

HOUSE BILL 192

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11r0411

HB 1292/20 – W&M

(PRE-FILED)

By: **Delegate Guyton**

Requested: July 8, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Special Education Classrooms – Use of Video**

3 FOR the purpose of requiring each county board of education, beginning in a certain school
4 year, to install certain video recording devices in special education classrooms;
5 requiring a certain video recording device to record certain areas at certain times;
6 prohibiting a certain video recording device from recording certain areas; requiring
7 a county board to provide notice of the use of video recording devices in special
8 education classrooms in a certain manner; prohibiting a county board from storing a
9 certain video recording for a certain amount of time except under certain
10 circumstances; requiring a county board to store a certain video recording for a
11 certain amount of time under certain circumstances; requiring a certain person to
12 submit a certain report to the principal of a certain school under certain
13 circumstances; requiring the principal to maintain a certain report for a certain
14 amount of time; establishing that a certain video recording is confidential and may
15 not be viewed except under certain circumstances; authorizing certain persons to
16 view a certain video recording under certain circumstances; requiring a county board
17 to respond to a certain request to view a certain video recording within a certain
18 amount of time; requiring a certain employee to report certain actions under certain
19 circumstances and in a certain manner; requiring a principal to notify a parent or
20 legal guardian of a certain student of a certain report within a certain amount of
21 time; requiring a county board to make a reasonable attempt to conceal the identity
22 of a certain student under certain circumstances; prohibiting the State Department
23 of Education, a county board, a school, or a principal from using a certain video
24 recording device for a certain purpose; authorizing a county board to solicit and
25 accept certain funds for a certain purpose; requiring certain video recording devices
26 to comply with certain fire and safety standards; requiring a county board to collect
27 certain data each year; requiring a county board, beginning in a certain year and
28 each year thereafter, to submit a certain report to the Department; requiring the
29 Department to adopt certain regulations; defining certain terms; and generally
30 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 7–447
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 8–401(a)(1) and (5)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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

Article – Education

7–447.

(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 2021–2022 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

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

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

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

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

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

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

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

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

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

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

31 **(I) HOW THE INTERRUPTION WAS DISCOVERED AND THE**
32 **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, THE COUNTY BOARD, OR OTHER LEGAL AUTHORITIES
12 AN 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, THE COUNTY BOARD, OR OTHER LEGAL AUTHORITIES AN
16 INCIDENT THAT IS ALLEGED TO HAVE BEEN DOCUMENTED BY THE VIDEO
17 RECORDING; AND

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

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

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

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

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

1 **(2) ON RECEIVING A REPORT UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION, A PRINCIPAL SHALL NOTIFY A PARENT OR LEGAL GUARDIAN OF THE**
3 **STUDENT WHO IS THE SUBJECT OF THE REPORT WITHIN 24 HOURS AFTER**
4 **RECEIVING THE REPORT.**

5 **(H) A COUNTY BOARD SHALL MAKE A REASONABLE ATTEMPT TO CONCEAL**
6 **THE IDENTITY OF ANY STUDENT WHO APPEARS IN A VIDEO RECORDING MADE UNDER**
7 **THIS SECTION WHO IS NOT INVOLVED IN THE INCIDENT FOR WHICH THE VIDEO**
8 **RECORDING IS BEING VIEWED.**

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

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

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

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

18 **(I) THE NUMBER OF REQUESTS TO VIEW A VIDEO RECORDING**
19 **MADE UNDER THIS SECTION; AND**

20 **(II) THE IDENTITY OF EACH PERSON THAT MADE A REQUEST.**

21 **(2) BEGINNING JANUARY 1, 2022, AND EACH JANUARY 1**
22 **THEREAFTER, A COUNTY BOARD SHALL SUBMIT A REPORT TO THE DEPARTMENT ON**
23 **THE DATA COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE**
24 **IMMEDIATELY PRECEDING CALENDAR YEAR.**

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

27 8–401.

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

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

31 **(i) Instruction in the classroom, in the home, in hospitals and**

1 institutions, and in other settings; and

2 (ii) Instruction in physical education.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2021.