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Major General Kerry L. Muehlenbeck
THE ADJUTANT GENERAL

December 5, 2024

Lindsey Perry, CPA, CFE
Auditor General
2910 N. 44th Street, Suite 410
Phoenix, Arizona 85018-7571

*RE: Auditor General's report, Arizona Department of Insurance and Financial Institutions -
Performance audit and sunset review*

Dear Ms. Perry:

The Arizona Department of Emergency and Military Affairs (DEMA) has reviewed the Auditor General's revised report in a series of school safety special audits assessing traditional public school districts' and charter operators' (districts and charters) school emergency operations plans and whether they meet the Emergency Operations Plans Minimum Standards jointly developed by the Arizona Department of Education (ADE) and DEMA. Attached please find DEMA's final responses to the revised report's recommendations.

DEMA's staff appreciates the opportunity to respond and looks forward to continue supporting ADE's efforts to improve school safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry L. Muehlenbeck".

KERRY L. MUEHLENBECK

Major General, AZ ANG

The Adjutant General

Finding 1: None of the EOPs we reviewed met all EOP Minimum Standards requirements, increasing the risk that schools may not be fully prepared to respond to safety emergencies

DEMA Response: The finding of the Auditor General is **not agreed to**.

Response explanation: DEMA has not had the opportunity to review the entire unredacted report, nor did DEMA have the opportunity to review any of the EOPs the Auditor General reviewed to reach this conclusion. Additionally, per A.R.S. § 15-341(A)(31) DEMA has a *joint* responsibility with ADE to *develop* minimum standards for EOPs, but not specifically develop or review the EOPs themselves. DEMA and ADE did jointly review and update EOP minimum standards in July 2024. ADE has notified DEMA that those updated EOP minimum standards are expected to be published in 2025.

A.R.S. § 15-341(A)(31) directly tasks the local school districts with developing EOPs in conjunction with their local law enforcement and emergency response agencies and in accordance with the EOP minimum standards. DEMA stands ready to provide technical assistance to local districts and charters on how to meet EOP minimum standards if requested and in conjunction with the cooperation of their local county emergency management office and county school administrators.

Recommendation 4: ADE and DEMA should, taking into consideration differences in size and location, evaluate whether districts and charters require additional outreach, guidance, or training related to developing school EOPs and the EOP Minimum Standards and if so, coordinate to develop and offer necessary and easily accessible training and guidance to districts and charters.

DEMA Response: The audit recommendation **will not be implemented**.

Response explanation: DEMA distinguishes “developing EOP minimum standards” from “developing school EOPs.” A.R.S. § 15-341(A)(31) requires that DEMA and ADE jointly develop EOP minimum standards but does *not* require DEMA to develop EOPs for every school in every district or charter. Industry practice is to develop generalized planning standards which set a minimum threshold that allow each school district the flexibility to tailor their EOP to their unique circumstances or particularized needs. The current EOP minimum standards (jointly developed and updated by DEMA and ADE) state that the standards are “not a systematic guide for completing a comprehensive operations plan, but rather what must be included in [the school’s] plan.”

The State Board of Education is vested with the authority to “exercise general supervision over and regulate the conduct of the public school system and adopt any rules and policies it deems necessary to accomplish this purpose,” as well as “aid in the enforcement of laws relating to schools.” (A.R.S. §§ 15-203(A)(1) and (11)). The State Board and ADE are empowered to carry out those responsibilities – DEMA is not vested with any such authority. Thus, the State Board and ADE – not DEMA – may exercise its supervisory and administrative powers over local districts and charters (“public school system”) to ensure each develops an EOP that complies with the EOP minimum standards jointly developed by ADE and DEMA. In so doing, DEMA presumes that per A.R.S. §§ 15-203(A)(1) and (11), the State Board may instruct local districts and charters to obtain adequate training and guidance.

Although DEMA does not develop particularized curricula or trainings, DEMA’s Training Branch routinely facilitates and coordinates emergency management-related trainings

for a number of agencies and political jurisdictions around the state when solicited by those responsible parties. DEMA's Training Branch website publishes a current catalog of all available trainings and courses. Political subdivisions, including ADE and local school districts, may and do identify and request access to specific trainings and courses.

DEMA has coordinated with ADE to support any required trainings ADE seeks to provide to or require of the school districts. Many of the trainings and courses identified in the EOP minimum standards are independent study courses, requiring no facilitation by DEMA. It is DEMA's position that performing and delivering additional outreach, guidance, and other training opportunities to schools related to emergency planning and preparedness is the primary responsibility of ADE and local emergency management agencies. A.R.S. §§ 26-308(B) directs that "[e]ach county and incorporated city and town of the state shall establish and provide for emergency management within its jurisdiction in accordance with state emergency plans and programs." As the primary agency responsible for enforcing standards with school districts, DEMA contends that it is ADE's responsibility to inform districts of statutory requirements to adopt EOPs meeting the minimum standards. DEMA understands that ADE has full-time school safety and preparedness planners that can support this purpose and has an opportunity to communicate any additional resource needs to further effect this recommendation through their Audit response process.

Finding 3: A comprehensive review and update of the EOP Minimum Standards could help ensure all requirements are necessary, clearly explained, and understandable for schools

DEMA Response: The finding of the Auditor General is **not agreed to**.

Response explanation: Because DEMA has not been provided the full unredacted report, the origin and purpose of this finding is unclear. Without additional clarifying information, DEMA takes no position on this finding, and therefore cannot agree with this finding at this time. In general, however, as a best practice DEMA already advises local agencies and stakeholders to conduct an annual review and update and a five-year comprehensive review and update of EOPs (or in response to any new or evolving threat). Those annual and five-year reviews and updates can ensure that agencies and stakeholders are tailoring their EOPs to nationalized, evidence-based minimum standards.

