



HB226 PUBLIC SCHOOLS – SELF-CONTAINED SPECIAL EDUCATION CLASSROOM – USE OF VIDEO RECORDING DEVICES

February 3, 2022

WAYS AND MEANS COMMITTEE

OPPOSE

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

Anne Arundel County Public Schools (AACPS) opposes **HB226 Public Schools – Self-Contained Special Education Classroom – Use of Video Recording Devices**. This bill requires each county board of education, beginning in the 2022-2023 school year, to install at least one video recording device in each self-contained special education classroom. It requires video recording devices to record self-contained special education classrooms and exclusion areas during school hours and during any time that the classroom or exclusion area is in use. The bill does prohibit the use of a video recording device in bathrooms or in areas that students use to change clothing.

AACPS opposes this legislation due to concerns about the universal scope of the mandate to include video cameras in self-contained special education classrooms, the privacy of the students recorded in the continuous classroom surveillance, the potential for the stigmatization of special education students, unfunded costs for installation and monitoring the cameras, and the administrative costs of retaining, redacting, and responding to requests to view the video. While we appreciate that this year the sponsor narrowed the scope of the legislation to focus on self-contained classrooms versus all classrooms with special education students, our above referenced concerns remain.

Local boards of education place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every student with a disability. States are mandated to provide a wide array of special education services in compliance with the federal Individuals with Disabilities Education Act (IDEA) and federal and State regulations. IDEA requires that eligible disabled students receive special education and related services if they are between the ages of 3 and 21, meet the definition of one or more of the categories of disabilities specified in IDEA, and are in need of special education and related services as a result of the disability. The special education services mandated and governed by IDEA must meet the legal standard of providing a free appropriate public education and do so in the least restrictive environment.

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 signed and dated written consent from a parent or eligible student or one of FERPA's exceptions applies. A 2018 National School Boards Association briefing report suggests that a video recording may constitute a student record.

AACPS estimates costs with purchasing video equipment alone at no less than \$1.5 million. In addition, there may be additional costs beyond the initial installation due to maintenance and refresh of devices or simply when there are room changes that necessitate equipment moves from year to year.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on HB226.