



Adopting and Implementing a Multihazard Emergency Operations Plan (EOP)

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EOP Adoption

Each school district and community college district must adopt and implement a multihazard emergency operations plan (EOP) for use in the district’s facilities. The plan must address prevention, mitigation, preparedness, response, and recovery as defined by the Texas School Safety Center in conjunction with the governor’s office of homeland security and the commissioner of education or commissioner of higher education, as applicable. Tex. Educ. Code § 37.108(a).

The statute says the *district* must adopt the plan. Often that wording in the Texas Education Code allows delegation of a task to the district administration. Nevertheless, we recommend that school boards be actively involved in approving or overseeing adoption and amendment of the district’s EOP. Statutory interventions and sanctions for noncompliance rest on the board, not district staff, and the board itself is charged with signing off on the results of the district’s safety and security audit.

Because most of the contents of the EOP are not subject to disclosure under the Texas Public Information Act and topics related to school security are generally covered by exceptions to the Texas Open Meetings Act, board deliberations may take place in a closed session. However, a final vote to approve or accept the plan would happen in an open session.

Required EOP Contents

A school district’s EOP must provide for:

Tex. Educ. Code Section	EOP Requirement
37.108(a)	Prevention, mitigation, preparedness, response, and recovery as defined by the Texas School Safety Center in conjunction with the governor’s office of homeland security and the commissioner of education or commissioner of higher education, as applicable
37.108(a)(1)	Training in responding to an emergency for district employees, including substitute teachers

Tex. Educ. Code Section	EOP Requirement
37.108(a)(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
37.108(a)(3)	Measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency
37.108(a)(4)	Mandatory school drills and exercises, including drills required under Section 37.114, to prepare district students and employees for responding to an emergency
37.108(a)(5)	Measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency
37.108(a)(6)	Implementation of a safety and security audit as required by Section 37.108(b)
37.108(c-2)(9)	Verification that the district has established a visitor policy and identification of the provisions governing access to a district building or other district property
37.108(d)	Policy for responding to a train derailment near a district school if a district school is located within 1,000 yards of a railroad track, as measured from any point on the school's real property boundary line
37.108(e)	Policy regarding reasonable security accommodations, developed in consultation with local law enforcement, for school district property selected for use as a polling place under Texas Election Code section 43.031
37.108(f)(1)	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
37.108(f)(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 this section by TEA or the Texas School Safety Center
37.108(f)(3)	Provisions for ensuring the safety of students in portable buildings
37.108(f)(4)	Provisions for ensuring that students and district personnel with disabilities are provided equal access to safety during a disaster or emergency situation

Tex. Educ. Code Section	EOP Requirement
37.108(f)(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
37.108(f)(6)(A)	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 are aligned with best practice-based programs and research-based practices recommended under Texas Health and Safety Code section 161.325
37.108(f)(6)(B)	Response and recovery provisions that 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
37.108(f)(6)(C)	Response and recovery provisions that 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 Texas School Safety Center for: (i) members of the district's school safety and security committee under Section 37.109; (ii) district school counselors and mental health professionals; and (iii) educators and other district personnel as determined by the district
37.108(f)(6)(D)	Response and recovery provisions that include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by Subdivision (f)(2) above
37.108(f)(6)(E)	Response and recovery provisions that implement trauma-informed policies
37.108(f)(7)	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
37.108(f)(8)	The name of each individual on the district's school safety and security committee established under Section 37.109 and the date of each committee meeting during the preceding year
37.108(g)	Policy for responding to an active shooter emergency

Additional Notice to Students and Parents

Gang-free zones: The superintendent must ensure that the student handbook for each campus in the district includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones. Tex. Educ. Code § 37.110.

Bomb threats and terroristic threats: A school 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. Tex. Educ. Code § 37.113. Notice should be provided in coordination with law enforcement to avoid interference with an ongoing police action or investigation.

Safety and Security Audits

At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center (TXSSC) or a person included in the registry established by the TXSSC under Section 37.2091. Tex. Educ. Code § 37.108(b).

As part of the audit, a district must certify that the district used the funds provided to the district through the school safety allotment under Section 42.168 only for the purposes provided by that section. Tex. Educ. Code § 37.108(b-1).

A school district or public junior college district shall report the results of the safety and security audit to the district's board of trustees and to the TXSSC in the manner required by the TXSSC. The report must be signed by:

- (1) for a school district, the district's board of trustees and superintendent; or
- (2) for a public junior college district, the president of the junior college district.

Tex. Educ. Code § 37.108(c).

Publicly Available Verification of Compliance

Except as provided below, any document or information collected, developed, or produced during a safety and security audit is not subject to disclosure under the Texas Public Information Act (PIA).

A district must make available to the public a summary document relating to the district's EOP that enables a member of the public 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 the Department of State Health Services, 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 as defined by law;
- (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 because a district school is located within 1,000 yards of a railroad track, as measured by any point on the school's real property boundary line;
- (7) verify that the district has completed a safety and security audit and the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the district's board of trustees;
- (8) verify that the district has addressed any recommendations by the district's board of trustees for improvement of the plan and determine the district's progress within the last 12 months; and
- (9) if the district is a school district, verify that the district has established a visitor policy and identify the provisions governing access to a district building or other district property.

Tex. Educ. Code § 37.108(c-1)-(c-2).

Consequences of Noncompliance

Public hearing: If a school board receives notice of noncompliance under Section 37.207(e) (notice from the TXSSC of failure to report audit results) or Section 37.2071(g) (failure to correct and resubmit EOP within six months of notice of deficiencies from the TXSSC), the board must hold a public hearing to notify the public of:

- the district's failure to submit or correct EOP deficiencies or to report the results of a safety and security audit as required by law;

- the dates during which the district has not been in compliance; and
- the names of each member of the board of trustees and the superintendent serving in that capacity during the dates the district was not in compliance.

The district must provide this information in writing to each person in attendance at the hearing, and members of the public must have a reasonable opportunity to appear before the board and to speak on the issue of the district's compliance failures. The district also must provide written confirmation to the TXSSC that the district held the hearing. Tex. Educ. Code § 37.1081.

If the Texas Education Agency receives notice from the TXSSC of a school district's failure to submit an EOP, the commissioner may appoint a conservator for the district under Texas Education Code chapter 39A. The conservator may order the district to adopt, implement, and submit an EOP. If the district fails to comply with the conservator's order within the time frame imposed by the commissioner, the commissioner may appoint a board of managers under Chapter 39A to oversee the operations of the district. Tex. Educ. Code § 37.1082.

This document is continually updated at tasb.org/services/legal-services/tasb-school-law-essource/business/documents/adopting-and-implementing-multihazard-eop.pdf. For more information on school law topics, visit TASB School Law eSource at schoollawesource.tasb.org.

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