SENATE BILL 665

By: Senator Peters
Introduced and read first time: February 3, 2021
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Public Schools – Self–Contained Special Education Classrooms – Use of Video Recording Devices

FOR the purpose of requiring each county board of education, beginning in a certain school year, to install certain video recording devices in self–contained special education classrooms; requiring a certain video recording device to record certain areas at certain times; prohibiting a certain video recording device to record certain areas; requiring a county board to provide notice of the use of video recording devices in self–contained special education classrooms in a certain manner; prohibiting a county board from storing a certain video recording for a certain amount of time except under certain circumstances; requiring a county board to store a certain video recording for a certain amount of time under certain circumstances; requiring a certain person to submit a certain report to the principal of a certain school under certain circumstances; requiring the principal to maintain a certain report for a certain amount of time; establishing that a certain video recording is confidential and may not be viewed, shared, or disseminated except under certain circumstances; authorizing certain persons to view a certain video recording under certain circumstances; requiring a school administration to review a certain video recording by a certain time under certain circumstances; requiring a school administration or a representative of Child Protective Services to make a certain video recording available only to a certain law enforcement agency under certain circumstances; authorizing a school administration to share a certain video recording with certain parties at the conclusion of a certain investigation under certain circumstances; requiring a certain employee to report certain actions under certain circumstances and in a certain manner; requiring a principal to notify a parent or legal guardian of a certain student of a certain report within a certain amount of time; requiring a county board to make a reasonable attempt to conceal the identity of a certain student under certain circumstances; prohibiting the State Department of Education, a county board, a school, or a principal from using a certain video recording device for a certain purpose; authorizing a county board to solicit and accept certain funds for a certain purpose; requiring certain video recording devices

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
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to comply with certain fire and safety standards; requiring a county board to collect
certain data each year; requiring a county board, beginning in a certain year and
each year thereafter, to submit a certain report to the Department; requiring the
Department to adopt certain regulations; defining certain terms; and generally
relating to the use of video recording devices in self-contained special education
classrooms.

BY adding to
Article – Education
Section 7–447
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 8–401(a)(1) and (5)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

7–447.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) “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 PERIOD OF TIME TO REGAIN SELF–CONTROL.

(3) “SPECIAL EDUCATION” HAS THE MEANING STATED IN § 8–401 OF
THIS ARTICLE.

(4) “SPECIAL EDUCATION CLASSROOM” MEANS A CLASSROOM IN A
PUBLIC SCHOOL IN WHICH A MAJORITY OF THE REGULARLY ATTENDING STUDENTS
ARE PROVIDED SPECIAL EDUCATION INSTRUCTION, INCLUDING STUDENTS WHO ARE
CLASSIFIED PRIMARILY AS CERTIFICATE TRACK, ARE PRIMARILY NONVERBAL, AND
ARE PARTICIPATING IN LIFE SKILLS OR COMMUNITY–BASED PROGRAMMING.

(B) (1) BEGINNING IN THE 2021–2022 SCHOOL YEAR, EACH COUNTY
BOARD SHALL INSTALL AT LEAST ONE VIDEO RECORDING DEVICE IN EACH
SELF–CONTAINED SPECIAL EDUCATION CLASSROOM.
(2) A video recording device under this subsection shall record:

(i) Except as provided in paragraph (3) of this subsection, all areas of the self-contained special education classroom, including all exclusion areas; and

(ii) During school hours and at any time the self-contained special education classroom or exclusion area is in use.

(3) A video recording device under this section may not record inside bathroom areas or in areas that students use to change clothing.

(c) Each county board shall provide notice of the use of a video recording device in a self-contained special education classroom by:

(1) Posting a sign in a conspicuous location outside each self-contained special education classroom where a video recording device is used;

(2) Providing a written notice to the parent or legal guardian of each student who receives instruction in a self-contained special education classroom; and

(3) Providing written notice in the student handbook of the use of video recording devices.

(d) (1) Unless a county board receives a request to view or store a particular video recording, the county board may not store a video recording made under this section for more than 6 months after the date of the recording.

(2) If a request is made under paragraph (1) of this subsection, the county board shall store the video recording until the reason for the request is resolved.

(3) If a video recording is to be used as evidence to support or refute a complaint against a student, an employee, or a contractor, the county board shall retain the portion of the video recording related to the complaint for at least 1 year after the date the complaint is made.
(E) (1) If a person discovers that the operation of a video recording device has been interrupted, the person shall submit a written report to the principal of the school that includes a description of:

(i) How the interruption was discovered and the length of the interruption; and

(ii) The reason for the interruption, if known.

