

NOTICE OF INTENT

Board of Elementary and Secondary Education

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
(LAC 28: CXV.332).

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXV in *Bulletin 741 – Louisiana Handbook for School Administrators*. The aforementioned revisions align policy with Louisiana Revised Statute 17:1948, created by Act 456 of the 2021 Regular Legislative Session and amended by Act 588 of the 2022 Regular Legislative Session. The proposed revisions amend policy contained in *Bulletin 741 - Louisiana Handbook for School Administrators*, to establish §332. Installation and Operation of Cameras in Certain Special Education Settings, regarding the adoption of policies for the installation of cameras in certain special education classrooms.

TITLE 28

EDUCATION

Bulletin 741 – Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§332. Installation and Operation of Cameras in Certain Special Education Settings

A. Each LEA shall adopt policies relative to the installation and operation of cameras that record both video and audio in a classroom.

1. The policies shall be adopted not later than December 31, 2022, or within sixty days of the receipt of funding for the installation of cameras, whichever occurs first.

2. Not later than January 15, 2023, each governing authority shall submit a copy of the policies adopted pursuant to this Section to the state Department of Education.

3. Within ten days of any revisions of the policies, each governing authority shall submit a copy of the policies to the department.

B. For the purposes of this section, “classroom” shall mean a self-contained classroom or other special education setting in which a majority of students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least fifty percent of the instructional day and for which a parent or legal guardian has requested a camera to be installed. “Classroom” shall not mean special education classrooms and other special education settings where the only students with exceptionalities receiving special education and related services are those who have been deemed to be gifted or talented and have not been identified as also having a disability.

C. The policies developed pursuant to this section shall include provisions for the following:

1. the location and placement of cameras, including a prohibition against recording of the interior of a restroom or any area designated for students to change or remove clothing;

2. written notice of the placement of the cameras to be provided to persons who enter a classroom where a camera is installed, including teachers and other school employees, students in the classroom, the students’ parents and legal guardians, and authorized visitors;

3. training concerning the provisions of this Section for any teacher or other school employee who provides services in a classroom where cameras are installed;

4. the retention, storage, and disposal of the video and audio data recorded, including a requirement that the recordings be retained for at least one month from the recording date;

5. protecting student privacy and for determining to whom and under what circumstances the recordings may be disclosed including:

a. limiting the viewing of the recordings to the superintendent or his designee and the parent or legal guardian of a recorded student upon request, and

b. requiring any person who views a recording and suspects the recordings show a violation of state or federal law to report the suspected violation to the appropriate law enforcement agency;

6. requiring each camera installed to be in compliance with the National Fire Protection Association’s Life Safety Code;

7. procedures for the approval or disapproval of a request for the installation and operation of cameras in a classroom;

8. procedures regarding how a parent or legal guardian may request the installation and operation of cameras in his child’s classroom; and

9. procedures regarding how a parent or legal guardian may request to review a recording, under what circumstances a request may be made, and any limitations to a request.

D. Recordings made pursuant to this Section shall be confidential and shall not be public record. However, a recording may be viewed by the superintendent or his designee, the parent or legal guardian of a recorded student, or by law enforcement officials as provided in the policies required by this Section. The recordings shall not be considered “personally identifiable information” as defined in R.S. 17:3914.

E. The governing authority of each public elementary and secondary school is authorized to accept, administer, and make use of federal, state, and local funds, any public and private grants and donations, and, when considered appropriate

and feasible, to accept nonmonetary resources in the form of services or equipment for use in connection with the installation and operation of cameras pursuant to this Section.

1. The Department shall assist public school governing authorities in identifying state and federal funds that may be used for the installation and operation of cameras pursuant to this Section.

2. Upon receipt of such funds, grants, donations, or nonmonetary resources, the governing authority shall install and operate the cameras according to the policies adopted pursuant to this section.

3. Funds granted by Act 199 of the 2022 Legislative Session shall be solely used for costs associated with the installation of cameras pursuant to this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1948.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

COMPARISON DOCUMENT

TITLE 28

EDUCATION

Bulletin 741 – Louisiana Handbook for School Administrators

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B. For the purposes of this section, “classroom” shall mean a self-contained classroom or other special education setting in which a majority of students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least fifty percent of the instructional day and for which a parent or legal guardian has requested a camera to be installed. “Classroom” shall not mean special education classrooms and other special education settings where the only students with exceptionalities receiving special education and related services are those who have been deemed to be gifted or talented and have not been identified as also having a disability.

