

Dear Members of the Senate Education, Health, and Environmental Affairs Committee,

I am writing to you about SB0577 that requires video recording devices be installed in self-contained special education classrooms. I believe this bill is important in protecting the most vulnerable students in our schools, some who are non-verbal, and can't speak for themselves.

I'd like to give you a little background about why I'm advocating for this legislation. For two years, while my children were enrolled at our local elementary school in Adamstown (Frederick County), I substituted in special education classrooms at the school. I witnessed both verbal and physical abuse of non-verbal, special needs children by several teachers and educational instructional aides.

### **Abuse in a Local School**

The abuse of students by one particular teacher had been brought to the attention of school administrators for 3 years, and they did nothing. This abuse included but was not limited to yelling an inch from students' faces, hitting students on the back of the head, smacking their hands, kicking their feet, grabbing their arms, pushing them, forcibly pushing their heads down, throwing a chair across the room, cursing at them, and making racial comments. After one of the classroom instructional aides retired, she told me about a daily journal she kept while she was assigned to that teacher's classroom, recording the daily abuse by this teacher. She had previously provided this journal to the school administrators, and they did nothing. We contacted Frederick County Public Schools, the school district's Accountability Office, Child Protective Services, the sheriff's department, and MD Department of Education, and investigations were opened by FCPS and the sheriff's department. In her journal, she documented how one student was terrified of the refrigerator. The teacher and aides threatened the refrigerator as punishment, and one time took him to the refrigerator and put his head inside. Several years after this incident, he drew pictures of this incident. It still haunts him. One student, while in this teacher's class, would cry every morning when he had to get on the bus for school, and his mother never knew why.

The FCPS representative who conducted the investigation spoke with 7 different staff members who confirmed this abusive behavior. The superintendent made the decision to keep this teacher in the classroom but move him to different schools. The district attorney would not charge him because the victims weren't able to speak about what happened to them. If there had been video footage, it could have spoken for these children.

As I sat in these classrooms, I thought about what these students would say if they could speak to their abuser or tell their parents about the abuse, as well as, how I would feel if I was a parent of one of these students and I knew my child was being treated this way. These parents should be able to send their child to school and expect that they be treated with patience and respect.

### **Abuse Cases**

When I started advocating for this legislation, I started to research lawsuits brought by families of special education students abused by teachers and staff members at schools nationwide and settlements of those suits. I found that in the last 11 years, school districts have paid more than \$46 million to settle litigation filed as a result of special education students being abused (3 settlement amounts were undisclosed so this number is larger than \$46 million). As I've continued my research, I've found 20 additional incidents of abuse reported by the news media in the last 5 years, and I have 28 more states to go. This is an issue happening across the country and across Maryland.

### **Camera Laws in Other States**

Texas (effective June 2015), West Virginia (effective July 2019), and Louisiana (effective June 2021) have passed similar legislation requiring video cameras be installed in special education classrooms. In Texas and Louisiana, a parent, legal guardian, or administrator can request the camera installation. Georgia and Florida passed legislation to run pilot programs to install video cameras in special education classrooms in a test county.

### **Abuse Cases Reported in WV and Texas Since Cameras Installed**

Since the use of cameras law was passed in West Virginia in 2019, incidents of abuse towards special education students have been caught on video at four different schools. Abuse of four students at Horace Mann Middle School in Charleston was caught on video after a school administrator was concerned about abuse occurring. Since there was video footage of the abuse, criminal charges were brought against several staff members and civil lawsuits were filed by the students' families. The latest case of abuse caught on video resulted in the arrest of a teacher who was charged with 23 counts of battery and one count of verbal abuse at another Charleston school, Holz Elementary School. As a result of these incidents, this year West Virginia is taking steps to strengthen their camera law.

In October 2017, after the use of camera law was passed in Texas, the mother of a special education student requested that a camera be installed in her son's classroom. Her son suffers from Angelman's Syndrome, a condition where if he hit his head in a certain location and received a head injury, it could kill him. One day, she received a telephone call from the school that her son had a head injury and was told that he fell and hit his head. She requested to see the videotape of the incident and discovered that an instructional aide pushed her son. As a result, he hit his head and sustained an injury that made his head bleed. As a result of numerous incidents, this year Texas is taking steps requiring cameras to be installed in all their special education classrooms.

I believe that Maryland can be one of the leaders in our country, along with Texas, West Virginia, and Louisiana, in giving our most vulnerable students a voice by requiring video cameras in self-contained, special education classrooms.

I hope you will support SB0577 during the 2022 Legislative Session.

Thank you for taking the time to review my testimony.

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