

HOUSE BILL 1061

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71r2884

By: Delegates A. Washington, Ebersole, Sanchez, Tarlau, M. Washington, and Wilkins

Introduced and read first time: February 8, 2017

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2017

CHAPTER _____

1 AN ACT concerning

2 ~~Task Force to Study Emergency and Evacuation Plans for Students, Staff, and~~
3 ~~Visitors With Disabilities in Public School Facilities~~

4 Education – Emergency and Evacuation Plans – Individuals With Disabilities

5 ~~FOR the purpose of establishing the Task Force to Study Emergency and Evacuation Plans~~
6 ~~for Students, Staff, and Visitors With Disabilities in Public School Facilities;~~
7 ~~providing for the composition, chair, and staffing of the Task Force; prohibiting a~~
8 ~~member of the Task Force from receiving certain compensation, but authorizing the~~
9 ~~reimbursement of certain expenses; requiring the Task Force to study and make~~
10 ~~recommendations regarding certain matters; requiring the State Department of~~
11 ~~Education to brief the Task Force on certain emergency planning guidelines and~~
12 ~~certain procedures for including accommodations for certain students on or before a~~
13 ~~certain date; requiring the Task Force to report its findings and recommendations to~~
14 ~~the Governor and the General Assembly on or before a certain date; providing for the~~
15 ~~termination of this Act; and generally relating to the Task Force to Study Emergency~~
16 ~~and Evacuation Plans for Students, Staff, and Visitors With Disabilities in Public~~
17 ~~School Facilities.~~

18 FOR the purpose of requiring the State Department of Education, on or before a certain
19 date, in consultation with certain individuals, to update certain guidelines to
20 accommodate, safeguard, and evacuate certain individuals with disabilities on public
21 school grounds; requiring each local school system, on or before a certain date, to
22 update the school system's emergency plan based on a certain update of the
23 Department's guidelines and regulations; requiring a student's IEP to include

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certain accommodations under certain circumstances; requiring a student's 504
 2 team to discuss and address a student's needs under certain circumstances; and
 3 generally relating to emergency plans for public schools.

4 BY adding to

5 Article – Education

6 Section 7-435

7 Annotated Code of Maryland

8 (2014 Replacement Volume and 2016 Supplement)

9 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~

10 ~~That:~~

11 ~~(a) There is a Task Force to Study Emergency and Evacuation Plans for Students,~~
 12 ~~Staff, and Visitors With Disabilities in Public School Facilities.~~

13 ~~(b) The Task Force consists of the following members:~~

14 ~~(1) one member of the Senate of Maryland, appointed by the President of~~
 15 ~~the Senate;~~

16 ~~(2) one member of the House of Delegates, appointed by the Speaker of the~~
 17 ~~House;~~

18 ~~(3) the State Superintendent of Schools, or the State Superintendent's~~
 19 ~~designee;~~

20 ~~(4) the President of the State Board of Education, or the President's~~
 21 ~~designee;~~

22 ~~(5) the President of the Maryland Association of Boards of Education, or~~
 23 ~~the President's designee;~~

24 ~~(6) the Secretary of Disabilities, or the Secretary's designee;~~

25 ~~(7) the State Fire Marshal, or the Fire Marshal's designee;~~

26 ~~(8) the Executive Director of the Maryland Commission on Civil Rights, or~~
 27 ~~the Executive Director's designee;~~

28 ~~(9) the Agency Equity Officer for the Maryland State Department of~~
 29 ~~Education, or the Agency Equity Officer's designee;~~

30 ~~(10) the President of the Maryland Association of Student Councils, or the~~
 31 ~~President's designee;~~

1 ~~(11) the President of the Maryland Association of Elementary School~~
2 ~~Principals, or the President's designee;~~

3 ~~(12) the President of the Maryland Association of Secondary School~~
4 ~~Principals, or the President's designee;~~

5 ~~(13) the President of the Maryland Association of Secondary School~~
6 ~~Principals, or the President's designee; and~~

7 ~~(14) the following members, appointed by the Governor:~~

8 ~~(i) one representative of the Special Education and Early~~
9 ~~Intervention Division of the State Department of Education;~~

10 ~~(ii) one representative of the School Health Services Division of the~~
11 ~~State Department of Education;~~

12 ~~(iii) one representative of the Division of Student, Family, and School~~
13 ~~Support of the State Department of Education;~~

14 ~~(iv) one representative of the School Facilities Branch of the State~~
15 ~~Department of Education;~~

16 ~~(v) one representative of the State Emergency Operations Center of~~
17 ~~the Maryland Emergency Management Agency;~~

18 ~~(vi) one representative of the Maryland Coordination and Analysis~~
19 ~~Center of the Maryland State Police;~~

20 ~~(vii) one parent of a student with a disability who attends an~~
21 ~~elementary school;~~