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3. training concerning the provisions of this Section for any teacher or other school employee who provides services in a classroom where cameras are installed;

4. the retention, storage, and disposal of the video and audio data recorded, including a requirement that the recordings be retained for at least one month from the recording date;

5. protecting student privacy and for determining to whom and under what circumstances the recordings may be disclosed including:

a. limiting the viewing of the recordings to the superintendent or his designee and the parent or legal guardian of a recorded student upon request, and

b. requiring any person who views a recording and suspects the recordings show a violation of state or federal law to report the suspected violation to the appropriate law enforcement agency;

6. requiring each camera installed to be in compliance with the National Fire Protection Association’s Life Safety Code;

7. procedures for the approval or disapproval of a request for the installation and operation of cameras in a classroom;

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9. procedures regarding how a parent or legal guardian may request to review a recording, under what circumstances a request may be made, and any limitations to a request.

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E. The governing authority of each public elementary and secondary school is authorized to accept, administer, and make use of federal, state, and local funds, any public and private grants and donations, and, when considered appropriate

and feasible, to accept nonmonetary resources in the form of services or equipment for use in connection with the installation and operation of cameras pursuant to this Section.

1. The Department shall assist public school governing authorities in identifying state and federal funds that may be used for the installation and operation of cameras pursuant to this Section.

2. Upon receipt of such funds, grants, donations, or nonmonetary resources, the governing authority shall install and operate the cameras according to the policies adopted pursuant to this section.

3. Funds granted by Act 199 of the 2022 Legislative Session shall be solely used for costs associated with the installation of cameras pursuant to this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1948.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

**STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
FAMILY IMPACT STATEMENT
(LA R.S. 49:953 and 972)**

Person Preparing Statement: Ashley Townsend
Phone: 225-342-3446
Division: Governmental, Administrative, and Public Affairs
Rule Title: Part CXV. Bulletin 741- Louisiana Handbook for School Administrators (LAC 28: CXV.332).

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

- I. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?
 No
 Yes
 Lacks sufficient information to determine.
3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?
 No
 Yes
 Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?
 No
 Yes
 Lacks sufficient information to determine
6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?
 No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 9/12/2022

**STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
POVERTY IMPACT STATEMENT
(LA R.S. 49:973)**

Person Preparing Statement: Ashley Townsend

Phone: 225-342-3446

Division: Governmental, Administrative, and Public Affairs

Rule Title: Part CXV. Bulletin 741 – Louisiana Handbook for School Administrators (LAC 28: CXV.332)

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?
 No
 Yes
 Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?
 No
 Yes
 Lacks sufficient information to determine
3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?
 No
 Yes
 Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?
 No
 Yes
 Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?
 No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 9/12/2022

Small Business Statement

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, November 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person
Preparing
Statement: Ashley Townsend Dept.: LA Department of Education
Board of Elementary &
Secondary Education

Phone: (225) 342-3446 Office: Policy

Return
Address: P. O. Box 94064 Rule
Baton Rouge, LA Title: Part CXV. *Bulletin 741 - Louisiana*
Handbook for School Administrators
(LAC 28: CXV.332).

Date Rule Takes Effect: August 24, 2022

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

The proposed revisions will not result in additional state costs in FY 23, as the Board of Elementary and Secondary Education (BESE) has already allocated \$8 M in Statutory Dedications out of the Special Education Classroom Monitoring Fund to local education agencies (school districts and charter schools) for the purchase and installation of the cameras and related equipment from funding appropriated by Act 199 of the 2022 Regular Legislative Session. The funding was allocated to local education agencies at a rate of \$3,808 per special education classroom.

Currently, school districts are responsible for costs associated with ongoing maintenance of the cameras and equipment. To the extent that the legislature appropriates additional funding for camera maintenance in future years, there will be additional state costs. If the legislature does not appropriate additional funding, these maintenance costs will be borne by local education agencies.

Local education agencies will need to draft policy according to the provisions in the proposed rule, as well as arrange for the purchase and installation of cameras upon request by a parent of a student in a qualifying classroom. Education agencies have already received funding for the purchase and installation of the cameras, and costs associated with drafting policy are expected to be negligible.

The proposed revisions align policy with Louisiana Revised Statute 17:1948, created by Act 456 of the 2021 Regular Legislative Session and amended by Act 588 of the 2022 Regular Legislative Session. The proposed revisions amend policy contained in *Bulletin 741, Louisiana Handbook for School Administrators*, to establish §332. Installation and Operation of Cameras in Certain Special Education Settings, regarding the adoption of policies for the installation of cameras in certain special education classrooms.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units. Local education agencies (LEAs) have already been allocated \$8 M by Act 199 of the Regular Legislative Session to cover the purchase and installation of the cameras. The amount of the allocation for each local system was determined through analysis of the most recent school year data (2021-2022) to determine the number of classrooms in which each LEA may be asked to install a camera. Each LEA was allocated \$3,808 per special education classroom.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in additional costs to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name and Title of Agency Head or Designee

Date of Signature

LFO 10/04

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed revisions align policy with Louisiana Revised Statute 17:1948, created by Act 456 of the 2021 Regular Legislative Session and amended by Act 588 of the 2022 Regular Legislative Session. The proposed revisions amend policy contained in *Bulletin 741, Louisiana Handbook for School Administrators*, to establish §332. Installation and Operation of Cameras in Certain Special Education Settings, regarding the adoption of policies for the installation of cameras in certain special education classrooms.

