

## SENATE BILL NO. 1126

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on \_\_\_\_\_)

(Patron Prior to Substitute—Senator Boysko)

*A BILL to amend the Code of Virginia by adding a section numbered 22.1-274.7, relating to students with disabilities; individualized education programs; individualized accommodations and supports during emergency evacuations and situations.*

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 22.1-274.7 as follows:**

***§ 22.1-274.7. Students with disabilities; individualized education programs; individualized accommodations and supports during emergency evacuations and situations.***

*A. Each individualized education program (IEP) implemented for a public school student with a disability in accordance with the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., with the exception of such students who have been placed in private day or residential school settings, shall contain a section addressing individualized accommodations and supports for the student during emergency evacuations and situations as appropriate and identified by the IEP team at its next convened meeting at which the parent is present and consents to implementation of the IEP. The section contained in any IEP addressing such individualized accommodations and supports for students during emergency evacuations and situations pursuant to this section:*

*1. Shall, upon identification of and parental consent to any such IEP containing the section addressing individualized accommodations and supports at the meeting convened pursuant to this section, be prepared in its entirety by the school administration; and*

*2. May include a statement specifying that if the emergency plan detailed in such section addressing individualized accommodations and supports is not feasible for the student's teachers to implement or adhere to, the IEP team shall meet to re-evaluate the plan and revise or update such IEP as necessary to ensure that such IEP is both workable for the teacher and effectively ensures the student's safety.*

*B. No teacher or school board employee shall be liable or subject to any disciplinary action for any act or omission resulting in the failure to fully adhere to or implement any provision of the section contained in any IEP that, pursuant to subsection A, addresses individualized accommodations and supports for the student*

31 *during emergency evacuations and situations, except upon proof that such acts or omissions were the result*  
32 *of gross negligence or willful misconduct.*

33 *C. The Department shall provide guidance to local school divisions on how to support IEP teams for the*  
34 *consideration of specific supports required for students with disabilities, including students with mobility*  
35 *impairments, during emergency situations given the unique context of their disabilities in the educational*  
36 *setting. Such guidance shall include information relevant for IEP teams and applicable to Section 504*  
37 *committees as determined appropriate.*