

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 577

(Senator Klausmeier, *et al.*)

Education, Health, and Environmental Affairs

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**Public Schools – Self-Contained Special Education Classroom – Use of Video  
Recording Devices**

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This bill requires each local board of education to install at least one video recording device in each self-contained special education public school classroom. Video recording devices must be installed in 50% of these classrooms in the 2022-2023 school year and in 100% of them beginning in the 2023-2024 school year. A school administration must notify the appropriate law enforcement agency on receipt of a complaint of alleged neglect or abuse of a student occurring in a self-contained special education classroom while a video recording device was recording. Within three days of the complaint, the school administration and the local superintendent's office must review the video recording with law enforcement. Upon conclusion of law enforcement investigation, the parent, guardian, or involved student may inspect and review the recording. If a public school employee observes an action that could be considered abuse or neglect of a student in a self-contained special education classroom or exclusion area, the employee must report the action in accordance with any applicable child abuse and neglect reporting guidelines. A principal must, within 24 hours of receiving such a report, notify the parent of the student who is the subject of the report. **The bill takes effect July 1, 2022.**

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**Fiscal Summary**

**State Effect:** Maryland State Department of Education (MSDE) can meet the bill requirements with existing resources.

**Local Effect:** Beginning in FY 2023, local school systems incur significant additional costs related to the purchase, installation, maintenance, and eventual replacement of video recording equipment, as well as costs associated with storing and accessing video recordings and for training employees in the use of recording systems. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Meaningful. Small businesses that sell and service video recording equipment and related data storage systems may benefit.

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## Analysis

**Bill Summary:** “Self-contained special education classroom” means a public school classroom in which regularly attending students are provided special education instruction for at least 50% of the instructional day. “Exclusion area” means a supervised area to which a student who receives instruction in a self-contained special education classroom is taken for a limited time to regain self-control.

The installation schedule for video recording devices is at the discretion of the Division of Early Intervention and Special Education Services within MSDE. These devices must record all areas of the classroom, including all exclusion areas, during school hours and any time the space is being used. However, recording may not occur in bathroom areas or in areas students use to change clothing. A local board must provide specified notice of the use of the recording devices. Video recording devices must comply with federal fire and safety standards. The bill specifies how long recordings must be stored and who may view the recordings and under what circumstances. The bill specifies procedures for reporting incidences of a video recording device being discovered to have been interrupted. Video recording devices may not be used to monitor the performance of school employees; as evidence in a complaint against a student that is not related to a criminal complaint; or in the observation or evaluation of a student for student placement decisions. A local board must make reasonable efforts to conceal the identity of students who appear in a recording but who are not involved in the incident that prompts viewing of the recording.

Beginning in the 2022-2023 school year and through the 2025-2026 school year, each local board must collect specified data on recording devices, complaints resulting in the viewing of a video and requests to view videos, and resolution of complaints, and provide annual reports on this data to MSDE. Upon receiving the final report, MSDE must evaluate the use of video recording devices in self-contained special education classrooms and determine whether to use the devices in other special education classrooms. MSDE must adopt regulations to carry out provisions of the bill.

**Current Law:** The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an individualized family service plan (IFSP) or individualized education program (IEP) specific to the individual needs of the child. An IFSP is for children with disabilities from birth up to age 3, and up to age 5 under Maryland’s Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

## *Privacy of Student Records and School Safety*

The federal Family Educational Rights and Privacy Act (FERPA) generally prohibits the disclosure by schools that receive federal education funding of personally identifiable information from a student's education records, unless the educational institution has obtained written consent from a parent or eligible student or one of FERPA's exceptions applies. As with any other education record, a photo or video of a student is an education record, subject to specific exclusions, when the photo or video is (1) directly related to a student and (2) maintained by an educational agency or institution or by a party acting for the agency or institution.

