

SB 673 (Portantino)

Pupils with exceptional needs: individualized education programs: emergency safety procedures.

PROBLEM

Student safety is a top priority at all schools, and all public K–12 schools are required to develop and maintain a school site safety plan. It is universally accepted that careful planning and practiced drills improve outcome in the event of a natural disaster or school shooting. While ADA dictates that all schools be fully accessible, the special needs of students with disabilities can be unwittingly overlooked. Due to complications that arise when a person is disabled, some individuals are not able to follow an evacuation plan, earthquake, or lockdown protocols in the same manner as the general population. The full context of the school building, and the makeup of students within a particular class (for example, a special day class), also influence how to plan for emergency procedures. Currently, the broad mandate of ADA does not adequately ensure the safety of students with disabilities.

BACKGROUND

Under the Americans with Disabilities Act (ADA), schools must provide for the educational needs of students with disabilities, and must also address accessibility on campus for all persons. The US Department of Labor encourages employees with disabilities to self-report so that they can be consulted in the development of workplace emergency plans. Similarly, students with disabilities and their parents should be involved in determining if, and what, accommodations are needed to ensure the students' safety at school. The Individual Education Plan (IEP) is updated annually by the student's team, creating the perfect opportunity to identify necessary accommodations for student safety.

SUMMARY

SB 673 would require the IEP for a pupil with exceptional needs to include, if the procedures in the comprehensive school safety plan are insufficient to ensure the pupil's safety in an emergency at the pupil's current school, a description of the necessary accommodations to those procedures.

The bill would require, if the pupil transfers to a different school, the individualized education program team, in consultation with the parents or guardians of the pupil, to within 30 days of the transfer meet to review and update the description of the necessary accommodations based on the procedures in the comprehensive school safety plan applicable to that school.

The bill would require a local educational agency, as defined, to create and maintain an Inclusive School Emergency Plan and would require that those safety procedures be included in the Inclusive School Emergency Plan for any pupil whose parent provides written consent in compliance with specified federal law.

The bill would require a physical copy of the Inclusive School Emergency Plan to be kept at every school under the jurisdiction of the local educational agency and would require the Inclusive School Emergency Plan to be maintained and used in compliance with all applicable state and federal privacy laws.

The bill would require a comprehensive school safety plan to include procedures for the use of the Inclusive School Emergency Plan, the location of the Inclusive School Emergency Plan at the school, and the persons or classes of persons who have access to the Inclusive School Emergency Plan.

EXISTING LAW

Existing law requires local educational agencies to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program.

Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of its schools operating a kindergarten or any of grades 1 to 12, inclusive.

SUPPORT

The Arc and United Cerebral Palsy California Collaboration

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