



Two New Products Added To Risk Services Clearinghouse

At its June meeting, the SELF Board of Directors voted to induct two new products into the SELF Risk Services Clearinghouse.

The RSC was created by the Board in 2010 and provides endorsement of approved products that further the interests of SELF and the quality of education and/or environment for students and staff. SELF evaluates the products based on five key qualities: measurable results—improves safety for staff, students and the public; cost effectiveness; evaluation of operation—the company providing the product is a quality operation with qualified management; alignment with SELF’s core values and goals and when possible a preferred arrangement can be made available to active SELF members.

Since 2010, seven products have made the cut and earned the endorsement of the SELF Board of Directors. Most recently, two new products were added to the clearinghouse, both of which provide members with an avenue for students and staff to report issues of concern, like bullying, crime activity or even mental health issues.

STOPit! Education Solutions



STOPit! Education Solutions is a mobile and web application that provides a safe, anonymous and comfortable way for students and staff to share information with school administrators to help prevent pervasive bullying and cyberbullying, violence, inappropriate relationships, threats and other issues that can be detrimental to school safety and culture.

STOPit! includes an Incident Management System, with powerful investigative tools and the ability to communicate directly with incident submitters to help administrators to resolve issues quickly and provide proper incident documentation if needed.

Currently used by more than 500 schools in California, makers of the app are offering active SELF members a 5 percent discount on STOPit! Education Solutions and any of their other products. Additionally, Great American—one of SELF’s reinsurance partners—has donated 25,000 free licenses for the app. We have made them available to our members on a first-come-first-served basis so contact STOPit! if you’re interested in implementing the solution at your district.

Bridg-it School Safety & Wellness Platform



The Bridg-it School platform provides a private, social safety network that gives everyone in a school community the ability to easily and effectively communicate at-risk behaviors, streamline the incident management process for administrators and provide reduced risk in schools.

The platform, which is both app and web based, provides students with a tool to

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Conferences & Events

SEPTEMBER

ADA Symposium Webinars

Sept. 19; 10 am
Sept. 26; 1:30 pm

OCTOBER

Good Schools Webinar Special Education Restraint/ Behavior Issues

Oct. 9; 10 am

CASBO Shasta-Cascade

Redding – Oct. 18

ACBO Fall Conference

Rancho Mirage, Oct. 22-24

NOVEMBER

Annual Legislation Webinar

Nov. 13; 10 am

Good Schools Webinar Special Education Restraint/ Behavior Issues

Nov. 14; 1:30 pm

About Us

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Our Mission

SELF is a member-owned, statewide partnership of public educational agencies providing quality pooled programs for excess coverage that benefit our students.

By the Numbers

SELF is the leading statewide excess liability provider for California’s public schools and colleges, serving nearly 3 million students.

SELF Awareness

Comments should be sent to the above address or info@selfjpa.org.

Board

| | |
|----------|---|
| Area II | David Flores |
| Area III | Ryan Robison |
| Area IV | George Linn |
| Area V | Dave George Craig Schweikhard |
| Area VI | Nancy Anderson Toan Nguyen Renee Hendrick Karla Rhay Tony Nahale Steven Salvati |

Community Colleges

Michael Gregoryk, Peter Hardash,
Kevin McElroy, Mario Rodriguez

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privately communicate concerns to administrators, such as bullying, bias and violence; but also enables teachable moments, via a robust curated resource center of proven best practices in restorative techniques that can be deployed for successful early intervention in these situations. The platform's data analytics can also help guide a district's culture of safety by allowing administrators to see behavior trends as they are happening.

Bridg-it is offering all active SELF members a 5 percent discount on the total cost of the platform.

Both products, STOPit! and Bridg-it, have been added to the clearinghouse web page. Visit <https://www.selfpa.org/self-risk-services-clearinghouse> for information on these and all the products in the clearinghouse.

KMTG Legal Alert

Janus v. AFSCME: Supreme Court Strikes Down Union "Agency Fees" As Violation of First Amendment



In a long-awaited opinion, the United States Supreme Court, by a 5-4 vote, ruled in *Janus v. AFSCME* that "agency fees" charged to unionized public employees constituted an unconstitutional

violation of their First Amendment free speech rights.

The Court's decision in *Janus* reversed a 41-year old precedent in *Abood v. Detroit Board of Education*. In *Abood*, the Court had held that public employees could not be compelled to pay that portion of union dues that were attributable to the costs of the union's political activities. However, *Abood* held that charging unionized public employees for the costs associated with collective bargaining and other ostensibly non-political activities (so-called "agency fees") did not violate the First Amendment.

