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BILL: SB 51

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

DATE: February 4, 2026

POSITION: Favorable with Amendments

COMMITTEE: Education, Energy, and the Environment Committee

CONTACT: Mary Pat Fannon, Executive Director, PSSAM

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four local school superintendents, **opposes** Senate Bill 51.

This bill requires each local board of education, beginning with the 2027-2028 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. *(Source: https://mgaleg.maryland.gov/2026RS/fnotes/bil_0001/sb0051.pdf)*

PSSAM shares the goal of ensuring safe and supportive learning environments for all students, but for several reasons we oppose this legislation. SB 51 imposes a costly, unfunded, and legally complex mandate that creates significant fiscal and administrative burdens for local school systems, raises serious student privacy and compliance risks, and alters the educational environment in counterproductive ways.

Continuous classroom recording creates a substantial administrative burden under both the Maryland Public Information Act and the Family Educational Rights and Privacy Act (FERPA). Video recordings routinely capture multiple students at once, creating ambiguity about whether footage constitutes an education record, for which students it qualifies as an education record, and whether parental consent is required from all families depicted. Required redaction is labor-intensive and, in many cases, impractical without destroying the meaning of the record.

Many school systems already have local, legally vetted policies that address recordings in schools. These policies balance transparency, parental rights, and privacy - such as permitting audio recording of IEP meetings, while restricting video recording unless required to preserve rights under law. This legislation would override carefully developed local policies that are ***in compliance with state and federal privacy laws***, specifically FERPA. In addition, federal guidance has consistently recognized that video recordings may constitute education records, triggering strict access, consent, and disclosure requirements. As discussed above, this would place school systems in the position of either violating FERPA by disclosing footage of other students, or incurring significant staff costs attempting to redact footage.

In addition, Maryland law requires all-party consent for recording conversations. Classroom instruction is inherently interactive and unpredictable, involving students, teachers, and related service providers. This legislation would override existing consent protections and undermine employee rights under current law.

Lastly, as described in the fiscal note, the financial impact of this legislation is significant and ongoing. Beyond initial equipment purchases, school systems would incur ongoing costs for maintenance and replacement, data storage and cybersecurity, staff time to manage, retain, redact, and respond to video requests, and training educators and staff on compliance and use. Room changes, reconfigurations, and program shifts would further compound costs over time. All of these would be borne on local boards of education without any State funding.

Experiences in other states suggest this issue warrants far greater scrutiny before imposing a statewide mandate. For ***families***, a more tailored and intentional approach tied to the IEP process would enhance parental engagement and better align decisions with individual student needs. A more thoughtful approach would also allow for meaningful engagement with ***educators*** in creating an educationally appropriate environment, predictable working conditions, and clear expectations on the use of cameras and their content.

In conclusion, SB 51 represents a costly, unfunded, and legally risky mandate that undermines privacy, equity, and the educational environment without clear evidence of benefit. Therefore, PSSAM **opposes** Senate Bill 51 and requests an **unfavorable** committee report.