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

RFD: Education Policy

First Read: 07-Mar-23
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, if the funding to do so is available; and to provide protections for the use of video recordings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be known and cited as Tyler's Law.

Section 2. Section 16-39-13 is added to the Code of Alabama 1975, to read as follows:


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

(1) SELF-CONTAINED CLASSROOM. A public K-12 classroom in which at least half of the students in regular attendance are provided special education services. This term includes any room attached to the classroom where special education services are provided and any calm down rooms, sensory rooms,
and common areas.

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

(b)(1) In order to promote student safety, each local board of education in the state, if the funding is available, may provide, place, operate, and maintain video cameras in each self-contained classroom under the jurisdiction of the board in which at least half of the students are provided special education services. If a specific donation is made to a local board of education for the purpose of placing and operating video cameras pursuant to this section, then the local board of education shall install video cameras as required by this section. If video cameras are used in a classroom, the board of education shall provide enough video cameras so that all areas of the self-contained classroom may be recorded, to the extent that funding is available to do so. The video cameras shall record audio and video during school hours and at any time a student is present in the self-contained classroom.

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

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

(c)(1) All video and audio recordings of students made pursuant to this section are confidential and shall not be released or viewed, except as provided in subdivision (2) and where the release or viewing is otherwise consistent with the federal Family Educational Rights and Privacy Act of 1974 (FERPA) and state law.

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

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

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

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

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

e. Legal counsel representing any of the listed individuals.

(3) A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or retention of video or audio recordings, who incidentally views a video recording of an alleged incident of
(d) The local board of education shall retain all audio and video recordings for at least three months after the date of recording, subject to the following:

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

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

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

(1) Routine teacher evaluations.

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

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

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

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

Section 3. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.
Read for the first time and referred ...............07-Mar-23
to the Senate committee on Education
Policy
Read for the second time and placed ...............21-Mar-23
on the calendar:
  1 amendment
Read for the third time and passed ...............23-Mar-23
  as amended
    Yeas 30
    Nays 1
    Abstains 0

Patrick Harris,
Secretary.