe the suspected incident as clearly as possible. Eligible Requestors shall submit the completed Incident Report (Form E) to the School Principal as soon as feasible, preferably within 48 hours after the person becomes aware of an alleged incident. The School Principal shall forward the Incident Report to the Designated District Representative immediately.

NOTE: NOTHING IN THESE PROCEDURES ALTERS OR OTHERWISE AFFECTS A DISTRICT EMPLOYEE'S REPORTING, INVESTIGATION, OR RESPONSE OBLIGATIONS UNDER OTHER DISTRICT POLICIES AND PROCEDURES OR APPLICABLE LAW WITH RESPECT TO ALLEGATIONS OF ABUSE OR NEGLECT.

VIII. District Procedures for Responding to an Incident Report

1. The Designated Representative shall review the report and provide a response to the requestor, approving the request or stating the reason for denying the request, within two (2) days (using Form F1- Notification Regarding Incident Report and Request to View Video Recording or F-2, Response to Invalid Incident Report)). If appropriate, the Designated Representative may need to contact the requestor to clarify his or her report and obtain additional information.
2. Based on the report and other information obtained from the requestor, if any, the Designated Representative shall make a preliminary determination of whether the requestor would be an Eligible Requestor, as set forth above, if the information provided by the requestor is true. If the Designated Representative determines that the individual would

Ref: La. Rev. Stat. Ann. 17:1948; Board Minutes 12.07.22

not be an Eligible Requestor (for example, a parent of a student who is not involved in an alleged Incident, other categories of District personnel not listed above, the news media, etc.), the Designated Representative may deny the request on the basis that the individual is not an Eligible Requestor. The Designated Representative shall note the date of denial of the request and notify the requestor that the request has been denied using Form F-2, (Response to Invalid Incident Report.)

3. If the request is denied because the individual is not an Eligible Requestor, the Designated Representative may still review the report and other information obtained from the requestor. Even if the report does not involve an alleged Incident, the Designated Representative and other authorized District personnel may view the video recording(s) in response to a report of an alleged Incident, an investigation of District personnel, or a report of alleged abuse committed by a student.
4. If the Designated Representative determines that the individual would be an Eligible Requestor if the information provided by the requestor is true, the report must allege an Incident and the alleged Incident must be documented by a video recording in the classroom in which the student is in regular attendance.
5. If an alleged incident of abuse, neglect, or sexual misconduct, as described herein, is reported, the Designated District Representative will coordinate with one or more person(s) designated by the Superintendent to schedule a time and location for viewing the recording of the alleged incident within two (2) days from receipt of the Incident Report form, absent extenuating circumstances. The designated group will determine whether the recording contains evidence of abuse or neglect of a student by a staff member of the District, or physical abuse or sexual abuse of a student by another student, as defined in the Louisiana Children's Code or Louisiana Revised Statutes. If evidence warrants, the appropriate District administrator shall initiate other steps as required by law and District policy.
6. Appropriate District administrator(s) will determine whether additional safety measures should be taken in the Self-contained Classroom or Other Special Education Setting pending a review of the relevant video/audio recording.
7. If the alleged incident described on the Incident Report form meets the definition of abuse or neglect of a student by a staff member of the District or sexual abuse of a student by another student as defined in the Louisiana Children's Code or Louisiana Revised Statutes, supported by video evidence, the District will provide written notice to the Eligible Requestor making the report within 2 days of the District's review. The recording of the reported Incident will be available to the Eligible Requestor pursuant to written request.
8. If the alleged incident described on the Incident Report form cannot qualify as abuse or neglect of a student by a staff member of the District or sexual abuse of a student by another student as defined in the Louisiana Children's Code or Louisiana Revised Statutes, the District will provide written notice to the person making the report that the allegations on the Incident Report form do not set forth an alleged incident (i.e., abuse or neglect, or sexual misconduct as defined in Louisiana law and regulations) within three (3)

Ref: La. Rev. Stat. Ann. 17:1948; Board Minutes 12.07.22

days of the District's review.

IX. Procedures for Approved Requests to View Video Recordings

If a Request to View Video Recordings is approved, Form F-1 directs the requestor to contact the Designated District Representative to schedule a viewing appointment. Video recordings will be made available at the School between the hours of 9:00 am and 3:00 pm, Mondays through Thursdays, or at another mutually agreeable time.

Prior to allowing the Eligible Requestor to view an approved video recording, the Designated District Representative shall direct the Technology Department to extract only the portion of the approved video recording documenting the alleged Incident and related events or circumstances and prepare the video recording for viewing by redacting confidential information, such as names or images of other students protected under FERPA and any protected state assessment information.