The Court reached a different conclusion in *Janus*, finding that charging public employees agency fees "compelled them to subsidize private speech on matters of substantial public concern." The Court concluded that union speech, even solely viewed in the context of collective bargaining, involves private speech on matters of substantial public importance. "In addition to affecting how public money is spent, union speech in collective bargaining addresses many other important matters. ...[U]nions express views on a wide range of subjects—education, child welfare, healthcare, and minority rights, to name a few." Accordingly, the Court

held that agency fees compel public employees to subsidize union speech on matters on which they may disagree with the union and, in so doing, violates their constitutional right to not only speak freely, but "to refrain from speaking at all." "Compelling individuals to mouth support for views they find objectionable violates that cardinal constitutional command, and in most contexts, any such effort would be universally condemned." In sum, the Court found that "a significant impingement on First Amendment rights occurs when public employees are required to provide financial support for a union that takes many positions during collective bargaining that may have powerful political and civic consequences."

In its decision, the Court responded to a number of objections that had been raised in response to the claim that agency fees violate the First Amendment. Of particular significance, was the objection that eliminating agency fees would allow for "free riders," i.e., unionized employees who enjoy all the benefits derived from having the terms and conditions of their employment collectively bargained by their union, but who are not required to provide any financial contribution to that effort. The Court dismissed the "free rider" objection finding that while "[t]he union may not negotiate a collective bargaining agreement that discriminates against non-members, ... [i]ndividual non-members could be required to pay" for services such as union representation of them in grievance matters or other union-provided services.

The *Janus* decision already has generated significant activity in the California Legislature to address the impact on unions resulting from the loss of agency fees.

Legal Alerts are published by Kronick Moskowitz Tiedemann & Girard as a service to alert clients and others of recent changes in case law, opinions or codes. This alert does not represent the legal opinion of the firm or any member of the firm on the issues described, and the information contained in the alert should not be construed as legal advice. If you have questions, contact David Tyra dtyra@kmtg.com | 916.321.4594, or the attorney with whom you normally consult.

School Safety Enhancement Guide Available

The United States Secret Service National Threat Assessment Center released an operational guide in July to help schools prevent targeted school violence. Enhancing School Safety Using a Threat Assessment Model is now available on the Secret Service website.

Download the guide here:

https://www.secretservice.gov/data/protection/ntac/USSS_NTAC_Enhancing_School_Safety_Guide_7.11.18.pdf

Risk Management Strategies & Volunteers: The Basics

By Roger Duffield, President, in2vate
Courtesy SELF Resource Center

Over the years I have found there are two calendars in my life. There's the annual calendar beginning January 1 and there is the school calendar. Depending on the organization, they seem to follow one or the other.

One difficult topic of discussion is sexual abuse prevention. Sexual abuse of children is a topic many of us prefer to avoid. However, if we flip that, now is the perfect time. Keeping youth safe and protecting staff and volunteers from false allegations always makes perfect sense. And, if done properly, it does not have to take on that uncomfortable feeling. Creating this culture should be an extension of our school. If every organization used basic known risk management processes, we could dramatically reduce the chances of sexual abuse in our youth-serving organizations. Taking these steps does not have to cost a lot of money; in fact, most of the activity can become part of existing processes.

A basic set of risk management strategies for volunteers includes: creating policies and procedures (which include a code of conduct, reporting methodologies, background checks, training policies and procedures), reporting, basic training, and tracking for compliance. For the purposes of this discussion, I would include coaches, even those that may be receiving stipends.

Policies and Procedures: These should include mandatory reporting requirements for your state, red flags for behavioral/boundary interactions, where to report red flags, and a code of conduct. These policies work hand in glove with one another and become the basis for volunteer training. Consider this: each employee and volunteer is familiar with appropriate and inappropriate behaviors/boundaries. The important distinction is when the behavioral and boundary interactions become employment expectations. At that time each person, volunteer, and employee can assist one another if one's behavior runs contrary to expected behavior.

Background Screening: Some volunteers may have minimal interaction with youth while others will have a great deal. While background screening should be done for all volunteers, the greater the interaction, the deeper the screen. For those individuals who have regular interaction or may be alone with youth, they should have a full background screening completed. For coaches who have even greater interaction, an interview along with a job application, including reference checks, should be completed.

Reporting: When these policies are reinforced by words and actions by leadership and management, there is a strong message being sent about keeping youth safe. Reporting of red flags is critical for two reasons: it protects our youth while also helping to protect employees and volunteers from false allegations of wrongdoing. When this is the culture, a would-be sex offender is not interested in volunteering.

