



SB0051 – PUBLIC SCHOOLS – SELF-CONTAINED SPECIAL EDUCATION CLASSROOMS – USE OF VIDEO RECORDING DEVICES

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EDUCATION, ENERGY, AND THE ENVIRONMENT

OPPOSE

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Anne Arundel County Public Schools (AACPS) opposes **SB0051 – Public Schools – Self-Contained Special Education Classrooms – Use of Video Recording Devices**. This bill requires, beginning in the 2026-2027 school year, each county board install at least one video recording device in each self-contained special education classroom. The video recording device installed is required to record all areas of the self-contained special education classroom, including exclusion areas in use during school hours and at any time the self-contained special education classroom or exclusion area is in use. A video recording device is prohibited from recording inside a bathroom area or in areas that students use to change clothing.

Each county board is required to provide notice of the use of a video recording device in a self-contained special education classroom by providing notice to students and the parents or guardians of each student who receives instruction in a self-contained classroom. A county board may not store a video recording made under the law for more than six months after the date of the recording, unless a county board receives a request to view or store a particular video recording. If it is discovered that the operation of a video recording device has been interrupted, a report shall be submitted to the principal of the school.

A video recording made in accordance with the bill is confidential and may only be viewed/shared with school administration, resource officers, Child Protective Services Representatives, and law enforcement. If a school employee observed an action that could be considered the abuse or neglect of a student in a self-contained special education classroom or exclusion area, the employee shall report the action in accordance with any applicable child abuse and neglect reporting guidelines. If, after review, it is determined that a recording shows potential criminal conduct, the video must be made available only to a law enforcement agency for investigation. A county board is required to make reasonable attempts 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. Video recording devices may not be used to monitor the performance of school employees. Finally, each county board is required to annually collect data on the number of requests to view a video recording and the identity of the person that made the request and submit this information to the Maryland State Department of Education.

AACPS opposes this legislation due to concerns about the universal scope of the mandate to include video cameras in all 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.

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 three 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. In AACPS we use training and staffing to ensure that employees working with students with disabilities are prepared to attend to the needs of students, and Employee Case Management to hold employees accountable.

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. FERPA and accompanying federal regulations indicated that a video of a student is an education record, subject to specific exclusions, when the 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.

Finally, Anne Arundel County Public Schools' costs associated with purchasing video equipment alone are estimated at no less than \$500,000. In addition, we anticipate compliance with SB0051 would require additional funding to support administrative assistance to facilitate video monitoring, reviewing, redacting, and responding to requests to review videos.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on SB0051.