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TEXAS SCHOOLS COOPERATIVE

Texas Schools Property & Casualty Cooperative
Intergovernmental Risk Pool

Summer 2008 Newsletter

By: Cari Ledesma

Brush Fires—Safety Precautions

Below are several precautions to consider to help minimize the risk of brush fire damage to district property.

- Check around all buildings for excess growth of grass, weeds, and brush. Maintain a minimum 300 feet perimeter around all buildings with vegetation mowed to 1 foot tall or less.
- In extreme areas where there is an abundance of high grass, weeds or brush around school property that you cannot control, consider having a fire break plowed around your property.
- Check with local fire department officials about their capabilities in the event of a fire. Keep fire department phone numbers posted in each office. Ask for an inspection for possible fire hazards.

- If wildfire threatens the school, contact the fire department quickly and ask them to wet the grass around the buildings as soon as possible before the fire approaches.

Summer Heat Affects A/C Units

During the hot August month, remember your AC units as you leave for the weekend! When possible, set them to a higher temperature while the school is empty. Also, be sure to routinely check the drain lines to prevent backup into nearby areas and gyms. Not only can these steps lessen the chances of a backup and water damage, but it could save you money on your electric bills! In the event of a water leak, call our office as soon as possible and we will help in mitigating the damages.

Safety Conference Information

3rd Annual Gang & Youth
Violence Education and
Awareness Conference

Sept. 30 - Oct. 1

Arlington, TX

Visit:

www.safecitycommission.org

Metroplex Safety Summit

August 13

Arlington, TX

Visit: www.tdi.state.tx.us

Texas School

Administrator Safety
Conference

November 17 - 20

S. Padre Island, TX

Visit: www.cscs.txstate.edu

Victor Mora, Laredo ISD, Asked To Present at Safety Summit

Victor Mora is the District Safety Officer at Laredo ISD. Victor has been with LISD for seven and a half years and has implemented a top notch Safety program that calls for the appointment of safety officers at each campus and department. This allows Victor's team to train the officers, who return to their campus or department and disseminate the information thereby creating a flow of information from the top down.

In May, Victor presented "Accident Prevention and The Hispanic Worker" at the Texas Safety Summit in Austin. He focused on the attitudes and obstacles of Hispanic workers. These included the desire and need to work as compared to such difficulties as a language barrier. Victor did a wonderful job presenting this information and has made several safety presentations around the state in the past, including the TREA conference in 2007.

Sylvia Burkhalter, Waxahachie ISD, Presenter at 2008 TREA Conference

Sylvia Burkhalter is the HR Secretary at Waxahachie ISD and has been for 17 years. Though her role is much more than that. Sylvia has been a part of the Crisis Management team for the past six years and is also involved in the Ellis County Emergency Management Program. Sylvia routinely attends safety seminars and conferences to stay up-to-date on the latest safety regulations and trainings.

At this summer's TREA Conference in San Antonio, Sylvia gave a great presentation entitled, "School Drills—Who, Why and How Many?" She covered such drills as tornado, fire and intruder drills. She addressed recommendations set forth from various state and federal agencies and outlined such topics as code words for lockdowns and recommended various signs be posted to advise emergency officers of the status within various rooms. Sylvia's presentation was very beneficial. Call us for a copy of her presentation.

Counsel's Corner With David Floyd



Counsel's Corner

This Counsel's Corner is simply a reminder that the Religious Viewpoints Anti-Discrimination Act ("RVAA"; Tex. Education Code Sections 25.151-21.156) is still a live issue facing school districts. The RVAA, which became effective last June, sets forth several mandates and a model policy which proposes requirements that are in contravention to *Doe v. Santa Fe Independent School District*, 530 U.S. 290 (2000) (the U.S. Supreme Court case which declared student led prayer at said district's football games to be unconstitutional).

The most problematic aspect of the RVAA is Section 25.152, which mandates adoption of a limited public forum for student speakers. This section raises substantial federal and state constitutional problems, both on its face and with respect to its implementation. Moreover, it is the opinion of many attorneys that the potential for litigation of several RVAA provisions is very high; thus, we remain very concerned about practical challenges to its implementation without further policy guidance. Furthermore, school officials who implement this policy improperly may lose their qualified immunity defense if they implement the statute in violation of existing constitutional precedent.

I urge you to review any model policy or suggested model policy you may have received, either from a reading of the statute or from an organization. Moreover, I urge you to talk to your district's attorney or law firm about any RVAA policy which has either been proposed or implemented. The issues surrounding the implementation of the RVAA have not yet been resolved, either by law suit or by clarification from the Legislature.

I am keeping track of this issue. If the RVAA has been a subject of discussion at your district, please send me an email (wdfloyd@texasschoolscooperative.org) describing the issues argued and/or the resolution reached.

[disclaimer: *Counsel's Corner* is intended for information purposes only and not as actual legal advice. If you have any legal questions, please call your school district's general counsel.]



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