- B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Specific stipulations within the policy outline which classrooms are affected by the revisions, what topics must be included in school system policies, clarity regarding the viewing of the recorded footage, and responsibilities of both the LDOE and school systems for securing and utilizing resources devoted to support the implementation of local policies regarding the installation of cameras.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session.

1. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule revisions will require local education agencies to spend funds on the purchase and installation of cameras in special education classrooms. However, funding associated with the proposed rule revisions has already been allocated to local education agencies out of the Special Education Classroom Monitoring Fund in the amount of \$8 M.

2. If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) X Yes. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time.

The funding was appropriated by Act 199 of the 2022 Regular Legislative Session.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 22-23	FY 23-24	FY 24-25
PERSONAL SERVICES			
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES			
OTHER CHARGES	SEE BELOW	SEE BELOW	SEE BELOW
EQUIPMENT			
<u>MAJOR REPAIR & CONSTR.</u>			
<u>POSITIONS (#)</u>			
TOTAL	SEE BELOW	SEE BELOW	SEE BELOW

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed revisions will not result in additional state costs in FY 23, as the Board of Elementary and Secondary Education (BESE) has already allocated \$8 M in Statutory Dedications out of the Special Education Classroom Monitoring Fund to local education agencies (school districts and charter schools) for the purchase and installation of the cameras and related equipment from funding appropriated by Act 199 of the 2022 Regular Legislative Session. The funding was allocated to LEAs at a rate of \$3,808 per special education classroom.

Currently, school districts are responsible for costs associated with ongoing maintenance of the cameras and equipment. To the extent that the legislature appropriates additional funding for camera maintenance in future years, there will be additional state costs. If the legislature does not appropriate additional funding, these maintenance costs will be borne by school districts.

The proposed revisions align policy with Louisiana Revised Statute 17:1948, created by Act 456 of the 2021 Regular Legislative Session and amended by Act 588 of the 2022 Regular Legislative Session. The proposed revisions amend policy contained in *Bulletin 741, Louisiana Handbook for School Administrators*, to establish §332. Installation and Operation of Cameras in Certain Special Education Settings, regarding the adoption of policies for the installation of cameras in certain special education classrooms.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 22-23	FY 23-24	FY 24-25
STATE GENERAL FUND	SEE BELOW	SEE BELOW	SEE BELOW
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED	SEE BELOW	SEE BELOW	SEE BELOW
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Specify)			
TOTAL	SEE BELOW	SEE BELOW	SEE BELOW

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes. Act 167 of the 2022 Regular Legislative Session created the Special Education Classroom Monitoring Fund and allocated \$8 M of state general fund to it. Act 199 of the 2022 Regular Legislative Session appropriated \$8 M statutory dedications out of the Special Education Classroom Monitoring Fund for the purpose of installing cameras in special education classrooms.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

Currently, school districts are responsible for costs associated with ongoing maintenance of the cameras and equipment. To the extent that the legislature appropriates additional funding for camera maintenance in future years, there will be additional state costs. If the legislature does not appropriate additional funding, these maintenance costs will be borne by local education agencies.

Local education agencies will need to draft policy according to the provisions in the proposed rule, as well as arrange for the purchase and installation of cameras upon request by a parent of a student in a qualifying classroom. Education agencies have already received funding for the purchase and installation of the cameras, and costs associated with drafting policy are expected to be negligible.

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

Funding has been appropriated by the state legislature to cover the purchase and installation of the cameras.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 22-23	FY 23-24	FY 24-25
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF GENERATED	-0-	-0-	-0-
RESTRICTED FUNDS	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
LOCAL FUNDS	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed revisions will not have an effect on revenue collections of state or local governmental units. Local education agencies (LEAs) have already been allocated \$8 M by Act 199 of the Regular Legislative Session to cover the purchase and installation of the cameras. The amount of the allocation for each local system was determined through analysis of the most recent school year data (2021-2022) to determine the number of classrooms in which each LEA may be asked to install a camera. Each LEA was allocated \$3,808 per special education classroom.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed revisions will not result in costs or benefits to directly affected persons, small businesses, or non-governmental groups.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

N/A

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed revisions will not have an effect on competition and employment.