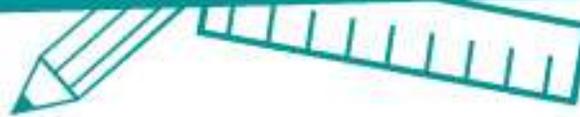


School Safety Issues Affecting Students with Disabilities:

A Call to Action



September, 2019

“Knowing how to respond quickly and efficiently in a crisis is critical to ensuring the safety of our schools and students. The midst of a crisis is not the time to start figuring out who ought to do what. At that moment, everyone involved—from top to bottom—should know the drill and know each other.”

– Margaret Spellings, former
Secretary of Education

It is impossible for students to experience full participation and inclusion when their safety is in jeopardy. But for many children and teens with disabilities in New Jersey schools, that is the case.

While most schools have a comprehensive plan and carry out drills for emergency situations, few have an effective comprehensive plan to address the complex, individualized needs of students with disabilities. And because there are no national models for addressing the needs of students with disabilities in school crisis preparedness, most schools are not fully prepared to support students with I/DD including sensory disabilities, medical and mobility disabilities, behavioral disabilities, and other unique challenges when there is an emergency situation.

The New Jersey Council on Developmental Disabilities' mission is to assure that individuals with intellectual and developmental disabilities in New Jersey and their families have access to community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, integration and inclusion in all facets of life. We lead these efforts through systems change and capacity-building designed to promote self-determination, integration and inclusion.

Recognizing the urgency and criticality of this issue, the Council convened a Summit on School Safety, bringing together a broad and diverse group of more than 70 stakeholders and thought leaders representing the special education community as well as the emergency response community. We created a forum to discuss issues, challenges, and best practices related to the needs of students with disabilities. Our goal was to identify and explore issues and challenges, and generate tangible solutions to move the needle on school safety for students with disabilities.

While the issues were difficult to discuss, the personal stories hard to hear, and the scenarios hard to imagine, I was deeply moved by the level of the dialogue and the degree to which there was strong consensus for swift action. I believe New Jersey is ready to take action.

I would like to thank Subcommittee chairperson Peggy Kinsell, Brenda Considine, consultant to this project, and the members of the Subcommittee on Children and Youth for their leadership, passion, and wisdom in bringing this important issue into the light. The Council is also deeply grateful to John Mooney for his work as moderator, and to the more than 70 stakeholders who committed time and expertise to the discussion.

Mercedes Witowsky

Mercedes Witowsky, Executive Director
New Jersey Council on Developmental Disabilities

Part I – Background

“Often, students with disabilities are an afterthought.”

– 2019 School Safety Summit participant

Most schools have a comprehensive plan for emergency situations—fires, natural disasters, active shooters, terrorism, and even the unplanned release of chemical—but few have effective plans in place to address the complex, individualized needs of students with disabilities in those scenarios. In fact, there are currently no national models addressing the needs of students with disabilities in school-based crisis preparedness. As a result, most schools are not fully prepared to support students with intellectual and developmental disabilities (I/DD) including sensory disabilities, medical and mobility disabilities, behavioral disabilities, and other unique challenges when there is an emergency situation.

Rather than using practices that embrace universal design, many schools rely on an approach that forces students with disabilities to simply wait for help. Advocates agree: “sheltering in place” and waiting for help is not a comprehensive solution. It leaves students in harm’s way, can be terrifying, and may be dangerous to other students and staff. In addition, door barricades and lockdown plans designed to keep children safe often ignore the needs of students with disabilities, who may have adverse reactions to alarms that overwhelm senses, difficulty processing instructions, or an inability to remain still or quiet.

The approach for active shooter events currently recommended by the Department of Homeland Security is a “run, hide, fight” strategy. This calls for running away from the danger (when possible), hiding somewhere safe when you can’t run, and fighting back against a shooter (if running or hiding are not options). Such a strategy is not useful for students with disabilities who may not be able to “run.” The “hide” aspect of this approach may require that students wait quietly in areas such as libraries, bathrooms, and classrooms for response personnel to assist them—even if these areas aren’t accessible or safe. The “fight” strategy may also present added challenges for students with mobility, intellectual, communication, and emotional disabilities.

In addition, there are certain “drill skills” that all students need in order to be safe in a school crisis: maintain silence, follow directions quickly, maintain a position/location, manage feelings of stress/frustration without acting out, and manage changes to their schedule. Any one of these skills can be problematic—if not impossible—for some students unless they are taught the necessary skills and provided with accommodations, including sensory supports, medical supports, and behavioral supports. For students who are unable to perform these skills, safety rests entirely with staff, who often lack effective training, supports, and time to plan and coordinate response efforts.

