

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 1061

(Delegate A. Washington, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

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**Education - Emergency and Evacuation Plans - Individuals With Disabilities**

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This bill requires the Maryland State Department of Education (MSDE) to update the Emergency Planning Guidelines for Local School Systems and Schools by December 1, 2017, to accommodate, safeguard, and evacuate students, staff, and visitors with disabilities on public school grounds in accordance with the federal Americans with Disabilities Act. In updating the guidelines, MSDE must consult with disability advocacy groups. By July 1, 2018, each local school system must update its emergency plan to comply with the updated guidelines and regulations. If a student with an individualized education program (IEP) requires specific accommodations for evacuation in an emergency, the student's IEP must include the necessary accommodation. If a student with a 504 plan requires specific accommodations, the student's 504 team must discuss and address the student's needs as necessary.

The bill takes effect July 1, 2017.

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**Fiscal Summary**

**State Effect:** None. MSDE can update the guidelines and regulations with existing budgeted resources. No effect on revenues.

**Local Effect:** It is assumed that local school systems can update their evacuation plans to conform to the revised guidelines with existing budgeted resources. To the extent that changes to the guidelines and regulations require local school systems to retrain their school staff and/or provide additional accommodations for individuals with disabilities that are not otherwise required under federal law, expenditures by local school systems may increase; any increase cannot be reliably estimated at this time.

**Small Business Effect:** None.

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## **Analysis**

**Current Law/Background:** The emergency planning guidelines were first developed in 2003 and then updated in 2013; they are incorporated by reference in the Code of Maryland Regulations (COMAR). COMAR requires that each local school system and SEED School develop an emergency plan for all public school grounds under its jurisdiction that:

- deals with the contingencies of man-made, technological, and natural hazards;
- conforms to regulatory requirements; and
- aligns with the guidelines.

Each local school and SEED School must also (1) ensure that each school facility has a school emergency plan aligned with the guidelines and that a copy is on file at the central office; (2) ensure that a central administration emergency plan that is aligned with the guidelines is on file in each school grounds under its jurisdiction; and (3) develop and implement an annual schedule of safety drills in specified areas.

### *Individualized Education Program and 504 Plan*

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 an IEP specific to the individual needs of the student. Local school systems are required to make a free appropriate public education available to students with an IEP. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

An IEP is a written statement for each child with a disability that, among other things, must indicate the present levels of academic achievement and functional performance of a child, measurable academic and functional goals for the child, how the child's progress toward meeting these goals will be measured, and the special education and related services that are to be provided for the child. The parent of a child with a disability is a member of the IEP team that is responsible for developing and reviewing a child's IEP and for revisions to the IEP.

Federal regulations require that a portion of the IEP address "related services" that are to be provided to each student. "Related services" means transportation and such developmental, corrective, and other support services that are necessary to assist a child

with a disability to benefit from special education. Although it is not explicitly referenced as a related service, evacuation planning may fall under specifications for “orientation and mobility services” necessary for students with disabilities to “attain...safe movement within their environments.”

Section 504 of the Rehabilitation Act of 1973 covers eligible students with identified disabilities that do not qualify for an IEP. Similar to an IEP, an eligible student receives a 504 plan that outlines how the child’s specific needs are met with accommodations, modifications, and other services that remove barriers to learning.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education; National Fire Protection Association; [www.understood.org](http://www.understood.org); Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2017  
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