

SAFETY PROGRAM/RISK MANAGEMENT  
EMERGENCY PLANS

CKC  
(LEGAL)

**Notice of Bomb  
Threat or Terroristic  
Threat**

A district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present shall provide notification of the threat as soon as possible to the parent or guardian of or other person standing in parental relation to each student who is assigned to the campus or who regularly uses the facility, as applicable. *Education Code 37.113*

**Notice Regarding  
Violent Activity**

The Texas Education Agency (TEA) shall develop model standards for providing notice regarding violent activity that has occurred or is being investigated at a district campus or other district facility or at a district-sponsored activity to parents, guardians, and other persons standing in parental relation to students who are assigned to the campus, regularly use the facility, or are attending the activity, as applicable. A district shall adopt a policy for providing this notice in a manner that meets TEA standards. *Education Code 37.1131*

**Emergency  
Response Map and  
Walk-Through**

A district shall provide to the Department of Public Safety (DPS) and all appropriate local law enforcement agencies and emergency first responders:

1. An accurate map of each district campus and school building that is developed and documented in accordance with the standards described by Education Code 37.351 related to developing site and floor plans, access control, and exterior door numbering; and
2. An opportunity to conduct a walk-through of each district campus and school building using the map.

A district shall also provide the map described in item 1 to each emergency services district located in whole or in part within the district.

*Education Code 37.117*

**Emergency  
Operations Plan**

Each district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities. The plan must address prevention, mitigation, preparedness, response, reunification, and recovery, including the prompt recovery of services provided by the district, as defined by the Texas School Safety Center (TxSSC) in conjunction with the governor's office of homeland security and the commissioner. The plan must provide for:

1. Training in responding to an emergency for district employees, including substitute teachers;
2. Measures to ensure district employees, including substitute teachers, have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with district emergency

services or emergency services agencies, law enforcement agencies, health departments, and fire departments;

3. Measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency, including measures to ensure the use of standardized response protocol terminology, developed in coordination with the TxSSC, to facilitate communication between law enforcement, emergency services, district employees, and the public;
4. Mandatory school drills and exercises, including drills required under Education Code 37.114 (emergency evacuations), to prepare district students and employees for responding to an emergency [see CKB];
5. Measures to ensure coordination with the Texas Department of State Health Services (TDSHS) and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency;
6. The implementation of a required safety and security audit [see CKA]; and
7. Any other requirements established by the TxSSC in consultation with TEA and relevant local law enforcement agencies. The TxSSC shall provide to the superintendent of each district notice of the requirements applicable to the district.

*Education Code 37.108(a), (a-1)*

A district shall include in its multihazard emergency operations plan:

1. A chain of command that designates the individual responsible for making final decisions during a disaster or emergency situation and identifies other individuals responsible for making those decisions if the designated person is unavailable;
2. Provisions that address physical and psychological safety for responding to a natural disaster, active shooter, and any other dangerous scenario identified for purposes of these provisions by TEA or TxSSC;
3. Provisions for ensuring the safety of students in portable buildings;
4. Provisions for ensuring that students and district personnel with disabilities are provided equal access to safety during a disaster or emergency situation based on the recommendations and guidelines established by the commissioner [see

Recommendations and Guidelines for Individuals with Disabilities or Impairments, below];

5. Provisions for providing immediate notification to parents, guardians, and other persons standing in parental relation in circumstances involving a significant threat to the health or safety of students, including identification of the individual with responsibility for overseeing the notification;
6. Provisions for supporting the psychological safety of students, district personnel, and the community during the response and recovery phase following a disaster or emergency situation that:
  - a. Are aligned with best practice-based programs and research-based practices recommended under Education Code 38.351;
  - b. Include strategies for ensuring any required professional development training for suicide prevention and grief-informed and trauma-informed care is provided to appropriate school personnel;
  - c. Include training on integrating psychological safety and suicide prevention strategies into the district's plan, such as psychological first aid for schools training, from an approved list of recommended training established by the commissioner and TxSSC for:
    - (1) Members of the district's school safety and security committee [see CK];
    - (2) District school counselors and mental health professionals; and
    - (3) Educators and other district personnel as determined by the district;
  - d. Include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by item 2, above; and
  - e. Implement trauma-informed policies;
7. A policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill;

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8. Provisions, as determined by TEA, for ensuring the safety of students, staff, and spectators during extracurricular activities sponsored or sanctioned by the district;
9. The name of each individual on the district's school safety and security committee and the date of each committee meeting during the preceding year [see CK]; and
10. Certification that the district is in compliance with Education Code 37.117 [see Emergency Response Map, above].

