

LEGAL

Careful consideration of legal issues as they impact every part of the disaster planning process is essential. If the research is thorough and well-documented during the planning process, the district will be able to implement any recovery plan secure in the knowledge that they are working within a sound legal framework.

BEFORE THE EVENT

1. As the district develops a Planning Guide for emergency situations, legal review of the content and intent of that guide will be important to avoid any exposure for the district.
2. The Board may want to establish policies and procedures to cover disaster preparedness:
 - a. When and how to declare an emergency situation and initiate preparedness or recovery activities.
 - b. To delegate authority during and after an emergency.
3. Legal research on various emergency procurement options will allow the district to know how to make things happen quickly but legally after an event.
 - a. Determine if alternate procurement methods for professional services and contracting for repairs/renovations on fast track schedule is possible.
 - b. Research procurement laws for state or jurisdiction having authority.
4. The district will want to investigate and know local, state and federal (FEMA) policies about declaring emergencies, using procurement methods, and seeking funding/reimbursement with what limitations.
5. The district will want to investigate the legal Implications of human resource issues. It will be important to know what the district is obligated to provide when personnel are no longer employed by the district and how to handle down sizing that may be only temporary.
6. In preparing the disaster preparedness policy the district may want to determine the legal implications of providing medical assistance in a crisis situation or in a shelter environment? "Good Samaritan" laws in that jurisdiction may affect the extent of services the district can provide.
7. The legal research should include information about the district's liability for people sheltered in district buildings, people trespassing in closed or vacated buildings, people given medical aid, or people evacuating in district vehicles.
8. The district may need to also research how to recover/rescue historical buildings and what special requirements apply to those facilities.
9. To be prepared for the recovery process the district's facility personnel may need to research EPA limitations/requirements for disaster recovery of facilities. For example, EPA has an opinion about how and when to describe an area as "clean" from potential chemical contamination.

Links to EPA website

<http://www.epa.gov/ebtpages/humachildrschoolenvironments.html>

TASK LIST

BEFORE THE EVENT

1. Perform a legal review of the content and intent of Emergency Planning Guide.
2. Board to establish policies and procedures: When and how to declare an emergency situation and initiate preparedness or recovery activities.
3. Board to establish policies and procedures: To delegate authority during and after an emergency.
4. Research various emergency procurement options legally available after an event.
5. Research procurement laws for state or jurisdiction having authority.
6. Investigate local, state and federal (FEMA) policies.
7. Investigate the legal implications of human resource issues.
8. Determine the legal implications of providing medical assistance.
9. Perform legal research about the district's liability for people sheltered in district buildings, people trespassing in closed or vacated buildings, people given medical aid, or people evacuated in district vehicles.
10. Research how to recover/rescue historical buildings.
11. Research EPA limitations/requirements for disaster recovery of facilities.