In New Jersey, schools are required to have drills on a regular schedule, and must address all hazard, fire, active shooter, and bomb threats. Since 2011, all New Jersey school districts have been required to have a school safety and security plan. The plans are designed locally with the help of law enforcement, emergency management, public health officials, and other key stakeholders, and must be reviewed and updated every year. While state guidance on school safety addresses 91 specific elements of planning, only one even touches on the needs of students

with disabilities, requiring schools simply “to accommodate students with disabilities.” While such plans and procedures must provide for the health, safety, security, and welfare of the school population, there has been very little guidance offered in the area of supporting students with disabilities.

Part II – Federal Requirements

Federal law mandates that every child with a disability will receive a free and appropriate public education (FAPE) in the least restrictive environment. Children who experience difficulties in school due to physical or psychiatric disorders, emotional or behavioral disabilities, and/or learning disabilities are entitled to receive special services, modifications, or accommodations at no cost. This includes support for their ability to learn in school and participate in the benefits of any district program or activity, including emergency preparedness and school safety plans.

Related to this, three Federal laws apply to children with disabilities:

- 1) Americans with Disabilities Act (ADA) of 1990 (amended 2008);
- 2) Individuals with Disabilities Education Act (IDEA) of 1975 (amended 1997); and,
- 3) Section 504 of the Rehabilitation Act of 1973 (revised 1978).

The ADA provides “a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” Specifically, the ADA prohibits the exclusion of any qualified individual with a disability, by reason of such disability, from participation in or benefits of educational services, programs, or activities. This would include emergency response in a school safety crisis.

IDEA requires the school to provide an individualized educational program (IEP) designed to meet each child’s unique needs and provide the child with educational benefit. IDEA requires that planning for the educational success of each student be done on an individual, case-by-case basis through the development of an IEP. The IEP is a written statement developed for each child with a disability that outlines measurable annual goals for academic achievement and functional performance and specifies accommodations and modifications to be provided for the student.

Some students who may be self-sufficient under typical circumstances may have other needs during an emergency. They may require additional assistance during and after an incident in functional areas, including, but not limited to communication, social, sensory, transportation, supervision, medical care, and reestablishing independence. While not explicitly stated, a component of the IEP should thus consider the individualized needs of the child to ensure their safety during an emergency, including evacuation from a classroom and building.

Section 504 of the Rehabilitation Act protects students with a physical or mental impairment that substantially limits one or more major life activities. Often, children covered under Section 504 have impairments that either do not fit within the eligibility categories of IDEA or may not be as apparent as those covered under IDEA. The Individualized School Healthcare Plan (ISHP) articulates the healthcare accommodations required for each student qualified for service under the Section 504 regulation. The ISHP assists in the safe and accurate delivery of healthcare services in school.

Last, Executive Order 13347, Individuals with Disabilities in Emergency Preparedness, was signed by President George W. Bush in 2004, in the wake of the 9/11 attacks. It adds to existing legislative policy to ensure that the safety and security of individuals with disabilities are appropriately supported, and requires public entities to consider the unique needs of individuals with disabilities in their emergency preparedness planning.

It is clear, that schools have a legal obligation to design plans for the individual needs of students with physical, sensory, intellectual, and other disabilities, those who may lack understanding of a situation, and those who are unable to act quickly. In addition to students, school personnel and visitors with disabilities also need protection.

School systems must have the capacity to move all students, staff, and visitors with disabilities to a safe location immediately at the time of an emergency. Mitigation (the effort to reduce loss of life and property by lessening the impact of disasters) is a crucial part of emergency planning in schools and should never allow leaving anyone behind because of a disability.

Part III – Across the Nation- States and Courts

“Schools should provide a safe and inclusive environment for all students. The ADA mandate is especially pronounced when it comes to programs involving student safety.”
– Acting New Jersey US Attorney William E. Fitzpatrick

Currently, Maryland is the only state that specifically addresses the needs of students with disabilities in school safety laws. In 2017, Maryland passed [legislation](#) that updated guidelines to “accommodate, safeguard, and evacuate” people with disabilities in a school emergency. The law further mandates that IEPs and 504 plans must discuss and address a student’s safety needs. To further improve student safety, Maryland passed the Safe to Learn Act, which solidified school safety plans by mandating the implementation of assessment teams and training of school resource officers. To address students with disabilities, officers must receive sensitivity and de-escalation training. In addition, a representative from the state’s Protection and Advocacy agency, [Disability Rights Maryland](#), has been appointed to serve on a committee at the Maryland Center for School Safety. In Maryland schools, students with disabilities are included in emergency plans, and teachers and resource officers must receive training in order to ensure the safety of these students.