Training: This is the area in which every organization has the opportunity to drive home the point that they care deeply about their youth, their employees, and their volunteers. Policies have been created for everyone's protection. A culture is created where each person can feel comfortable communicating interactions or behaviors that are inconsistent with the organization's expectations. Then review the policies. Providing basic training that includes policies, codes of conduct, red flags and the importance of reporting sends a strong message of your organizational beliefs.

Tracking: Having a central file system to document, track, and store the above information does not have to be expensive or challenging. The hard part is being disciplined with compliance records; do not allow short cuts for the sake of convenience. Identifying volunteers who have met all of the criteria doesn't have to be difficult, either. One simple way to do this is to provide name tags with a sticker indicating all requirements have been met.

This is meant to be a risk management starting point, not the risk management destination. Over time, each organization should evolve to reflect its changing environment, use of volunteers, and modification of its approach based on current information, data, and client needs. Each organization should frequently review its process to make sure the desired outcomes are being reached. As organizations evolve, more developed or sophisticated policies, procedures, tracking, training, and screening only make sense. Together, we can make a difference!

Board Changes

The SELF Board has seen a number of retirements and new editions in the last few months.

At its June meeting, the Board recognized longtime Area VI Board Representative Diane Crosier, who resigned her position effective June 30th upon her retirement from the San Diego County Schools Risk Management JPA as Executive Director and had served on the SELF board since 2004. Crosier was currently serving as Secretary on the Executive Committee and had also served as the Liability Claims & Coverage Committee Chair for many years. SELF Board Chair Dave George recognized Crosier's contribution and commitment to SELF and presented her with a small token of the Board's appreciation at the meeting.

The Board also accepted the resignation of Area V Board Alternate Robin Fawkes, San Mateo County Schools Insurance Group, and Area VI Board Alternate Ashley Fenton, San Diego Unified School District, at the June and

April meetings. Fawkes had served on the SELF Board since her appointment in April of 2011. Fenton had served on both the Member Services & Communications and the LCC committee since joining the Board in 2011. Both women's expertise and dedication will be greatly missed.

New to the SELF Board this spring and summer are: Phil Hillman, Ontario-Montclair School District; Janet King, San Bernardino City Unified School District; and George Landon, Hesperia Unified School District, who were all appointed as Area VI Alternates at the April meeting.

At the June meeting the Board also appointed Steven Salvati, San Diego County Schools RM JPA, to the Area VI Board Representative vacancy left by Crosier's retirement and Deborah Cooksey, Mt. Diablo Unified School District, to the Area V Board Alternate position vacated by the retirement of Fawkes.

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2018/19 Meeting Schedule

Meetings are held at the SELF office in Sacramento unless otherwise noted.

| Date | Future Meetings |
|-----------------------|---|
| October 4, 2018 | 9:30 am Finance Committee |
| October 5, 2018 | 9:30 am Liability Claims & Coverage Committee |
| October 5, 2018 | 10:30 am Workers' Compensation Claims & Coverage Committee |
| October 10 - 12, 2018 | Board of Directors/Strategic Planning (Newport Beach) |
| November 15, 2018 | 9:30 am Finance Committee |
| November 16, 2018 | 9:30 am Executive Committee |
| December 6, 2018 | 10:00 am Member Services & Communications Committee |
| December 6, 2018 | 1:00 pm Liability Claims & Coverage Committee |
| December 6, 2018 | 2:00 pm Workers' Compensation Claims & Coverage Committee |
| December 7, 2018 | 8:30 am Board of Directors |
| January 11, 2019 | 9:30 am Executive Committee |
| January 17, 2019 | 9:30 am Liability Claims & Coverage Committee |
| January 29, 2019 | 8:30 am Board of Directors |
| February 21, 2019 | 9:30 am Finance Committee |
| March 22, 2019 | 9:30 am Executive Committee |
| April 18, 2019 | 10:00 am Member Services & Communications Committee |
| April 18, 2019 | 1:00 pm Liability Claims & Coverage Committee |
| April 18, 2019 | 2:00 pm Workers' Compensation Claims & Coverage Committee |
| April 19, 2019 | 8:30 am Board of Directors |
| May 16, 2019 | 9:30 am Finance Committee |
| May 17, 2019 | 9:30 am Executive Committee |
| June 20, 2019 | 10:00 am Member Services & Communications Committee |
| June 20, 2019 | 1:00 pm Liability Claims & Coverage Committee |
| June 20, 2019 | 2:00 pm Workers' Compensation Claims & Coverage Committee |
| June 21, 2019 | 8:30 am Board of Directors |