

BILL: House Bill 694
TITLE: Public Schools - Individuals With Disabilities - Main Entrance
Accessibility and Emergency Planning
HEARING DATE: February 25, 2025
POSITION: LETTER OF INFORMATION
COMMITTEE: Ways & Means
CONTACT: Sam Mathias, Legal & Policy Services Director
(smathias@mabe.org)

The Maryland Association of Boards of Education (MABE), representing all the state's local boards of education, provides this informational letter for House Bill 694, Public Schools – Individuals With Disabilities – Main Entrance Accessibility and Emergency Planning.

House Bill 694 seeks two additions to laws concerning accessibility and school buildings; namely (1) that each county board publish on its website the number of main entrances to public school buildings that are not accessible for individuals with disabilities, and (2) create a secondary review of each school system's emergency plans by MSDE. MABE understands and appreciates the intent for further transparency and ensured safety for students with disabilities but wants to highlight the robust efforts set forth in law, regulatory scheme, and in current practice to provide for and accommodate all students, and in particular, students with disabilities.

Existing Emergency Planning Frameworks and Practices are Robust

Each school system develops and maintains specific emergency plans tailored to the unique characteristics of its school buildings, student population, and staff. These plans are reviewed and approved by the Maryland Center for School Safety (MCSS). Importantly, all emergency plans always include accommodations for students with disabilities, such as designated exit routes, assigned individuals to assist students with disabilities, and Identified places of refuge, as necessary.

Maryland's schools and agencies take school safety and emergency planning seriously. Education Article § 7-1510 outlines a robust framework that involves school systems, the Interagency Commission on School Construction, the Maryland State Department of Education (MSDE), and MCSS. This statute works in tandem with the existing law in Education Article § 7-435, which House Bill 694 seeks to amend. Among other things, the existing statutory and regulatory framework requires:

- Compliance with the latest Emergency Planning Guidelines;
- Each local school system’s annual evaluation of every school building’s emergency plan;
- Regular consultation with MCSS for guidance;
- Immediate corrective actions in response to identified weaknesses in facilities or emergency plans; and
- Certification and summary by every school system of its completed safety evaluations annually to MCSS.

In addition, as part of this broad emergency planning, students with disabilities receive individualized emergency planning, often incorporated into their Individualized Education Plans (IEPs) or Section 504 Plans, as well as into school emergency plans, ensuring that these students’ needs are explicitly addressed. (This practice is universal and required already in Ed. Art. § 7-435.) Some examples of this sort of specific accommodation that occurs in every school building across every school system in preparation for an emergency, are the following:

- Emergency medication access (i.e., epi-pens, inhalers in emergency “go bags”);
- Self-treatment coaching (i.e., diabetic students managing glucose levels during an emergency);
- Close-proximity evacuation support for students with orthopedic impairments or anxiety;
- Alternative accessible evacuation routes and additional staff support for students using wheelchairs, crutches, or other mobility aids.

In short, there is a robust statutory and administrative support framework, buttressed by active school and government interaction to provide for high quality school emergency planning. What House Bill 694 proposes is a large administrative review that would require MSDE to analyze more than 1,400 school facility emergency plans. It is unclear whether such a review, particularly in light of the work that school systems do in partnership with MCSS and other agencies, would redound to increased safety or improved emergency preparedness in our schools.

The Purpose of Publishing Main Entrance Accessibility

House Bill 694 also requires the publication of the number of main entrances to public school buildings that are not accessible for individuals with disabilities or do not comply with the ADA. However, the purpose of publishing this number is unclear, especially given the significant variations in school facilities across different jurisdictions.

While the publication of this data may not be burdensome, it is important to note that, from an emergency planning perspective, the number of non-accessible main entrances provides little actionable value. Emergency plans are designed to account for multiple means of egress, ensuring that students and staff can evacuate safely through accessible routes, regardless of whether the main entrance is ADA-compliant.