

Testimony in Support of Senate Bill 851

Public Schools – Individuals With Disabilities – Main Entrance Accessibility and Emergency Planning

Before the Education, Energy, and the Environment Committee: March 5, 2025

The Public Health Law Clinic submits this testimony in support of Senate Bill 851. This bill would require local school boards to send an annual report to the Maryland General Assembly every September 1 starting in 2025 with the number of main entrances to public school buildings that are not accessible and therefore not in compliance with the Americans with Disabilities Act (ADA). Local school boards would also be required to publish this information on their websites annually by September 1, 2025. This bill would also require each local school system to send a copy of their emergency plan to the Maryland State Department of Education (MSDE) annually on September 1 starting in 2025. By each December 1, MSDE is required to analyze the emergency plans and report to the General Assembly whether each school system is in compliance with MSDE guidelines and regulations regarding ADA building standards. Senate Bill 851 is a step forward in making Maryland school buildings accessible and safer for everyone, regardless of ability.

I. The Need for Accessibility in School Entrances Generally

Information about the accessibility of school buildings is paramount to ensuring access to education for students with disabilities. Accessibility is also important for parents and guardians; teachers, administrators, and staff; and other members of the public who may visit public school buildings for myriad reasons, including athletic activities and voting. Despite the federal legal requirement for accessibility, there is currently no comprehensive state-wide data on how many schools in Maryland have main entrances that fail to meet ADA standards. Without publicly available information, families, advocates, and policymakers cannot assess the extent of the problem or push for necessary changes. Requiring schools to report and publish this data ensures transparency and accountability, allowing state and local governments to better allocate resources to address accessibility deficiencies. For example, Montgomery County Public Schools has posted its “Americans with Disabilities Act Compliance Data” on its website, which allows users to view 198 facilities’ interior and exterior accessibility status.¹ MCPS stated that they are able to use this data to “outline how barriers will be addressed and how accommodations can be made,” as well as “understanding the needs of our facilities and strategically targeting resources

¹ The status is determined by whether the facility needs minor work to meet ADA standards (coded in green), work ranging from minor to major barrier removal (coded in yellow), and requires major capital investment/design work needed (coded in red). *Americans with Disabilities Act (ADA) Compliance Data*, Montgomery County Public Schools (last accessed Feb. 20, 2025), <https://ww2.montgomeryschoolsmd.org/departments/facilities/ada/>.

to address those needs.” The benefit of this type of data should be realized in all counties in Maryland.

Ensuring accessibility at school entrances is not just a matter of legal compliance; it is a matter of fundamental fairness and equal opportunity. A report by the Government Accountability Office found that nationwide, an estimated 63% of school districts have barriers that limit access for people with disabilities.² Inaccessible entrances can prevent students from arriving at school independently, force them to navigate unsafe or inconvenient alternative routes, and create daily obstacles that their peers do not face. No student should have to struggle to enter their own school building. Similarly, barriers can prevent grandparents from coming to watch their grandchild’s school play or a guest speaker with a disability to give an inspiring presentation on achieving success despite physical limitations. This bill is a necessary step toward identifying and remedying these inequities, ensuring that all students and others can access their schools with dignity.

The physical barriers to main entrances do not just impact students and school staff. School buildings also have other uses for the local community, such as voting locations and emergency shelters. An inaccessible polling place can disenfranchise voters, while barriers to emergency shelters can put lives at risk during natural disasters or other crises. Ensuring that school entrances comply with ADA standards not only benefits students but also strengthens the broader community’s ability to access essential public services in times of need.

II. The Importance of Inclusive Emergency Planning

According to the Maryland Center for School Safety’s 2023 Annual Report, in the 2022-2023 school year, 1,721 threats were made against any school or school system facility, 1,083 emergency responses were made to a school, 170 emergencies resulted in a school lockdown, 241 emergencies resulted in a school evacuation, 1 incident occurred in which a public school’s emergency plan failed to function as anticipated in a real-world emergency response or drill, and 591 school hours were spent in responding to real-world incidents.³ These statistics underscore the critical need for comprehensive and effective emergency planning in Maryland schools. With hundreds of real-world emergencies occurring each year, many requiring evacuations or lockdowns, it is essential that every student, staff, or school visitor, particularly those with disabilities, has an accessible path of exit. Every school system must provide a clear, actionable plan for safely responding to these situations.

² *School Districts Need Better Information to Help Improve Access for People with Disabilities*, GOVERNMENT ACCOUNTABILITY OFFICE (June 2020), <https://www.gao.gov/assets/gao-20-448.pdf>.

³ *2023 Annual Report*, MARYLAND CENTER FOR SCHOOL SAFETY (2023), https://schoolsafety.maryland.gov/Documents/Reports-Docs/MCSS%20Annual%20Report%202023_508_Compliant.pdf.

Maryland schools are required by MSDE to conduct six emergency drills annually: evacuation, reverse evacuation, shelter in place, drop/cover/hold, and severe weather.⁴ The Maryland Center for School Safety states that drills are critical for school safety because they “(1) provide the opportunity for students and staff to learn the best procedures to follow in the event of an emergency, (2) provide school safety personnel and emergency responders with information that informs the next steps in preparing for an emergency, and (3) alleviate staff and student fear by building confidence through the knowledge of what to do in an emergency.”⁵ If these drills do not adequately include accessible planning for students with disabilities, then these children will likely experience greater fear and distress during both emergency drills and real-world emergencies because they are not equipped with the knowledge, confidence, or concrete planning on what they should do in the event of an emergency. Moreover, the absence of accessible emergency planning puts students with disabilities at heightened risk during actual emergencies. If evacuation routes are not accessible, if schools do not train staff on how to assist students with mobility, sensory, or cognitive disabilities, or if schools provide communication about emergency procedures in accessible formats, these students may be left behind or placed in danger. Emergency preparedness must include all students, and this bill ensures that schools take proactive steps to evaluate and improve their plans to account for the needs of students with disabilities. By requiring schools to submit their emergency plans for review, this legislation promotes accountability and ensures that no child is overlooked in moments of crisis.

Conclusion

The Public Health Law Clinic urges the passage of Senate Bill 851 to advance accessibility and safety in Maryland schools. This bill provides a crucial mechanism for transparency by requiring schools to assess and report on the accessibility of their main entrances. Additionally, the bill strengthens emergency preparedness by requiring schools to submit their emergency plans for review, promoting accountability and ensuring that students and staff with disabilities are not left behind in times of crisis. For these reasons, we request a favorable report on Senate Bill 851.

This testimony is submitted on behalf of the Public Health Law Clinic at the University of Maryland Carey School of Law and not by the School of Law, the University of Maryland, Baltimore, or the University of Maryland System.

⁴ Md. Code Regs. 13A.02.02.02(C).