

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 51 (Senator Folden)
Education, Energy, and the Environment

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

This bill requires each local board of education, beginning with the 2026-2027 school year, to install at least one video recording device in each self-contained public school classroom in which a majority of the regularly attending students are provided special education instruction. 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 where students change clothing. A local board must provide specified notice of the use of these recording devices. 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. The 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, 2026.**

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can adopt regulations and collect school system information with existing resources. No effect on revenues.

Local Effect: Beginning in FY 2027, 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 in the use of recording systems. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “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.

“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 bill specifies how long recordings may be stored and who may view the recordings and under which 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. A county 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.

On complaint or report to the school, local board, or other legal authority from specified interested parties, regarding an incident that occurs in a self-contained special education classroom while the video device was recording, the school administration must review the video recording. 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 must be made available only to law enforcement.

Each local board of education must collect data on the number of requests to view a video recording and the identity of the person who made the request and annually report this information to MSDE, beginning January 1, 2027. 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 the Individualized Family Service Plan (IFSP) or the 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 2027, local school systems incur substantial additional costs under the bill. Much of the cost to each school system depends 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, accessing, and modifying video recordings (to conceal the identities of uninvolved students). The Department of Legislative Services (DLS) notes that local school systems quote different per-classroom costs for the installation of video recording devices. Some of the variation stems from different assumptions regarding the number of devices required in each classroom. DLS cannot independently verify these diverse estimates, but concurs that the costs are substantial and that many classrooms may require more than one recording device to provide full coverage.

Anne Arundel County Public Schools (AACPS) anticipates additional first-year expenditures totaling \$620,200, including \$444,200 for installation of video equipment in

a minimum of 200 classrooms, assuming one camera per classroom, as well as additional data servers. In addition to eventual equipment replacement costs, AACPS advises it requires one additional school security specialist, at approximately \$140,000 annually, and that it will also incur contractual service costs.

Based upon an estimate of 407 applicable spaces that require video recording under the bill, and assuming \$1,350 per room in hardware and installation labor, Baltimore City Public Schools assumes approximately \$550,000 in equipment costs alone in the first year. Frederick County Public Schools anticipates the need for a security video management technician at an annual cost of approximately \$100,000, \$170,000 in one-time equipment costs, as well as \$20,000 annually for equipment replacement and maintenance costs. St. Mary's County Public Schools anticipates about \$180,000 in one-time equipment costs, as well as \$4,000 annually for equipment replacement and maintenance costs.

Prince George's County Public Schools (PGCPS) estimates a total one-time cost of \$4.9 million based on \$6,000 for equipment and installation for each of 831 self-contained special education classrooms, and assuming the need for two cameras per classroom. PGCPS also anticipates \$42,000 in ongoing costs in every other year following fiscal 2027, as well as additional costs to preserve, and eventually destroy, video records. Given approximately 170 self-contained special education classrooms, and assuming a cost of \$1,500 per video camera, Wicomico County Public Schools advises it will incur approximately \$255,000 in one-time equipment costs.

Small Business Effect: Given the large number of classrooms in the State that require the installation of video recording devices, small businesses that sell and service video recording equipment may benefit.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City Public Schools; Anne Arundel County Public Schools; Frederick County Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Wicomico County Public Schools; Maryland Commission on Civil Rights; Judiciary (Administrative Office of the Courts); Maryland Center for School Safety; Department of Human Services; Department of State Police; Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2026
sj/mcr

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