

HOUSE BILL 1292

F1

0lr1915
CF 0lr3688

By: **Delegate Guyton**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Special Education Classrooms – Use of Video Recording**
3 **Devices**

4 FOR the purpose of requiring each county board of education, beginning in a certain school
5 year, to install certain video recording devices in special education classrooms;
6 requiring a certain video recording device to record certain areas at certain times;
7 prohibiting a certain video recording device to record certain areas; requiring a
8 county board to provide notice of the use of video recording devices in special
9 education classrooms in a certain manner; prohibiting a county board from storing a
10 certain video recording for a certain amount of time except under certain
11 circumstances; requiring a county board to store a certain video recording for a
12 certain amount of time under certain circumstances; requiring a certain person to
13 submit a certain report to the principal of a certain school under certain
14 circumstances; requiring the principal to maintain a certain report for a certain
15 amount of time; establishing that a certain video recording is confidential and may
16 not be viewed except under certain circumstances; authorizing certain persons to
17 view a certain video recording under certain circumstances; requiring a county board
18 to respond to a certain request to view a certain video recording within a certain
19 amount of time; requiring a certain employee to report certain actions under certain
20 circumstances and in a certain manner; requiring a principal to notify a parent or
21 legal guardian of a certain student of a certain report within a certain amount of
22 time; requiring a county board to make a reasonable attempt to conceal the identity
23 of a certain student under certain circumstances; prohibiting the State Department
24 of Education, a county board, a school, or a principal from using a certain video
25 recording device for a certain purpose; authorizing a county board to solicit and
26 accept certain funds for a certain purpose; requiring certain video recording devices
27 to comply with certain fire and safety standards; requiring a county board to collect
28 certain data each year; requiring a county board, beginning in a certain year and
29 each year thereafter, to submit a certain report to the Department; requiring the
30 Department to adopt certain regulations; defining certain terms; and generally
31 relating to the use of video recording devices in special education classrooms.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to
Article – Education
Section 7–446
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 8–401(a)(1) and (5)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

7–446.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) “EXCLUSION AREA” MEANS A SUPERVISED AREA TO WHICH A
STUDENT WHO RECEIVES INSTRUCTION IN A SPECIAL EDUCATION CLASSROOM IS
TAKEN FOR A LIMITED PERIOD OF TIME TO REGAIN SELF-CONTROL.

(3) “SPECIAL EDUCATION” HAS THE MEANING STATED IN § 8–401 OF
THIS ARTICLE.

(4) “SPECIAL EDUCATION CLASSROOM” MEANS A CLASSROOM IN A
PUBLIC SCHOOL IN WHICH A MAJORITY OF THE REGULARLY ATTENDING STUDENTS
ARE PROVIDED SPECIAL EDUCATION INSTRUCTION.

(B) (1) BEGINNING IN THE 2020–2021 SCHOOL YEAR, EACH COUNTY
BOARD SHALL INSTALL AT LEAST ONE VIDEO RECORDING DEVICE IN EACH SPECIAL
EDUCATION CLASSROOM.

(2) A VIDEO RECORDING DEVICE UNDER THIS SUBSECTION SHALL
RECORD:

(I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
SUBSECTION, ALL AREAS OF THE SPECIAL EDUCATION CLASSROOM, INCLUDING ALL
EXCLUSION AREAS; AND

(II) DURING SCHOOL HOURS AND AT ANY TIME THE SPECIAL EDUCATION CLASSROOM OR EXCLUSION AREA IS IN USE.

(3) A VIDEO RECORDING DEVICE UNDER THIS SECTION MAY NOT RECORD INSIDE BATHROOM AREAS OR IN AREAS THAT STUDENTS USE TO CHANGE CLOTHING.

(C) EACH COUNTY BOARD SHALL PROVIDE NOTICE OF THE USE OF A VIDEO RECORDING DEVICE IN A SPECIAL EDUCATION CLASSROOM BY:

(1) POSTING A SIGN IN A CONSPICUOUS LOCATION OUTSIDE EACH SPECIAL EDUCATION CLASSROOM WHERE A VIDEO RECORDING DEVICE IS USED;

(2) PROVIDING A WRITTEN NOTICE TO THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT WHO RECEIVES INSTRUCTION IN A SPECIAL EDUCATION CLASSROOM; AND

(3) PROVIDING WRITTEN NOTICE IN THE STUDENT HANDBOOK OF THE USE OF VIDEO RECORDING DEVICES.

(D) (1) UNLESS A COUNTY BOARD RECEIVES A REQUEST TO VIEW OR STORE A PARTICULAR VIDEO RECORDING, THE COUNTY BOARD MAY NOT STORE A VIDEO RECORDING MADE UNDER THIS SECTION FOR MORE THAN 3 MONTHS AFTER THE DATE OF THE RECORDING.

(2) IF A REQUEST IS MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY BOARD SHALL STORE THE VIDEO RECORDING UNTIL THE REASON FOR THE REQUEST IS RESOLVED.

(3) IF A VIDEO RECORDING IS TO BE USED AS EVIDENCE TO SUPPORT OR REFUTE A COMPLAINT AGAINST A STUDENT, AN EMPLOYEE, OR A CONTRACTOR, THE COUNTY BOARD SHALL RETAIN THE PORTION OF THE VIDEO RECORDING RELATED TO THE COMPLAINT FOR AT LEAST 1 YEAR AFTER THE DATE THE COMPLAINT IS MADE.

