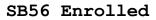


- 1 OQ2UMW-3
- 2 By Senators Orr, Coleman-Madison, Scofield, Hatcher, Jones,
- 3 Albritton, Melson, Waggoner, Allen, Barfoot, Butler, Elliott,
- 4 Weaver, Sessions, Williams, Chesteen, Figures, Kelley,
- 5 Singleton
- 6 RFD: Education Policy
- 7 First Read: 07-Mar-23
- 8 2023 Regular Session





1 Enrolled, An Act,

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3 4 Relating to public K-12 schools; to add Section 16-39-13 to the Code of Alabama 1975; to require local boards 5 of education to install, maintain, and operate video cameras 6 7 in certain self-contained classrooms providing special education services, if the funding to do so is available; and 8 9 to provide protections for the use of video recordings. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: 10 11 Section 1. This act may be known and cited as Tyler's 12 Law. 13 Section 2. Section 16-39-13 is added to the Code of 14 Alabama 1975, to read as follows: 15 \$16-39-13. (a) For the purposes of this section, the following 16 17 words have the following meanings: 18 (1) SELF-CONTAINED CLASSROOM. A public K-12 classroom 19 in which at least half of the students in regular attendance 20 are provided special education services. This term includes 21 any room attached to the classroom where special education 22 services are provided and any calm down rooms, sensory rooms, 23 and common areas. 24 (2) SPECIAL EDUCATION SERVICES. Educational instruction 25 and special services provided to students pursuant to Section 26 16-39-3. 27 (b) (1) In order to promote classroom and student

28 safety, each local board of education in the state, if the

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29 funding is available, may provide, place, operate, and 30 maintain video cameras in each self-contained classroom under 31 the jurisdiction of the board in which at least half of the 32 students are provided special education services. If a 33 specific donation is made to a local board of education for 34 the purpose of placing and operating video cameras pursuant to 35 this section, then the local board of education shall install 36 video cameras as required by this section. If video cameras 37 are used in a classroom, the board of education shall provide enough video cameras so that all areas of the self-contained 38 39 classroom may be recorded, to the extent that funding is available to do so. The video cameras shall record audio and 40 video during school hours and at any time a student is present 41 in the self-contained classroom. 42

43 (2) A video camera placed in a self-contained classroom 44 may not monitor a restroom or any other area where a student 45 changes his or her clothes, except for incidental monitoring 46 of a minor portion of a restroom or changing area because of 47 the inherent layout of the self-contained classroom.

48 (3) Each local board of education shall provide written 49 notice of the placement of video cameras to each parent or 50 legal guardian of any student assigned to a self-contained 51 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



57 (FERPA) and state law.

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

a. Any employee who is involved in the alleged incident
of abuse, neglect, harassment, or other inappropriate
behavior.

b. Each parent or legal guardian of any student who is
involved in the alleged incident of abuse, neglect,
harassment, or other inappropriate behavior.

71 c. The employee or administrator designated by the 72 local superintendent of education to investigate the alleged 73 incident of abuse, neglect, harassment, or other inappropriate 74 behavior.

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

e. Legal counsel representing any of the listedindividuals or the local board of education.

f. An investigator retained by any of the listedindividuals or the local board of education.

83 (3) A contractor or employee performing job duties
84 relating to the installation, operation, or maintenance of

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video equipment or retention of video or audio recordings, who incidentally views a video recording of an alleged incident of abuse, neglect, harassment, or other inappropriate behavior may not be found in violation of this section.

(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:

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

97 (2) If an alleged incident of abuse, neglect, 98 harassment, or other inappropriate behavior has been reported 99 to the local superintendent of education or school principal, the video and audio recordings shall be retained until the 100 completion of all investigations, administrative proceedings, 101 102 and legal proceedings relating to the alleged incident of 103 abuse, neglect, harassment, or other inappropriate behavior, 104 including the exhaustion of all appeals.

105 (e) A video or audio recording made pursuant to this 106 section may not be used for any of the following:

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(1) Routine teacher evaluations.

108 (2) Regular or continued monitoring of a classroom,109 including through a live stream.

(3) Any purpose that does not conform to this section.
(1) (f) (1) This section may not be interpreted to limit the access of a student's parent or legal guardian to a video



113 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, neglect, harassment, or other inappropriate behavior, 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.

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126	President and Presiding Officer of the Senate
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131	Speaker of the House of Representatives
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134	SB56
135	Senate 23-Mar-23
136	I hereby certify that the within Act originated in and passed
137	the Senate, as amended.
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139	Patrick Harris,
140	Secretary.
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145	House of Representatives
146	Amended and passed: 31-May-23
147	Interface and passed. of hay to
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151	Senate concurred in House amendment 31-May-23
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156	By: Senator Orr