

School Emergency Preparedness for Students with Disabilities Act

Model Legislation Guide
For the 2026 Legislative Year



*Removing barriers so every disabled individual has the
opportunity to live, work, and thrive.*

INTRODUCTION

Imagine getting a call that your child had a seizure because of flashing alarms during a school fire drill. Or perhaps your child was left behind during an evacuation after their mobility aid was knocked out of their reach. For many disabled students and their parents, these scenarios can be a scary reality.

In St. Louis, Niamh Winright was crammed into a corner by classmates during a lockdown after a gunman entered her school.¹ Niamh, who has autoimmune rheumatoid arthritis and uses a cane to walk, had her cane knocked out of reach, leaving her trapped. The situation worsened when she finally made it out of the classroom and had guns drawn on her by police officers because Niamh could not raise her arms in the air due to her disability.

There are 7.5 million students with disabilities in our country's public school system. However, 6.5 million of these students live in states that do not require schools to have emergency or evacuation plans addressing the needs of students with disabilities. Without proper protocol, students with disabilities are at risk of various types of physical, mental, and emotional harm during school emergencies.

School districts, or any appropriate entity providing care and education to the youth, must take into account the needs of students with disabilities when creating safety and emergency evacuation plans, as well as school drill and training guides. Additionally, the accommodations of students with disabilities during school safety drills or emergencies must be documented in the student's individualized education program, individualized healthcare plan, federal Section 504 plan, or service plan. By doing so, we can help ensure that disabled students are protected from harm during potentially life-threatening situations.

For more information or drafting assistance, please contact us at 847.238.2102 or Info@AccessibilityPolicyInstitute.org.

Dan McConchie

Chief Executive Officer

Accessibility Policy Institute

¹ Geller, L., Hanson, T., & Kelly, J. (2025, May 20). *Most states don't require school emergency plans for disabled students. They feel left behind and at risk.* CBS News. <https://www.cbsnews.com/news/school-emergency-plans-students-disabilities/>

School Emergency Preparedness for Students with Disabilities Act

HOUSE/SENATE BILL No. _____
By Representatives/Senators _____

Section 1. Title.

This Act may be cited as the “[*Insert name of State*] School Emergency Preparedness for Students with Disabilities Act”.

Section 2. Legislative Findings and Purposes.

(a) The [*Legislature*] of the State of [*Insert name of State*] finds that:

- (1) Accommodations for students with disabilities are typically not included in a school’s safety or emergency evacuation plan.
- (2) Students with disabilities may be harmed physically, visually, or audibly during a school emergency due to a lack of planning around the students’ needs.
- (3) States do not require schools to provide emergency plans for disabled students, leaving these students at risk.
- (4) Traditional emergency and evacuation tactics do not take into account various types of disabilities.

(b) Based on the findings in subsection (a), the [*Legislature*]’s purposes in promulgating this Act are to further the important and compelling state interests of:

- (1) Supporting students with disabilities during school emergencies and evacuations.
- (2) Ensuring students with disabilities are not left vulnerable, in harm's way, or at risk of injuries during emergencies.
- (3) Ensuring evacuation routes and plans are accessible.

- (4) Equipping school employees with the proper training and resources to support students with disabilities during a school safety drill or emergency situation.

Section 3. Definitions.

For the purposes of this Act only:

- (a) **“Disability”** means an individual²:
 1. that has a physical or mental impairment that substantially limits one or more major life activities of such individual;
 2. that has a record of such an impairment; or
 3. that is being regarded as having such an impairment
- (b) **“Emergency”** means any natural or man-made catastrophe that warrants action to save lives and to protect property, public health, and safety.
- (c) **“Appropriate entity”** means any public school, private school, child care center, charter school, and all other entities providing care and education.