While FERPA generally requires schools to ask for written consent before disclosing a student's personally identifiable information to individuals other than his or her parents, it also allows schools to take key steps to maintain school safety, including the disclosure without consent during an emergency to protect the health or safety of students or other individuals. The FERPA statute and regulations exclude from the definition of education records those records created and maintained by a law enforcement unit of an educational agency or institution for a law enforcement purpose.

According to the *Code of Maryland Regulations*, individual student records maintained by teachers or other school personnel under certain provisions are to be confidential in nature, and access to these records may be granted only for the purpose of serving legitimate and recognized educational ends. Individual student records, with the exception of records that are designated as permanent and with other exceptions provided by law, must be destroyed when they are no longer able to serve legitimate and recognized educational ends.

**Local Expenditures:** Beginning in fiscal 2023, local school systems will incur substantial additional costs under the bill. Much of the cost to each school system will depend on the number of self-contained special education classrooms and exclusion areas in the school system and the per-classroom cost of (1) the initial purchase and installation of video recording equipment and (2) maintenance and replacement of video recording equipment. Local school systems may also incur costs related to training staff in the use of video recording devices and related to storing and accessing video recordings. Estimates below by county assume that local school systems install 50% of the required recording devices in fiscal 2023 and the remaining 50% in fiscal 2024.

Anne Arundel County Public Schools (AACPS) estimates that video recording devices will be required in approximately 800 classrooms, in addition to servers, cable, and other related equipment, at costs exceeding \$1.0 million over the fiscal 2023 to 2024 period. This estimate assumes \$1,200 per unit cost per recording device and that some classrooms will require more than one recording device and assumes an additional seven servers are required at a cost of \$10,000 per unit. AACPS advises that additional costs will be

associated with maintenance and five-year replacement of equipment and that the requirement that reasonable attempts to conceal the identity of any student who appears in the video recording not involved in an incident under review necessitates computer software, technical expertise, and a quantity of time exceeding its current capacity.

Baltimore City Public Schools estimates that an additional \$2.0 million will be required during the fiscal 2023 to 2024 period for purchase and installment of video recording devices and associated equipment, as well as staff training. Frederick County Public Schools (FCPS) advises that it currently has 117 self-contained special education classrooms. FCPS estimates \$265,000 in additional equipment costs over fiscal 2023 to 2024 to install recording devices and servers and for licenses to maintain footage. FCPS also anticipates the need for one additional position at approximately \$68,600 in fiscal 2023, increasing to \$83,400 by fiscal 2027. Prince George's County Public Schools (PGCPS) estimates a total one-time cost of \$5.1 million in fiscal 2023 to 2024 based on \$6,000 for equipment and installation for each of 851 self-contained special education classrooms, and assuming the need for two cameras per classroom. PGCPS also anticipates \$60,000 in ongoing costs in every other year following fiscal 2024.

Montgomery County Public Schools (MCPS) estimates an additional \$26.6 million in expenditures during the fiscal 2023 to 2024 period, based upon an average of 7 recording devices at each of 209 public schools, plus an average of 27 recording devices at special schools, assuming a cost of approximately \$10,000 per recording device and an estimate of \$6,000 in installation costs per classroom. The Department of Legislative Services assumes MCPS costs will be substantial under the bill, but notes that its estimates per classroom considerably exceed estimates provided by other school systems.

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### **Additional Information**

**Prior Introductions:** HB 715 of 2021, a similar bill, received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, SB 665, was assigned to the Education, Health, and Environmental Affairs Committee and was later withdrawn. HB 1292 of 2020, a similar bill, received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, SB 1019, was assigned to the Senate Rules Committee, but no further action was taken.

**Designated Cross File:** HB 226 (Delegates Guyton and Luedtke) - Ways and Means.

**Information Source(s):** Baltimore City Public Schools; Anne Arundel County Public Schools; Frederick County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Maryland State Department of Education;

Department of Human Services; Department of State Police; Department of Legislative Services

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