When an Eligible Requestor views a video recording, the following rules apply:

- The opportunity to view a video recording does not equate to the opportunity to receive a copy of the video recording(s). For purposes of these procedures, "access" shall mean the opportunity to view the video recording(s) in accordance with these procedures.
- A District representative must be present at all times during the viewing.
- No person other than the Eligible Requestor and the District Representative may be present during the viewing. If the Eligible Requestor brings a representative or other individual to the viewing appointment, those individuals must remain outside the room during the viewing, unless the other individual is the student's other Parent.

Recording is strictly prohibited during the viewing. The District Representative will monitor for unauthorized recording (e.g., by cell phone, etc.) during the viewing and shall immediately stop the viewing appointment if an Eligible Requestor attempts to record the video during the viewing appointment.

X. Prohibited Uses of Audio/Video Recordings

The following uses are prohibited:

- Regular or on-going monitoring of the audio/video recording.
- Monitoring teachers/staff for performance evaluation; and
- Any purpose other than promoting the safety of students receiving special education services in Self-contained Classrooms or Other Special Education Settings or as otherwise provided in these procedures.

XI. Training

Ref: La. Rev. Stat. Ann. 17:1948; Board Minutes 12.07.22

Training regarding the provisions of La. R.S. 17:1948 and 17:3996(B)(59) and R.S. 44.4.1(B)(9) (as amended) shall be provided to any teacher or other school employee who provides services in a Classroom where audio/video cameras are installed.

XII. Access by Personnel for Operation and Maintenance Purposes

District personnel or contractors whose job duties involve installation, operation, or maintenance of the audio/video equipment or the retention of the recordings shall have access to the equipment and recordings to the extent necessary to fulfill their assigned responsibilities.

XIII. Acquisition of Audio/Video Equipment; Location of Equipment

The Board will implement applicable State law, Board policy, and these procedures as specific funding becomes available for installation of audio/video recording in designated special education classrooms and settings. The Board is authorized to accept, administer, and make use of federal, State, and local funds, any public and private grants and donations, and, when appropriate, to accept non-monetary resources in the form of services or equipment for use in connection with the installation and operation of audio/video cameras as described in these procedures. Individuals with Disabilities Education Act (IDEA) and State special education funds may not be used to implement these procedures.

Installed cameras must be in compliance with the National Fire Protection Association's Life Safety Code.

XIV. Retention/Disposal Requirements

State law requires the Board to retain audio/video recordings for at least one (1) month after the recording date. The Superintendent and his designee(s) are authorized to dispose of recordings after a one-month period unless there is an outstanding request for viewing of the recording at the request of the student's parent or legal guardian or in response to litigation.. Recordings will be made available for 30 days after receipt of a valid request in accordance with these procedures.

Audio/video recordings shall be stored in a safe and secure manner whether on on-site or off-site servers or in cloud storage. Accepted methods will be used for proper disposal.

XV. Complaint Procedures Alleging Violation of La. R.S. 17:1948.

An Eligible Requestor may file a complaint if he or she believes that the District has erroneously denied his or her audio/video installation or viewing request in violation of La. R.S. 17:1948.

Ref: La. Rev. Stat. Ann. 17:1948; Board Minutes 12.07.22

Complaints under this section may be submitted to the Executive Director of Special Ed Compliance. Contact information may be located on the Special Education website at: <https://www.jpschools.org/Page/316>.

LDE Special Education Dispute Resolution mechanisms, including state complaint, mediation, and requests for special education due process hearings, are **not** appropriate channels for alleging a failure to comply with R.S. 17:1948 and do not apply to disputes arising under R.S. 17:1948 or these procedures.

XVI. No Admission of Fault or Liability

The approval of a request to access audio/video recordings shall in no way be construed as an admission of fault or liability. This policy does not waive any immunity from liability for the Jefferson Parish School Board or its employees. Likewise, this policy does not create any liability or cause of action against the Jefferson Parish School Board or its employees.

XVII. Exclusions

The District has **no** obligation to provide Audio/Video Equipment to:

- a. A campus of another school district; or
- b. A non-public school.

XVIII. Notice to Public

Written notice will be provided to persons who enter a Classroom where an audio/video camera is installed and operational, including teachers and other school employees, students in the classroom, the students' parents and legal guardians, and authorized visitors. Such notice may be posted in a prominent location, on visitor passes, or other locations.

XIX. Applicability to District Authorized Charter Schools

These procedures and the associated Board policies apply to charter schools specifically authorized by the School Board.

XX. Use of Audio/Video Recordings in Disciplinary Actions

An audio/video recording believed to document a possible violation of the law or District or campus policy or rules may be used as part of a disciplinary action against District personnel and contractees.

Ref: La. Rev. Stat. Ann. 17:1948; Board Minutes 12.07.22

XXI. Additional Information and Forms may be located on the District's Special Education website at <https://www.jpschools.org/Page/316>.

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