

SB56 ENGROSSED



1 OQ2UMW-2

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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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:

§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 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,



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29 and common areas.

30 (2) SPECIAL EDUCATION SERVICES. Educational instruction
31 and special services provided to students pursuant to Section
32 16-39-3.

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

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

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



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57 classroom where video cameras are installed.

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

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

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

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

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

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

79 e. Legal counsel representing any of the listed
80 individuals.

81 (3) A contractor or employee performing job duties
82 relating to the installation, operation, or maintenance of
83 video equipment or retention of video or audio recordings, who
84 incidentally views a video recording of an alleged incident of



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85 abuse or neglect, may not be found in violation of this
86 section.

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

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

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

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

103 (1) Routine teacher evaluations.

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

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

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

110 (2) The local board of education shall take necessary
111 precautions to conceal the identity of any student who appears
112 in a video or audio recording who is not personally involved



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113 in the alleged incident of abuse or neglect, including,
114 without limitation, blurring the face of any uninvolved
115 student.

116 Section 3. This act shall become effective on the
117 first day of the third month following its passage and
118 approval by the Governor, or its otherwise becoming law.



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121 Senate

122 Read for the first time and referred07-Mar-23
123 to the Senate committee on Education
124 Policy

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126 Read for the second time and placed21-Mar-23
127 on the calendar:
128 1 amendment

129
130 Read for the third time and passed23-Mar-23
131 as amended
132 Yeas 30
133 Nays 1
134 Abstains 0

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137 Patrick Harris,
138 Secretary.
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