

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1545 (Delegate Miller)
Ways and Means

Frederick County - Special Education Video and Audio Recording Program -
Established

This bill establishes a Frederick County Special Education Video and Audio Recording Program, administered by the Frederick County Board of Education (FCBOE). By December 31, 2029, the board must install at least one video and audio device in all specialized instructional settings, as defined. By June 30, 2030, the board must install video and audio devices in classrooms that have students who are part of the Responsive Interventions for Student Excellence Program and Pyramid Program. By June 30, 2032, each school in the county must evaluate the program and report to the Maryland State Department of Education and FCBOE on the school’s progress toward meeting program goals. The Frederick County Public Schools (FCPS) Department of Safety and Emergency Management must operate and maintain video and audio recording devices. An unbiased third party must be the custodian of all video and audio recordings. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: None. The bill does not materially affect State operations or finances.

Local Effect: FCPS personnel, contracting, and equipment expenditures increase substantially, beginning in FY 2027, as discussed below. No effect on local government revenues. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: A “specialized instructional setting” means any space where students with disabilities receive specialized services or care for at least 50% of the instructional day, as specified. FCBOE must install video recording devices in all specialized instructional

settings that monitor all areas of these settings. These devices may not record inside bathroom areas or in areas that students use to change clothing. FCBOE must install and maintain audio recording devices in restrooms; areas that students use to change clothing; and places of physical care attached to those spaces. FCBOE must provide notice regarding video and audio recording, as specified. An unbiased third party (an employee of the Frederick County Public Schools Department of Safety and Emergency Management or other external entity) must review at least 15 minutes of video and audio recordings from each area at least every 90 calendar days.

Within seven days after the date of an incident – bullying, abuse, neglect of a student, or harm to an employee or student by an employee or a student – FCBOE may authorize specified individuals to review the video or audio recording. FCBOE must ensure that recordings comply with federal privacy laws. The bill specifies how long recordings may be stored and procedures for reporting incidents of a video recording device being discovered to have been interrupted. Parents may request that their child be exempt from audio recordings under the bill. The parent must document the request as specified and have the opportunity to discuss alternative arrangements for the student’s care.

Current Law: 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 Individualized Education Program (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.

Privacy of Student Records

The federal Family Educational Rights and Privacy Act (FERPA) generally prohibits the disclosure by schools that receive federal education funding of personally identifiable information from a student’s education records, unless the educational institution has obtained written consent from a parent or eligible student or one of FERPA’s exceptions applies. As with any other education record, a photo or video of a student is an education record, subject to specific exclusions, when the photo or video is (1) directly related to a student and (2) maintained by an educational agency or institution or by a party acting for the agency or institution.

While FERPA generally requires schools to ask for written consent before disclosing a student's personally identifiable information to individuals other than his or her parents, it also allows schools to take key steps to maintain school safety, including the disclosure without consent during an emergency to protect the health or safety of students or other individuals. The FERPA statute and regulations exclude from the definition of education records those records created and maintained by a law enforcement unit of an educational agency or institution for a law enforcement purpose.

According to the Code of Maryland Regulations, individual student records maintained by teachers or other school personnel under certain provisions are to be confidential in nature, and access to these records may be granted only for the purpose of serving legitimate and recognized educational ends. Individual student records, with the exception of records that are designated as permanent and with other exceptions provided by law, must be destroyed when they are no longer able to serve legitimate and recognized educational ends.

Local Fiscal Effect: FCPS State and local revenues are not affected. FCPS advises that it has 1,451 student restrooms, 74 locker rooms, and 110 special education specialized classrooms that require recording devices under the bill, assuming that special education students may use any bathroom in a school. FCPS estimates equipment and installation costs of \$1,817 per student restroom and locker room and \$2,217 per special education specialized classroom. Further, FCPS requires one additional school security camera/audio coordinator at a starting annualized cost of about \$148,000 in salary and benefits. Assuming that all recording devices are installed in fiscal 2027, FCPS anticipates about \$3.2 million in additional expenditures in fiscal 2027, and given equipment and maintenance costs, about \$500,000 in annual costs beginning in fiscal 2028, for a total cost of about \$5.2 million between fiscal 2027 and 2031.

However, the Department of Legislative Services (DLS) notes that the bill allows for a phase-in over several years for the installation of recording devices, and that otherwise using a similar cost structure to that assumed above, but with a regular phase-in of equipment installation, and thus maintenance and replacement costs, reduces the first-year (fiscal 2027) estimate of additional FCPS costs to about \$460,000 and the five-year cost total to about \$4.2 million.

Further, DLS assumes that under the bill a substantial number of bathrooms and locker rooms in the FCPS school system are *not* subject to audio recording, if the bill is not intended to authorize or require recording of students who are not special-needs students and because the bill suggests (but does not explicitly guarantee) that students can be exempted from audio recording under the bill at a parent's request. If the bill compels FCPS to designate several bathrooms and locker rooms for recording, and several others as exempt from recording, FCPS first- and five-year costs under the bill are substantially less than those described above.

FCPS schools can submit the required reports with existing resources.

Small Business Effect: Small businesses that sell and service video and audio recording equipment may benefit from contracts with FCPS.

Additional Information

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

Designated Cross File: None.

Information Source(s): Frederick County; Frederick County Public Schools; Judiciary (Administrative Office of the Courts); Maryland Commission on Civil Rights; Maryland State Department of Education; Department of Legislative Services

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