*Education Code 37.108(f)*

Recommendations and Guidelines for Individuals with Disabilities or Impairments

The commissioner by rule shall establish:

1. Recommendations regarding accommodations for a student with an individualized education program (IEP) or a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) (Section 504) during a mandatory school drill [see CKB]; and
2. Guidelines for documentation of accommodations for a student with an IEP or Section 504 plan in the provisions in a district's multihazard emergency operations plan to ensure the safety of students and district personnel with disabilities or impairments during a mandatory school drill or disaster or emergency situation, required communications between campus administrators and staff regarding the accommodations, and required communications between campus administrators and the district's school safety and security committee regarding students or district personnel with disabilities or impairments for purposes of providing recommendations for updating the district's multihazard emergency operations plan. [For information regarding a school safety and security committee's role in implementing this requirement, see CK.]

A district must follow the guidelines described by item 2 in adopting and implementing the district's multihazard emergency operations plan.

*Education Code 37.1086*

Active Shooter Emergency

A district shall include in its multihazard emergency operations plan a policy for responding to an active shooter emergency. The district may use any available community resources in developing the policy. *Education Code 37.108(g)*

Train Derailment

A district shall include in its multihazard emergency operations plan a policy for responding to a train derailment near a district school. A district is only required to adopt the policy if a district facility is lo-

cated within 1,000 yards of a railroad track, as measured from any point on the school's real property boundary line. A district may use any available community resources in developing the policy. *Education Code 37.108(d)*

Polling Place  
Security

A district shall include in its multihazard emergency operations plan a policy for district property selected for use as a polling place under Election Code 43.031. In developing the policy, the board may consult with the local law enforcement agency with jurisdiction over the district property selected as a polling place regarding reasonable security accommodations that may be made to the property. This requirement may not be interpreted to require the board to obtain or contract for the presence of law enforcement or security personnel for the purpose of securing a polling place located on district property. Failure to comply with this subsection does not affect the requirement of the board to make a school facility available for use as a polling place under Election Code 43.031. *Education Code 37.108(e)* [See GKD]

Disclosure

A document relating to a district's multihazard emergency operations plan is subject to disclosure if the document enables a person to:

1. Verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including TDSHS, local emergency services agencies, law enforcement agencies, health departments, and fire departments;
2. Verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;
3. Verify that the plan addresses the five phases of emergency management listed above at Emergency Operations Plan;
4. Verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;
5. Verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;
6. Verify that the district has established a plan for responding to a train derailment if required [see Train Derailment, above];
7. Verify that the district has completed a safety and security audit and determine the date the audit was conducted, the per-

son conducting the audit, and the date the district presented the results of the audit to the board [see CKA];

8. Verify that the district has addressed any recommendations by the board for improvement of the plan and determine the district's progress within the last 12 months; and
9. Verify that the district has established a visitor policy and identify the provisions governing access to a district building or other district property.

*Education Code 37.108(c-2)*

[See GRC for emergency management training requirements and response to requests from other governmental entities for mutual aid.]

Plan Review

A district shall submit its multihazard emergency operations plan to the TxSSC not later than the 30th day after the date the TxSSC requests the submission and in accordance with the review cycle developed under Education Code 37.2071(a).

Any document or information collected, developed, or produced during the review and verification of multihazard emergency operations plans is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

Upon completed review of a district's multihazard emergency operations plan, the TxSSC may upload a copy of that plan, including all required appendices, to the Sentinel portal. [See CKA] 19 TAC 103.1213(e)(3)(E)

*Failure to Submit Plan*

If a district fails to submit its multihazard emergency operations plan to the TxSSC for review following a notification by the TxSSC that the district has failed to submit the district's plan, the TxSSC shall provide the district with written notice stating that the district must hold a public hearing as outlined at Public Hearing on Non-compliance, below. The notice must state that the commissioner is authorized to appoint a conservator under Education Code 37.1082.