While California does not have statewide policy that considers the needs of students with disabilities in emergencies, Marin County provides a model plan to schools that ensures the safety of all students. The 36-page model plan stipulates that any student with special needs who is not able to access standard emergency resources comfortably or safely must be accounted for in school safety plans. While the plan offers strategies to accommodate students in the case of an emergency, the emphasis is on prevention and mitigation. Before an emergency takes place, schools must evaluate the barriers that exist within their schools, and do their best to remove them. In cases where that is not possible, student needs must be identified and taken into account depending on the type of emergency. This means that parents, teachers, and students need to be involved in evaluating the needs of the student so that any medications and behavior triggers can be understood and accounted for in the case of an emergency. In an emergency, communication

is key, so schools must devise alternate methods of communication for students who are deaf or blind, or who take a longer time processing information. This is why the plan assesses drills as critical. The plan's emergency strategies allow schools to personalize their own plans, but emphasize strategies such as a buddy system among students, bolstering current accommodations, creating a clear and efficient communication plan, accounting for medications, and regularly practicing drills.

The courts have also weighed in on the issue. In 2004, a Montgomery County (MD) Circuit Court found that the ADA requires places of public accommodation to consider the needs of people with disabilities when developing emergency evacuation plans. When considering the ADA, most people think of accessibility in terms of the ability to enter a building, but the ruling emphasizes the need for shopping malls, stores, restaurants, movie theaters, museums, and other entities subject to the ADA to accommodate people with disabilities in the development and modification of emergency evacuation procedures as well. The precedent-setting case involved a woman with mobility impairment who became trapped during an emergency evacuation of a discount store. After being required to exit into an area below ground level, the woman found she was unable to evacuate because the elevators were shut down and all the exits had stairs. She received no assistance or guidance from the store or mall personnel.

In New Jersey, the consequences were high for a public school district when its emergency plans did not include students with disabilities. On the second floor of Watchung Hills Regional High School, a student with a mobility disorder was unable to evacuate the building due to an unplanned fire alarm that shut down the school elevators. The student was left alone for a period of time and was never evacuated from the building. Parents charged the district with discrimination under Title II of the ADA. While not a precedent-setting case, the settlement agreement reached required the district to enforce an emergency evacuation policy that ensures equal participation and the safety of students with mobility disabilities.

<https://www.justice.gov/usao-nj/press-release/file/995926/download>

Part IV – Summit: The Process

Recognizing the urgency and criticality of school safety related to students with disabilities, the New Jersey Council on Developmental Disabilities (NJCDD) adopted a white paper outlining issues and challenges in 2018. The paper called for better planning, individualized approaches, staff training, and better coordination with first responders.

On June 4, 2019, NJCDD convened a Summit on School Safety at the College of New Jersey. Bringing together a broad and diverse group of stakeholders and thought leaders, the NJCDD took a leadership role in creating a forum to discuss issues, challenges, and best practices related to the needs of students with disabilities, with the objectives of identifying and exploring issues and generating tangible solutions and recommendations to move the needle on school safety for students with disabilities. Discussion was led and moderated by veteran New Jersey journalist John Mooney, founder of New Jersey Spotlight and former education reporter for the Newark Star Ledger.

More than 70 guests from the public and private sector took part in the Summit, representing major stakeholders in New Jersey’s special education community as well as the emergency response community.

The group heard first-person accounts from former students and advocates about the urgent need for action:

“When I was in school my evacuation plan was to wheel myself into the ladies’ bathroom, pull into the handicapped stall, which was the only place big enough for my power wheelchair, and turn around with my back to the door. They told me that if a shooter came in, the bullets would have to go through the metal door and my wheelchair before they hit me. I was told to wait there, alone, in the dark. That was the plan.”

– Kevin Nunez, Member, New Jersey Council on Developmental Disabilities

The group then heard from two panels comprising leaders and experts in the area of school safety, before breaking into working groups to identify gaps and challenges and generate ideas for solutions.

Gaps and Challenges

Gaps and challenges identified by participants fell into three areas:

A. Issues related to regulations and public policy

“Right now, there is no monitoring or accountability. What are the consequences for schools/district that fail to plan well? We need a mechanism for compliance, but we need to go beyond that.”