In this instance, DEMA notes that its role per A.R.S. § 15-341(A)(31) is limited to *jointly* develop those EOP minimum standards with ADE and emphasizes that DEMA does not have the statutory authority to do this without ADE's participation – DEMA has no authority to develop these standards independently. DEMA recently met with ADE (July 2024) to jointly review and update the EOP minimum standards, which to DEMA's knowledge have not yet been published publicly.

Recommendation 11: ADE and DEMA should jointly complete a comprehensive review of the current EOP Minimum Standards to identify standards that should be modified, clarified, or added, and update the EOP Minimum Standards to make necessary changes. This review should include:

- a. seeking input from relevant stakeholders, such as districts, charters, charter sponsors, SPAC, and law enforcement;
- b. reviewing relevant safety research and practices from other states and information contained in this report; and

- c. considering whether different guidance may be appropriate for schools of different sizes, types, and locations, such as urban and rural schools.

DEMA Response: The audit recommendation **will be implemented in a different manner.**

Response explanation: To date, ADE has not notified DEMA that the EOP minimum standards jointly reviewed and updated in July 2024 have been published. The July 2024 review included input from a variety of relevant stakeholders and groups representing specific communities of practice. A comprehensive review of those six-month old unpublished standards is premature. DEMA did commit to an annual and five-year review of the standards with ADE once published.

Recommendation 12: ADE and DEMA should jointly develop and implement procedures to regularly review and update the EOP Minimum Standards and specify the roles and responsibilities each department will have in the process.

DEMA Response: The audit recommendation **will be implemented in a different manner.**

Response explanation: DEMA has already met with ADE to review and update current EOP minimum standards (July 2024). DEMA and ADE have agreed on their respective roles and responsibilities with DEMA's primary responsibility being to provide feedback and subject matter expertise while ADE provides school-specific expertise and exercises their statutory responsibility to communicate and enforce requirements with school districts. DEMA has committed to reconvene for joint review of these standards both annually and every five years, or sooner should conditions warrant.

Finding 4: Emergency planning requirements and efforts varied among states we reviewed, and we identified changes that could help improve Arizona schools' emergency preparedness.

DEMA Response: The finding of the Auditor General is **not agreed to.**

Response explanation: DEMA has not been provided the full unredacted report, and the requirements and changes identified in this finding are unclear. Without additional clarifying information DEMA takes no position on this finding, and therefore cannot agree with this finding at this time, but notes that its role per A.R.S. § 15-341(A)(31) is limited to *jointly* develop those EOP minimum standards with ADE. This role should not be conflated with the school districts' responsibility to develop EOPs. DEMA maintains that that responsibility, per A.R.S. § 15-341(A)(31), remains at the *local* level and with the cooperation of *local* law enforcement and emergency response agencies.

Recommendation 14: ADE and DEMA should convene and work with relevant stakeholders, including representatives from law enforcement and emergency response agencies and district and charter governing boards, to:

- a. Clarify law enforcement and emergency response agencies' roles in helping schools to develop and maintain school EOPs.

- b. Identify EOP information that is critical for an effective emergency response, and develop and implement a process for schools to follow to annually submit this information to relevant law enforcement and emergency response agencies.

DEMA Response: The audit recommendation will be implemented in a different manner.

Response explanation: This recommendation addresses the EOP planning process, not developing generalized standards. DEMA stands ready to provide technical assistance to local districts and charters on how to meet EOP minimum standards if requested, in conjunction with the cooperation of local county emergency management offices and county school administrators. ADE has full-time school safety and preparedness planners to convene and work with stakeholders to clarify roles. DEMA's statutory role is limited to assisting ADE by jointly developing EOP minimum standards and supporting jurisdictional emergency management agencies efforts in community planning for emergencies or disasters. As the agency responsible for governing the activities of school districts, ADE should direct school districts to convene such relevant stakeholders to assist in identifying roles and responsibilities and key information relevant to the schools planning efforts.

Recommendation 15: If necessary, work with the Legislature to seek any statutory changes that may be needed to help ensure law enforcement and emergency response agencies fulfill their roles related to school EOPs.

DEMA Response: The audit recommendation will be implemented in a different manner.

Response explanation: DEMA does not fully understand this recommendation and would be better able to respond to it once the full unredacted report is published. As a matter of first impression, DEMA does not currently see a need for *additional* legislative actions to ensure law enforcement and emergency response agencies fulfill their roles relating to school EOPs.

Recommendation 16: Upon completing its work with stakeholders, communicate to local law enforcement, emergency response agencies, districts, and charters the roles and responsibilities each entity has for developing and maintaining school EOPs.

DEMA Response: The audit recommendation will be implemented in a different manner.

Response explanation: DEMA will support this effort by facilitating access to emergency management expertise familiar with the school EOP minimum standards. Although this collaboration ensures all stakeholders are equipped to fulfill their roles in supporting school EOPs, consistent with statutory responsibilities, this recommendation addresses responsibilities that are the unique statutory responsibility of ADE. DEMA's role should be limited to assisting ADE by jointly developing EOP minimum standards and supporting jurisdictional emergency management agencies' efforts in community planning for emergencies or disasters. As the agency responsible for governing the activities of school districts, ADE should be the lead agency for communicating school planning efforts. As agreed upon in the collaborative ADE and DEMA EOP minimum standards review process, ADE remains the primary point of contact for school EOP planning information.