

# SENATE BILL 51

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SB 665/21 – EHE

(PRE-FILED)

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By: **Senator Folden**

Requested: October 28, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Self-Contained Special Education Classrooms – Use of Video**  
3 **Recording Devices**

4 FOR the purpose of requiring each county board of education, beginning in a certain school  
5 year, to install and provide notice of the use of certain video recording devices in  
6 self-contained special education classrooms, subject to certain requirements;  
7 prohibiting a county board from storing a certain video recording for a certain  
8 amount of time except under certain circumstances; establishing certain reporting  
9 requirements in the event of an interruption of a certain video recording;  
10 establishing requirements for the review and dissemination of a certain video  
11 recording by certain persons under certain circumstances; requiring a county board  
12 to make a reasonable attempt to conceal the identity of a certain student; prohibiting  
13 the State Department of Education, a county board, a school, or a principal from  
14 using a certain video recording device for a certain purpose; and generally relating  
15 to the use of video recording devices in self-contained special education classrooms.

16 BY adding to  
17 Article – Education  
18 Section 7–455  
19 Annotated Code of Maryland  
20 (2025 Replacement Volume and 2025 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Education  
23 Section 8–401(a)(1) and (5)  
24 Annotated Code of Maryland  
25 (2022 Replacement Volume and 2025 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Education****7-455.**

**(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 2026-2027 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**

1 SELF-CONTAINED SPECIAL EDUCATION CLASSROOM WHERE A VIDEO RECORDING  
2 DEVICE IS USED;

3 (2) PROVIDING A WRITTEN NOTICE TO THE PARENT OR LEGAL  
4 GUARDIAN OF EACH STUDENT WHO RECEIVES INSTRUCTION IN A SELF-CONTAINED  
5 SPECIAL EDUCATION CLASSROOM; AND

6 (3) PROVIDING WRITTEN NOTICE IN THE STUDENT HANDBOOK OF  
7 THE USE OF VIDEO RECORDING DEVICES.

8 (D) (1) UNLESS A COUNTY BOARD RECEIVES A REQUEST TO VIEW OR  
9 STORE A PARTICULAR VIDEO RECORDING, THE COUNTY BOARD MAY NOT STORE A  
10 VIDEO RECORDING MADE UNDER THIS SECTION FOR MORE THAN 6 MONTHS AFTER  
11 THE DATE OF THE RECORDING.

12 (2) IF A REQUEST IS MADE UNDER PARAGRAPH (1) OF THIS  
13 SUBSECTION, THE COUNTY BOARD SHALL STORE THE VIDEO RECORDING UNTIL THE  
14 REASON FOR THE REQUEST IS RESOLVED.

15 (3) IF A VIDEO RECORDING IS TO BE USED AS EVIDENCE TO SUPPORT  
16 OR REFUTE A COMPLAINT AGAINST A STUDENT, AN EMPLOYEE, OR A CONTRACTOR,  
17 THE COUNTY BOARD SHALL RETAIN THE PORTION OF THE VIDEO RECORDING  
18 RELATED TO THE COMPLAINT FOR AT LEAST 1 YEAR AFTER THE DATE THE  
19 COMPLAINT IS MADE.

20 (E) (1) IF A PERSON DISCOVERS THAT THE OPERATION OF A VIDEO  
21 RECORDING DEVICE HAS BEEN INTERRUPTED, THE PERSON SHALL SUBMIT A  
22 WRITTEN REPORT TO THE PRINCIPAL OF THE SCHOOL THAT INCLUDES A  
23 DESCRIPTION OF:

24 (I) HOW THE INTERRUPTION WAS DISCOVERED AND THE  
25 LENGTH OF THE INTERRUPTION; AND

26 (II) THE REASON FOR THE INTERRUPTION, IF KNOWN.

27 (2) A PRINCIPAL SHALL MAINTAIN A REPORT SUBMITTED UNDER  
28 PARAGRAPH (1) OF THIS SUBSECTION FOR 1 YEAR AFTER THE DATE OF THE  
29 SUBMISSION OF THE REPORT.

30 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
31 VIDEO RECORDING MADE IN ACCORDANCE WITH THIS SECTION IS CONFIDENTIAL  
32 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.**

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

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

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

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

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

14                       **(i) THE NUMBER OF REQUESTS TO VIEW A VIDEO RECORDING**  
15 **MADE UNDER THIS SECTION; AND**

16                       **(ii) THE IDENTITY OF THE PERSON THAT MADE A REQUEST.**

17                       **(2) BEGINNING JANUARY 1, 2027, AND EACH JANUARY 1**  
18 **THEREAFTER, A COUNTY BOARD SHALL SUBMIT A REPORT TO THE DEPARTMENT ON**  
19 **THE DATA COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE**  
20 **IMMEDIATELY PRECEDING CALENDAR YEAR.**

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

23 8–401.

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

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

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

29                       **(ii) Instruction in physical education.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2   1, 2026.