– School Safety Summit participant

1. There is an absence of uniform state guidelines around issues of school safety as it relates to students with disabilities.
2. There are no requirements for districts to plan for the needs of individual students who may need support during and following a school emergency.
3. There are no regulations about training contracted paraprofessionals, subs, therapists, and consultants who come in and out of the building.
4. There are no state or national models for promising practices related to students with disabilities.
5. New Jersey’s large number of local school districts and the historical emphasis on “home rule” make comprehensive planning on a statewide and countywide level more difficult.

B. Issues related to training and information

“Schools have a commitment to keeping all students safe. But we get lost in the ‘how.’”
– School Safety Summit participant

1. There is no central clearinghouse for information, best practice, and guidance about how to plan for the needs of students with disabilities before, during, and following a school emergency.
2. There is a lack of training about best practices in planning for students with disabilities.
3. Schools lack a systemic way of training staff in school safety issues for students with disabilities.
4. Students with disabilities need instruction in the skills they need to be engaged in the emergency response, to the extent possible.
5. Guests, visitors, and itinerant staff (i.e., contracted related services staff, paras, subs) are often unaware of school-wide emergency procedures.
6. There is no requirement for districts to disseminate safety information and engage parents.
7. Communication between school, parents, community leaders and first responders varies tremendously from district to district.

C. Issues related to preparation and local practice

“A drill is a chance to learn from mistakes and fix them.”
– School Safety Summit participant

1. While all schools are required to hold specific drills, few schools use these experiences as an opportunity to examine the needs of students with disabilities, and to correct mistakes and weakness in local policy and practice.
2. Schools need specialized assessment to identify threats.
3. There is no systemic preparedness effort as it relates to students with disabilities. Planning is haphazard and based only on students known to the LEA. On any given day, there may be a student with a unique need who has not been considered.
4. Overaccommodation of students with disabilities during routine drills blunts the actual experience in an emergency, leaving them and staff less prepared.

5. Schools are generally not prepared to meet the needs of students with disabilities in the event of a lengthy lock-down or emergency.
6. Particularly at the middle and high school level, students move around a lot and could be anywhere in the building, depending on time of day, making it harder to plan for them.
7. Too few schools engage local EMTs and fire marshals in planning, drills, and recovery.

Broad Consensus for Action

There was broad consensus for action in the following areas:

Comprehensive, multilevel planning: Planning for emergencies must consider the larger community, as well as district-wide, building-wide, classroom-based, and individual student needs.

“The IEP cannot be the only answer to this complex challenge, but it is certainly part of the solution.”

– School Safety Summit participant

Full participation is vital: All students must be considered and fully participate in school-wide emergency planning.

Individualized planning for students with disabilities: Even with a school-wide plan, some students with disabilities may need an individualized emergency action plan and/or direct instruction in skills needed in an emergency situation. Individualized planning is therefore necessary. Each student’s plan should ensure full integration, participation in practice drills, staff training, and an evaluation process to identify obstacles before they arise. This plan should delineate explicit instructions in skills needed for drills, and support services for each student during a school emergency.

“We have an individualized planning tool already in place—the IEP.”

– School Safety Summit participant

Engage all stakeholders: Ensure students, parents, and disability advocates are actively engaged in emergency planning and training. Collaboration between agencies, emergency response providers, and district leaders before, during, and after disasters and drills is vital. In addition, collaboration between 504 committee members and CST members is needed.

Identify needs on an ongoing basis: Schools should work to identify individuals (staff and students) with a temporary impediment (e.g., a broken leg) or hidden conditions (e.g., asthma, diabetes, deafness, panic attacks, significant allergies, or heart conditions). Individuals with such conditions may need added assistance.

Need for information: There is a lack of quality information and a need for a well-publicized resource center/information clearing house on promising practices. Specific suggestions included webinars, county meetings, and statewide and regional conferences.

Need for training: Training is needed for CSTs on the responsibilities of CSTs

“The state has a role to shine the light on this topic.”

– School Safety Summit participant

Need for state guidance: School leaders need clear, consistent statewide expectations as they relate to emergency planning for students with disabilities.

“Monitoring and compliance on this issue could improve local practice and performance.”
– School Safety Summit participant

Need for greater collaboration: Collaboration is needed across the full process in order to inform/involve everyone, train, carry out drills, look for deficiencies, fix, train, and drill again.

“Compliance with rules and regulations does not ensure security. It gets down to implementation.”

– School Safety Summit participant

Need for better information sharing: Ensure that individual student information reaches classroom leaders, and formalize the flow of information to ensure that those who need to know, know. Have protocols for all situations in a database so that, when a child with a certain disability enters the school, it may be accessed.

Know where students are: Map data on every student with an IEP, IHP or 504 who needs accommodations, so they can be quickly found in an emergency.