22 ~~(viii) one parent of a student with a disability who attends a middle~~
23 ~~school;~~

24 ~~(ix) one parent of a student with a disability who attends a high~~
25 ~~school;~~

26 ~~(x) one student with a disability who attends high school;~~

27 ~~(xi) one student who attends high school who has a sibling with a~~
28 ~~disability;~~

29 ~~(xii) one staff member with a disability who works at a school facility;~~

30 ~~(xiii) one faculty member with a disability who works at a school~~
31 ~~facility; and~~

1 ~~(xiv) a representative of the Arc Maryland.~~

2 ~~(e) The State Superintendent of Schools, or the State Superintendent's designee,~~
3 ~~shall be the chair of the Task Force.~~

4 ~~(d) The State Department of Education shall provide staff for the Task Force.~~

5 ~~(e) A member of the Task Force:~~

6 ~~(1) may not receive compensation as a member of the Task Force; but~~

7 ~~(2) is entitled to reimbursement for expenses under the Standard State~~
8 ~~Travel Regulations, as provided in the State budget.~~

9 ~~(f) The Task Force shall:~~

10 ~~(1) study:~~

11 ~~(i) the current local school system emergency plans developed in~~
12 ~~accordance with the criteria specified in the Maryland State Department of Education~~
13 ~~Emergency Planning Guidelines for Local School Systems and Schools (COMAR~~
14 ~~13A.02.02.03) to determine if the emergency plans effectively accommodate and safeguard~~
15 ~~students, staff, and visitors with disabilities who use public school facilities;~~

16 ~~(ii) national best practices for accommodating and safeguarding~~
17 ~~students, staff, and visitors with disabilities who use public school buildings;~~

18 ~~(iii) national best practices for the systematic and uniform review of~~
19 ~~school emergency plans;~~

20 ~~(iv) national best practices for engaging school health services in~~
21 ~~formulating school plans for students with disabilities; and~~

22 ~~(v) national best practices for the inclusion of an individualized~~
23 ~~evacuation/emergency plan in the individualized education program of a student and the~~
24 ~~annual review of the plan by the individualized education program team in the school; and~~

25 ~~(2) make recommendations regarding:~~

26 ~~(i) revisions to the Maryland State Department of Education~~
27 ~~Emergency Planning Guidelines for Local School Systems and Schools to ensure that:~~

28 ~~1. Maryland is in compliance with national best practices for~~
29 ~~accommodating and safeguarding students, staff, and visitors with disabilities who use~~
30 ~~public school buildings; and~~

~~2. students, staff, and visitors with disabilities who use public school facilities are effectively accommodated and safeguarded during emergencies;~~

~~(ii) the adoption of regulations that require a student's individualized education program to include accommodations for the student during an emergency; and~~

~~(iii) any other findings of the Task Force.~~

~~(g) On or before October 1, 2017, the State Department of Education shall brief the Task Force on:~~

~~(1) the current Emergency Planning Guidelines for Local School Systems and Schools and the current school emergency plan in each local school system; and~~

~~(2) the current procedures for including accommodations for a student during an emergency in a student's individualized education program.~~

~~(h) On or before January 1, 2018, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. It shall remain effective for a period of 1 year and, at the end of June 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

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

Article – Education

7-435.

(A) ON OR BEFORE DECEMBER 1, 2017, THE DEPARTMENT SHALL, IN CONSULTATION WITH DISABILITY ADVOCACY GROUPS, UPDATE THE EMERGENCY PLANNING GUIDELINES FOR LOCAL SCHOOL SYSTEMS AND SCHOOLS TO ACCOMMODATE, SAFEGUARD, AND EVACUATE STUDENTS, STAFF, AND VISITORS WITH DISABILITIES ON PUBLIC SCHOOL GROUNDS IN ACCORDANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT.

(B) ON OR BEFORE JULY 1, 2018, EACH LOCAL SCHOOL SYSTEM SHALL UPDATE THE LOCAL SCHOOL SYSTEM'S EMERGENCY PLAN TO COMPLY WITH THE UPDATE OF THE DEPARTMENT'S GUIDELINES AND REGULATIONS UNDER SUBSECTION (A) OF THIS SECTION.

1 (C) IF A STUDENT WITH AN IEP REQUIRES SPECIFIC ACCOMMODATIONS
2 FOR EVACUATION IN AN EMERGENCY, THE STUDENT’S IEP SHALL INCLUDE
3 ACCOMMODATIONS FOR THE STUDENT DURING AN EMERGENCY.

4 (D) IF A STUDENT WITH A 504 PLAN REQUIRES SPECIFIC ACCOMMODATIONS
5 FOR EVACUATION IN AN EMERGENCY, THE STUDENT’S 504 TEAM SHALL DISCUSS
6 AND ADDRESS THE STUDENT’S NEEDS AS NECESSARY.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.