(E) (1) IF A PERSON DISCOVERS THAT THE OPERATION OF A VIDEO RECORDING DEVICE HAS BEEN INTERRUPTED, THE PERSON SHALL SUBMIT A WRITTEN REPORT TO THE PRINCIPAL OF THE SCHOOL THAT INCLUDES A DESCRIPTION OF:

(I) HOW THE INTERRUPTION WAS DISCOVERED AND THE LENGTH OF THE INTERRUPTION; AND

1 **(II) THE REASON FOR THE INTERRUPTION, IF KNOWN.**

2 **(2) A PRINCIPAL SHALL MAINTAIN A REPORT SUBMITTED UNDER**
3 **PARAGRAPH (1) OF THIS SUBSECTION FOR 1 YEAR AFTER THE DATE OF THE**
4 **SUBMISSION OF THE REPORT.**

5 **(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
6 **VIDEO RECORDING MADE IN ACCORDANCE WITH THIS SECTION IS CONFIDENTIAL**
7 **AND MAY NOT BE VIEWED.**

8 **(2) THE FOLLOWING PERSONS MAY VIEW A VIDEO RECORDING MADE**
9 **UNDER THIS SECTION:**

10 **(I) AN EMPLOYEE OR A CONTRACTED EMPLOYEE WHO HAS**
11 **REPORTED TO THE SCHOOL, COUNTY BOARD, OR OTHER LEGAL AUTHORITIES AN**
12 **INCIDENT THAT OCCURRED IN THE SPECIAL EDUCATION CLASSROOM WHILE THE**
13 **VIDEO RECORDING DEVICE WAS RECORDING;**

14 **(II) THE PARENT OR LEGAL GUARDIAN OF A STUDENT WHO**
15 **REPORTS TO THE SCHOOL, COUNTY BOARD, OR LEGAL AUTHORITIES AN INCIDENT**
16 **THAT IS ALLEGED TO HAVE BEEN DOCUMENTED BY THE VIDEO RECORDING; AND**

17 **(III) A PERSON THAT IS INVESTIGATING A REQUEST,**
18 **COMPLAINT, OR CLAIM FROM CHILD PROTECTIVE SERVICES, LAW ENFORCEMENT,**
19 **A SCHOOL RESOURCE OFFICER, A SCHOOL, A COUNTY BOARD, OR THE DEPARTMENT**
20 **CONCERNING AN INCIDENT THAT IS ALLEGED TO HAVE OCCURRED IN THE SPECIAL**
21 **EDUCATION CLASSROOM WHILE THE VIDEO RECORDING DEVICE WAS RECORDING.**

22 **(3) A COUNTY BOARD SHALL RESPOND TO A REQUEST TO VIEW ALL**
23 **OR A PORTION OF A VIDEO RECORDING MADE UNDER THIS SECTION WITHIN 3 DAYS**
24 **AFTER RECEIVING THE REQUEST.**

25 **(G) (1) IF AN EMPLOYEE OF A SCHOOL OR COUNTY BOARD OBSERVES AN**
26 **ACTION THAT COULD BE CONSIDERED THE ABUSE OR NEGLECT OF A STUDENT IN A**
27 **SPECIAL EDUCATION CLASSROOM, THE EMPLOYEE SHALL REPORT THE ACTION:**

28 **(I) TO THE PRINCIPAL OF THE SCHOOL WHERE THE ACTION**
29 **OCCURRED; AND**

30 **(II) IN ACCORDANCE WITH ANY APPLICABLE CHILD ABUSE AND**
31 **NEGLECT REPORTING GUIDELINES.**

32 **(2) ON RECEIVING A REPORT UNDER PARAGRAPH (1) OF THIS**

SUBSECTION, A PRINCIPAL SHALL NOTIFY A PARENT OR LEGAL GUARDIAN OF THE STUDENT WHO IS THE SUBJECT OF THE REPORT WITHIN 24 HOURS AFTER RECEIVING THE REPORT.

(H) A COUNTY BOARD SHALL MAKE A REASONABLE ATTEMPT 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.

(I) THE DEPARTMENT, A COUNTY BOARD, A SCHOOL, OR A PRINCIPAL MAY NOT USE A VIDEO RECORDING DEVICE TO MONITOR THE PERFORMANCE OF SCHOOL EMPLOYEES.

(J) A COUNTY BOARD MAY SOLICIT AND ACCEPT GIFTS, GRANTS, AND DONATIONS FROM ANY PERSON TO BE USED TOWARD THE INSTALLATION AND OPERATION OF A VIDEO RECORDING DEVICE UNDER THIS SECTION.

(K) ALL VIDEO RECORDING DEVICES UNDER THIS SECTION SHALL COMPLY WITH FEDERAL FIRE AND SAFETY STANDARDS.

(L) (1) EACH YEAR, A COUNTY BOARD SHALL COLLECT DATA ON:

(i) THE NUMBER OF REQUESTS TO VIEW A VIDEO RECORDING MADE UNDER THIS SECTION; AND

(ii) THE IDENTITY OF THE PERSON THAT MADE A REQUEST.

(2) BEGINNING JANUARY 1, 2021 AND EACH JANUARY 1 THEREAFTER, A COUNTY BOARD SHALL SUBMIT A REPORT TO THE DEPARTMENT ON THE DATA COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR.

(M) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

8-401.

(a) (1) In this subtitle the following words have the meanings indicated.

(5) "Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including:

(i) Instruction in the classroom, in the home, in hospitals and institutions, and in other settings; and

(ii) Instruction in physical education.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.