(2) A principal shall maintain a report submitted under paragraph (1) of this subsection for 1 year after the date of the submission of the report.

(F) (1) Except as provided in paragraph (2) of this subsection, a video recording made in accordance with this section is confidential and may not be viewed, shared, or disseminated in any manner.

(2) Except as provided in subsection (G) of this section, the following persons may view a video recording made under this section:

(i) A member of the school administration;

(ii) A school resource officer;

(iii) A representative from Child Protective Services; and

(iv) A law enforcement agency.

(G) (1) On complaint or report to the school, county board, or other legal authority from an employee, a contracted employee, a parent, or any other interested party regarding an incident that occurred in the self–contained special education classroom while the video device was recording, the school administration shall review the video recording not more than 3 days after the date the complaint or report was made.

(2) After review of the video recording, if the school administration or, if applicable, a representative from Child Protective Services believes that the video recording shows potential criminal conduct, the video shall be made available only to a law
ENFORCEMENT AGENCY FOR AN INVESTIGATION.

(3) AT THE CONCLUSION OF AN INVESTIGATION BY A LAW ENFORCEMENT AGENCY UNDER PARAGRAPH (2) OF THIS SUBSECTION, AND ON REQUEST OF THE STUDENT OR PARENT OF THE STUDENT TO WHOM THE VIDEO RECORDING DIRECTLY RELATES, THE SCHOOL ADMINISTRATION SHALL ALLOW THE STUDENT OR PARENT TO INSPECT AND REVIEW THE VIDEO RECORDING.

(H) (1) IF A SCHOOL ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL OBSERVES AN ACTION THAT COULD BE CONSIDERED THE ABUSE OR NEGLECT OF A STUDENT IN A SELF–CONTAINED SPECIAL EDUCATION CLASSROOM OR EXCLUSION AREA, THE SCHOOL ADMINISTRATOR OR EMPLOYEE SHALL REPORT THE ACTION IN ACCORDANCE WITH ANY APPLICABLE CHILD ABUSE AND NEGLECT REPORTING GUIDELINES.

(2) ON RECEIVING A REPORT UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PRINCIPAL SHALL NOTIFY A PARENT OR LEGAL GUARDIAN OF THE STUDENT WHO IS THE SUBJECT OF THE REPORT WITHIN 24 HOURS AFTER RECEIVING THE REPORT.

(I) A COUNTY BOARD SHALL MAKE A REASONABLE ATTEMPT TO CONCEAL THE IDENTITY OF ANY STUDENT WHO APPEARS IN A VIDEO RECORDING MADE UNDER THIS SECTION WHO IS NOT INVOLVED IN THE INCIDENT FOR WHICH THE VIDEO RECORDING IS BEING VIEWED.

(J) THE DEPARTMENT, A COUNTY BOARD, A SCHOOL, OR A PRINCIPAL MAY NOT USE A VIDEO RECORDING DEVICE TO MONITOR THE PERFORMANCE OF SCHOOL EMPLOYEES.

(K) A COUNTY BOARD MAY SOLICIT AND ACCEPT GIFTS, GRANTS, AND DONATIONS FROM ANY PERSON TO BE USED TOWARD THE INSTALLATION AND OPERATION OF A VIDEO RECORDING DEVICE UNDER THIS SECTION.

(L) ALL VIDEO RECORDING DEVICES UNDER THIS SECTION SHALL COMPLY WITH FEDERAL FIRE AND SAFETY STANDARDS.

(M) (1) EACH YEAR, A COUNTY BOARD SHALL COLLECT DATA ON:

(I) THE NUMBER OF REQUESTS TO VIEW A VIDEO RECORDING MADE UNDER THIS SECTION; AND

(II) THE IDENTITY OF THE PERSON THAT MADE A REQUEST.
(2) **BEGINNING JANUARY 1, 2022, AND EACH JANUARY 1 THEREAFTER, A COUNTY BOARD SHALL SUBMIT A REPORT TO THE DEPARTMENT ON THE DATA COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR.**

(N) **THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.**

8–401.

(a) (1) In this subtitle the following words have the meanings indicated.

(5) “Special education” means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including:

(i) Instruction in the classroom, in the home, in hospitals and institutions, and in other settings; and

(ii) Instruction in physical education.

SECTION 2. **AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.**