



## Testimony for the House Ways and Means Committee

February 3, 2022

### HB 226 – Public Schools – Self-Contained Special Education Classroom – Use of Video Recording Devices

JUSTIN NALLEY  
PUBLIC POLICY ANALYST

#### UNFAVORABLE

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
HOMAYRA ZIAD  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland opposes HB 226, which would require each county board of education, beginning in the 2022-2023 school year, to install a video recording device in each self-contained special education classroom. Although the intent behind this bill is laudable, adding surveillance to special education classrooms can lead to other unintended consequences for students who are being recorded.

Students with disabilities are already overrepresented in school disciplinary settings, and the school-to-prison pipeline and putting them under additional surveillance will likely increase that. In Maryland, Black students receive 56% of school-based arrests, despite making up only one third of the student population. Students with Individual Education Programs (IEP) also receive 23% of school-based arrests despite only comprising 12% of the student population.<sup>1</sup> It encourages greater use of segregation of students with disabilities.

Maryland students shouldn't be subjected to untested policies — especially when the stakes are so high. Video without context rarely tells the whole story and has the potential to set students up for a lifetime of consequences that otherwise would be avoided. No matter their background, students should be treated the same. HB 226 treats students with disabilities differently than their peers and could ultimately result in more students with disabilities being introduced into the juvenile justice system. Subjecting students with disabilities to around-the-clock surveillance when their peers are not monitored will only lead to more unfair discipline.

This bill attempts to create a blanket policy for instances that may benefit from a targeted approach. Although schools are public property, recorded classrooms should be limited to specific classrooms, because not all self-contained classrooms may need surveillance. Parents should also be able to

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<sup>1</sup> Maryland State Department of Education, Maryland Public Schools Arrest Data: School Year 2018-19 (2020), <http://marylandpublicschools.org/stateboard/Documents/2020/0623/MarylandPublicSchoolsArrestData20182019.pdf>

consent to the recording and ensure that the child's face is redacted if not the subject of the recording.

For the foregoing reasons, the ACLU of Maryland urges an unfavorable report for HB 226.

