

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 1182  
Ways and Means

(Delegate McCaskill, *et al.*)

Education, Energy, and the Environment

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Public and Nonpublic Schools - Student Elopement - Locative Devices

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This bill authorizes a school to coordinate a student’s voluntary use of a locative device and monitor the student’s location only if (1) the student has a documented history of wandering or elopement in the student’s individualized education program (IEP); (2) the student’s parent or guardian provides informed consent; and (3) the locative device cannot make audio or video recordings of other students or school personnel or allows recording capabilities to be turned off when a student is in an educational setting. The Maryland State Department of Education (MSDE) must issue advisory guidance to schools on incorporating a student’s use of a locative device and related privacy protections, as specified. **The bill takes effect July 1, 2026.**

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Fiscal Summary

**State Effect:** None. MSDE can issue advisory guidance with existing budgeted resources. No effect on revenues.

**Local Effect:** The bill is authorizing in nature and therefore has no direct effect on local school systems’ operations or finances. If a school elects to use locative devices, it may incur costs to purchase the devices and data plans, and must abide by privacy and data protection protocols; any resulting costs are discretionary. No effect on revenues.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** A “locative device” is a wearable or portable electronic device that is capable of locating a student during an elopement incident.

A school may monitor a student's location using a locative device only for wandering or elopement behavior. It must limit information obtained through the device to information that is reasonably necessary to address or respond to a student's wandering or elopement behavior and maintain any information obtained in accordance with applicable federal and State laws. The bill further specifies the personnel who may access the information and under what circumstances.

MSDE's guidance (1) must grant a school discretion as to whether and how to implement a student's voluntary use of a locative device and (2) may not be construed as legal advice about the administration of federal privacy law.

The bill may not be construed to require (1) a school to provide, purchase, reimburse, manage, or monitor a locative device to a related service plan or (2) a parent, guardian, or student to purchase or use a locative device.

A school may develop policies and procedures to implement the voluntary use of locative devices.

**Current Law:** "Elopement" means the act of a student leaving the school campus without the permission of the school staff member who is responsible for the student. "Wandering" means the act of a student leaving a classroom or area on the school campus, as specified.

The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with the Individualized Family Service Plan (IFSP) or the IEP specific to the individual needs of the child. An IFSP is for children with disabilities from birth up to age 3, and up to age 5, under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

Each time a student attempts or accomplishes an elopement, the school must notify the parent or guardian on the same day. At least one time each year, a school or a student's IEP team must review and address with relevant stakeholders a student's wandering or elopement behavior in updating the IEP or behavior intervention plan. A school must develop policies and procedures related to wandering and elopement.

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Maryland School for the Deaf; Anne Arundel County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; Wicomico County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

**Fiscal Note History:**     First Reader - March 6, 2026  
jg/clb                         Third Reader - March 20, 2026  
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