Section 4. Text of the Act³

- (a) Each school district, or appropriate entity, shall ensure that a student’s unique mobility, sensory, medical, social, communication, emotional, regulatory, and decision-making needs in the event of a fire drill, school security drill, or an actual emergency situation that may occur on school grounds are maintained in the student’s individualized education program, federal Section 504 plan, individualized healthcare plan, or service plan. The documentation maintained in the student record shall indicate whether or not the student can safely and fully participate in fire drills or school security drills without the use of supplementary supports, modifications, accommodations, or services, or if any accommodations are needed, including determining areas

² The [Legislature] of the State of [Insert name of State] may have a well established definition of disability. The State may reference its own definition. If the State does not have a definition of disability, the ADA definition is suitable.

³ This text may be added as an amendment to the [Insert name of State] code in whichever section is best.

of refuge during an emergency. The school district, or appropriate entity, shall regularly, but not less than once annually, review any determinations made pursuant to this section to evaluate the school security needs of each student.

(1) If it is determined that a student requires supplementary supports, modifications, accommodations, or services to safely and fully participate in a fire drill or school security drill, a written plan shall be maintained in the student's record. The written plan shall:

- (A) Describe the anticipated mobility, sensory, medical, social, communication, emotional, regulatory, and decision-making support needs of the student during a fire drill or school security drill and during an actual emergency situation;
- (B) Describe the supports, modifications, accommodations, and services to be provided to the student during a fire drill or school security drill and during an actual emergency situation; and
- (C) Describe the role of school employees in supporting the student during a fire drill or school security drill and during an actual emergency situation, including the need for any specific training of school employees.

(b) The [*Insert Name of State*] [*Insert Highest Ranking Statewide Education Official*], shall, in consultation with the appropriate emergency management agencies, the state-level fire safety office, statewide law enforcement, and the Attorney General, develop and disseminate to each school district, or appropriate entity, a building security drill guide and training materials that educate school employees on proper evacuation and lockdown procedures in a variety of emergency situations on school grounds. The drill guide and training materials shall incorporate information on the unique needs of students with disabilities and include standard protocols and procedures for accommodating those students during fire drills, school security drills, or actual emergency situations. The drill guide and training materials shall be updated at regular intervals to ensure they incorporate the most current information available on school security.

(c) A local board of education and chief school administrator shall ensure that all full-time employees, individuals serving in a substitute capacity, and individuals supervising youth programs in the school district, or at the appropriate entity, are provided with training on school safety and security, including instruction on school security drills. The training shall follow the guidelines and materials set forth by [*Insert Name of State*] mandates, the school district or

appropriate entity, and local law enforcement. The annual training provided to employees shall be conducted by the district or appropriate entity, in consultation with emergency responders, including law enforcement, fire, and emergency medical services personnel, to identify weaknesses in school safety and security policies and procedures and to increase the effectiveness of emergency responders.

(d) Any information or training provided pursuant to school safety and security shall address the unique needs of students with disabilities in the event of a fire drill, school security drill, or actual emergency situation. Any employee or individual subject to the provisions of subsection (c) of this section shall be made aware of any anticipated mobility, sensory, medical, social, communication, emotional, regulatory, and decision-making support needs of students in the care of the individual and any supports, modifications, accommodations, and services to be provided to students, as enumerated in their individualized education program, federal Section 504 plan, individualized healthcare plan, or service plan.

(e) In developing a school security and safety plan, the school district, or appropriate entity, shall:

- (1) Demonstrate to the [*Insert Name of State*] [*Insert Statewide Education Agency*] that it has considered the individual needs of each student with a disability, as enumerated in the students' individualized education programs, federal Section 504 plans, individualized health care plans, or service plans.
- (2) Incorporate protocols into the safety and security plan for communicating the individual needs of each student with a disability, when appropriate and in compliance with the "Family Educational Rights and Privacy Act of 1974," to third parties, including, but not limited to, first responders and emergency management agencies.

Section 5. Effective Date.

This Act takes effect in the first full school year following the date of enactment.

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