

**BILL:** Senate Bill 51  
**TITLE:** Public Schools – Self-Contained Special Education Classrooms – Use of Video Recording Devices  
**HEARING DATE:** February 4, 2026  
**POSITION:** UNFAVORABLE  
**COMMITTEE:** Education, Energy, and the Environment  
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The Maryland Association of Boards of Education (MABE), representing all of the State’s local boards of education, respectfully opposes Senate Bill 51, Public Schools – Self-Contained Special Education Classrooms – Use of Video Recording Devices.

SB 51 would require each local education agency to install and provide notice of the use of video recording devices in self-contained special education classrooms beginning in the 2026-2027 school year. While MABE appreciates the bill’s focus on student safety and accountability, the proposal imposes a statewide, one-size-fits-all mandate that raises concerns regarding unfunded costs, administrative burden, student privacy, and local governance flexibility.

First, the bill raises significant student privacy concerns under the Family Educational Rights and Privacy Act (FERPA). Video recordings that qualify as education records must be maintained and disclosed in accordance with strict federal requirements. Yet FERPA was not designed to address continuous classroom surveillance that routinely captures multiple students and staff simultaneously. Under FERPA, a photo or video constitutes an education record, subject to limited exclusions, when it is: (1) directly related to a student; and (2) maintained by an educational agency or institution or a party acting on its behalf (20 U.S.C. § 1232g(a)(4)(A); 34 C.F.R. § 99.3). Whether a particular recording meets this definition (and for which students) requires a fact-specific, case-by-case determination. In practice, a single request for classroom footage could trigger complex consent analyses and require extensive redaction of other students’ images. That process is not only administratively burdensome but also creates substantial legal risk and compliance challenges for local school systems.

Second, SB 51 represents a significant unfunded mandate. The purchase, installation, maintenance, storage, monitoring, and long-term management of video recording systems that need to cover “all areas...including all exclusion areas” would impose significant financial burdens on local school systems. A fiscal note analyzing an identical bill from 2021 estimated individual school systems each incurring six and seven-figure costs for equipment and installation alone, given that some school districts have hundreds of self-contained special education classrooms, and assuming the need for two

cameras per classroom. These costs are on top of the maintenance, storage, monitoring, and long-term management of video recording systems. Mandating cameras across all self-contained special education classrooms, regardless of local context or demonstrated need (or desire by all parties being recorded), limits boards of education's ability to prioritize resources in ways that are most responsive to their communities.

Relatedly, the bill would create significant administrative and operational burdens. From a labor standpoint, school systems would be responsible for managing video recordings, responding to requests from parents or guardians, redacting footage to protect uninvolved students, maintaining records, and submitting required reports to the Maryland State Department of Education. These responsibilities are not incidental; they are labor-intensive, ongoing, and divert staff time away from direct instructional and student support functions.

We note that some local school systems already use cameras in certain classrooms, including those serving students with significant behavioral needs. These decisions are made locally, often in collaboration with teachers, families, and IEP teams, and tailored to individual student circumstances. A statewide mandate would remove that discretion and foreclose more targeted, less costly approaches—such as responding to parent or guardian requests in the context of a student's Individualized Education Program—where engagement, consent, and safeguards can be thoughtfully addressed, and resources can be used more on a more limited basis.

Finally, as with prior proposals, the bill appears not to fully account for Maryland's publicly funded nonpublic special education schools, raising additional fiscal and policy implications that warrant further scrutiny.

For these reasons, **MABE respectfully requests an unfavorable report for Senate Bill 51.**