*Notice of Plan Deficiencies*

The TxSSC shall review each district's multihazard emergency operations plan and verify the plan meets the requirements or provide the district with written notice describing the plan's deficiencies, including specific recommendations to correct the deficiencies, and stating that the district must correct the deficiencies in its plan and resubmit the revised plan to the TxSSC.

The TxSSC may approve a district multihazard emergency operations plan that has deficiencies if the district submits a revised plan that the center determines will correct the deficiencies.

*Failure to Correct  
Deficiencies*

If one month after the date of initial notification of a plan's deficiencies outlined above a district has not corrected the plan deficiencies, the TxSSC shall provide written notice to the district and TEA that the district has not complied with the requirements and must comply immediately.

If a district still has not corrected the plan deficiencies three months after the date of initial notification, the TxSSC shall provide written notice to the district stating that the district must hold a public hearing as outlined at Public Hearing on Noncompliance, below.

*Education Code 37.2071*

Public Hearing on  
Noncompliance

If the board receives notice of noncompliance under Education Code 37.207(e) [see CKA], 37.2071(d) [see Failure to Submit Plan, above] or 37.2071(g) [see Failure to Correct Deficiencies, above], the board shall hold a public hearing to notify the public of:

1. The district's failure to submit or correct deficiencies in a multihazard emergency operations plan or report the results of a safety and security audit to the TxSSC as required by law;
2. The dates during which the district has not been in compliance; and
3. The names of each member of the board and the superintendent serving in that capacity during the dates the district was not in compliance. The district shall provide this information in writing to each person at the hearing.

The board shall give members of the public a reasonable opportunity to appear before the board and to speak on the issue of the district's failure to submit or correct deficiencies in a multihazard emergency operations plan or report the results of a safety and security audit during a hearing held under this provision. A district required to hold a public hearing shall provide written confirmation to the TxSSC that the district held the hearing.

*Education Code 37.1081*

**Safe Firearm Storage**

The TxSSC, in collaboration with DPS, shall provide to each district information and other resources regarding the safe storage of firearms for distribution by the district including information on the offense of making a firearm accessible to a child under Penal Code 46.13 and ways in which parents and guardians can effectively prevent children from accessing firearms.

A district shall provide the information and other resources to the parent or guardian of each student enrolled in the district or school at least three times each school year.

*Education Code 37.222*

**Confidential  
Information under  
the Texas Disaster  
Act**

Emergency  
Response Provider  
Information

Information is confidential if the information is collected, assembled, or maintained by or for a district for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity or a hostile act by a foreign adversary of the United States and:

1. Relates to the staffing requirements of an emergency response provider, including a law enforcement agency, a fire-fighting agency, or an emergency services agency;
2. Relates to a tactical plan of the provider; or
3. Consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider.

*Gov't Code 418.176*

Risk or Vulnerability  
Assessment

Information is confidential if the information:

1. Is collected, assembled, or maintained by or for a district for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity or a hostile act by a foreign adversary of the United States; and
2. Relates to an assessment by or for a district, or an assessment that is maintained by a district, of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism or related criminal activity.

*Gov't Code 418.177*

Information, other than financial information, in the possession of a district is confidential if the information:

1. Is part of a report to an agency of the United States;
2. Relates to an act of terrorism or related criminal activity; and
3. Is specifically required to be kept confidential:
  - a. Under the Public Information Act, Government Code 552.101, because of a federal statute or regulation;
  - b. To participate in a state-federal information sharing agreement; or

c. To obtain federal funding.

Security Systems

Financial information in the possession of a district that relates to the expenditure of funds by a district for a security system is public information that is not excepted from required disclosure under the Public Information Act. [See GBA]

Information, including access codes and passwords, in the possession of a district that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity or a hostile act by a foreign adversary of the United States is confidential.

*Gov't Code 418.182*

Disaster Disclosure  
Exception

At any time during a state of disaster, the superintendent may voluntarily disclose or otherwise make available all or part of the information that is confidential under Government Code 418.175-.182 to another person or another entity if the superintendent believes that the other person or entity has a legitimate need for the information. The disclosure or making available of confidential information under this provision does not waive or affect the confidentiality of the information. *Gov't Code 418.183(b), (e)*