Need for additional resources: Funding is needed to facilitate safety and technical improvements to school buildings.

Need for continued discussion and dialogue: There is a strong need to continue the discussion, explore promising practices, and identify practices and policies in other states.

Other ideas for action include:

Training and Information

- Provide emergency response handouts for visitors and guests
- Use school events as an opportunity to discuss school safety
- Include all staff members who interact with students
- Consider the use of Project Lifesaver and other resources
- Consider countywide safety training programs
- Consider teacher prep programs

Preparation and practice

- Planning must include multiple levels: state, county, town, district, building, classroom, and individual student
- Positive relationships with students, for example, school nurses
- Medical “go bags” and sensory tool kits for individual students
- Functional Mapping planning
- Teach students self-care, self-management skills over time, to the extent possible
- Resilience training for students
- Mindfulness and mental health supports for recovery phase of response

System Practices

- Students are rarely in the same place at the same time knowing where they are in evacuation is mandatory shared information, like 911 CIT programs
- Make sure that student plans are included in school-wide information systems—e.g., RealTime®, Power School®—so that the plans are accessible
- Use of community resources (e.g., churches) as reunification centers
- Identify state resources and develop a clearinghouse
- School safety officers
- Building positive relationships with community leaders, law enforcement, safety leaders
- Use of panic buttons in the office
- Use of grid mapping of site/floor plan
- Standardized approaches to naming spaces in the building
- Use professionals to help identify and mitigate risk through a process of active discovery
- Include disability representatives on district-wide planning team for emergencies
- Use of school staff such as psychologists, BCBA's and other behavior specialists

Policies and Practices

- School-wide entrance policies
- MOAs with law enforcement
- Partnerships with private special education schools
- Tabletop exercise
- Debriefings
- Assigning special people (staff, student “buddy”) to students who need help

The New Jersey Council on Developmental Disabilities’ Recommendations for Students with disabilities

- 1) All students, including those with disabilities, should fully participate in school-wide emergency plans and drills, without exception. Drills should be carried out in consultation with local first responders and school safety experts so that each drill is an opportunity to learn and modify local practices.
- 2) New Jersey must require that each Individualized Education Plan (IEP), Individualized Health Plan, and 504 planning process specifically address a student’s unique needs in the event of a school emergency. If, after discussion, it is determined that a student does not require any instruction, accommodations, or modifications in order to safely engage in the school-wide emergency planning, the student’s plan should state such. If it is determined that the student *does* require specific instruction, or needs supports, modifications, or accommodations, it must be specifically described in a written plan. This plan should ensure full mitigation, practice drills, and staff training.
- 3) There should be an evaluation process to identify obstacles before an emergency occurs and as they arise.
- 4) Staff training must include *all* staff, including school nurses, address school-wide, classroom-based, and individual responses, and be coordinated across disciplines.
- 5) Schools must think “outside the box” when planning for students with disabilities, and should therefore engage the skills, talents and perspectives of a wide range of staff and professionals, including but not limited to school nurses, speech language professionals, behavior support professionals, counselors, social workers, psychologists, special education supervisors, head custodians, and cafeteria manager. These school professionals also need ongoing training in best practice as it relates to school emergencies.
- 6) When planning for classroom-based strategies and support for individual students, parents should be involved, along with classroom and support staff who know a child well, including paraprofessionals.
- 7) NJDOE should collaborate with school safety experts and disability advocates establishing an information clearinghouse/resource center to share and promote promising practices as they relate to students with disabilities.
- 8) New Jersey stakeholders in the areas of education and emergency preparedness should work collaboratively, together with disability advocates, to help ensure that ongoing training is provided to school leaders.
- 9) Parents and advocates should actively engage with local school leaders to ensure proper training and preparedness.

Participants

NOTE:

Bold type denotes that the attendee is a member of the NJCDD.

Ital type denotes that the attendee is a member of the NJCDD's Committee on Children and Youth

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Resources:

https://rems.ed.gov/docs/disability_newsletter211.pdf

<https://www.ready.gov/individuals-access-functional-needs>

<http://depts.washington.edu/cshcnut/download/resources/disasterchecklist.pdf>

<https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Fact-sheets/evacstudentdisabilities.ashx?la=en>

<https://www.cdc.gov/childrenindisasters/children-with-special-healthcare-needs.html>

http://training.unicef.org/disability/emergencies/downloads/UNICEF_Checklist_Preparedness_English.pdf

<http://POAC.net>

<http://porziocomplianceservices.com/services/school-safety-and-compliance/>