

See Consent Item:
Resolution for
Solidarity with Saving
Mexican American
Studies Campaign and
Opposing HB 2281
Highlighted in Yellow

BOARD OF EDUCATION OF THE CITY OF LOS ANGELES
Governing Board of the Los Angeles Unified School District

REGULAR MEETING MINUTES
333 South Beaudry Avenue, Board Room
1:00 p.m., Tuesday, March 13, 2012

The Board of Education of the City of Los Angeles, acting as the Governing Board of the Los Angeles Unified School District, met in regular session on Tuesday, March 13, 2012, at the Los Angeles City Board of Education Administrative Offices, Board Room, 333 South Beaudry Avenue, Los Angeles, California.

President García called the meeting to order at 12:59 p.m.

Dr. Vladovic lead the Pledge of Allegiance.

The following Board Members were present: Ms. Tamar Galatzan, Mr. Bennett Kayser, Ms. Marguerite P. LaMotte, Dr. Richard Vladovic, Mr. Zimmer, and Ms. Mónica García. Ms. Nury Martinez arrived at 1:30 p.m.

Superintendent John Deasy was present.

SUPERINTENDENT'S REPORT

BUDGET UPDATE

Superintendent Deasy provided an update on the budget and an overview of the Second Interim Financial Report and Fiscal Stabilization Plan. He stated that the District is faced with continuing challenges with funding from state. With these challenges in mind, he is presenting a series of recommendations for the budget.

According to Education Code 42130 & 42131, the District is submitting a qualified second interim financial report to the county. The report focuses on what the District is able to recommend in terms of restorations. The District began with \$557 million deficit and one time revenue solutions, such as jobs act, stabilization funding, and shared solutions by employees have been exhausted. The challenges for this year's budget are cash flow and the loss of federal and state funding.

The true budget picture will not be known until after the November election, as many components of the budget are based on upcoming ballot measures. Budgets are being developed with assumptions and some forecasting of what is going to take place with the state budget. Superintendent Deasy is directing schools to prepare budgets with a certain amount of risk. The effort is to stabilize the District's core mission from Early Childhood Education to Adult Education.

Some revenue has trended positive. The most significant change is to funding for transportation. There will be administrative cuts, but not service reductions. Second, while the state will debate student weighted funding formulas and large flexibilities in categoricals, nothing indicates that District will be in a negative position. Finally, insurance quotes and health and welfare obligations are in, and these will have a positive effect on the budget bottom line since they are for less than anticipated.

Superintendent Deasy stated that he believes it is a reasonable assumption and risk to include \$180.5 million of previous reductions in budget planning for schools. This will allow for the following:

- Maintain current class sizes in grades K-8
- Maintain current counselor ratios, including ROP program and Adult Education
- Maintain current level of support to magnet schools
- Maintain current level of support for school nurses
- Maintain current service levels in transportation
- Maintain safety and school police at current levels
- Restore the total number of seats for options programs
- Restore accelerating academic literacy

Superintendent Deasy is also recommending that schools be provided a direct amount of unrestricted funding to help support offsets experienced due to loss of federal funding.

The District is in negotiations with United Teachers Los Angeles (UTLA) regarding furloughs for the upcoming year. Each furlough day can potentially provide \$16 million of additional restorations. There is also the possibility of further restorations based on other bargaining union negotiations. The District is in need of a labor solution, a set of one time agreed upon backstops. This can provide \$220 million of additional restorations. An example of a labor solution is a salary reduction for one year. These solutions can provide the following restorations:

- Prevent closure of the remaining 14 options centers
- Serve the same number of students in Early Childhood Education as in past years
- Continue another round of direct funding to schools
- Restore itinerant arts teachers
- Maintain Adult Education services, such as credit recovery, English Language Learner, parent education, and Career Technical Education
- Restore librarians to this current year's level
- Support 50% from the general fund for cafeteria program
- Restore School Readiness Language Development Program (SRLDP) to the current year's level
- Maintain afterschool programs
- Maintain gifted program
- Maintain psychological support services
- Maintain maintenance program

Superintendent Deasy stated that all restorations and potential restorations are only for one year. The ability to make these ongoing and sustainable depends on a revenue source. One potential is a parcel tax.

As it stands currently, there will be no restorations in the following areas:

- Financial managers
- Additional cafeteria support
- Continued support of KLCS
- Moving employees from A basis to E basis
- Enhanced transportation services

- Subsidies for things such as small learning communities

Superintendent Deasy thanked staff for their support in developing the budget.

- - -
President García modified the Order of Business
- - -

NEW BUSINESS FOR ACTION

BOARD OF EDUCATION REPORT NO. 188 – 11/12
2011-12 Second Interim Report and Fiscal Stabilization Plan

Mr. Zimmer moved that the report be adopted. Mr. Kayser seconded the motion.

Remarks were heard from Board Members.

Superintendent Deasy responded to questions from Board Members regarding unfunded programs, restorations, and funding.

The following speakers addressed the Board:

Ms. Rita Walters, former Board Member
 Ms. Barbara Torres, SEIU Local 99
 Ms. Debra Gonzalez, SEIU Local 99
 Ms. Bernice Young, SEIU Local 99
 Ms. Espie Medellin, SEIU Local 99
 Mr. Matthew Kogan, UTLA
 Ms. Ernestine Alvarado
 Mr. Sinclair Wallace, United Adult Students
 Dr. Sweet Alice Harris, Parents of Watts
 Ms. Myriam Guerrero, Student
 Ms. Monique Cumba, Student
 Ms. Rosa Franco
 Ms. Gladys Sandoval, Parent
 Hon. Ana Maria Quintana, Councilperson, City of Bell
 Dr. Judith Perez, Associated Administrators of Los Angeles (AALA)
 Mr. Warren Fletcher, UTLA
 Mr. Doug Kuny

Following the speakers and on roll call, the report was adopted, 6 ayes, 1 no, Ms. LaMotte.

BOARD OF EDUCATION REPORT NO. 197 – 11/12
Proposed November 6, 2012 Local Parcel Tax Initiative Resolution –
Student Program Protection and Instructional Improvement Compact

Superintendent Deasy reiterated the importance of having a revenue source. Superintendent Deasy requested that the report be amended to adopt a revised version of the Resolution of the Board of Education of LAUSD Ordering an Election to Authorize a Qualified Special Tax, Establishing

Specifications of the Election Order, and Requesting Consolidation with Other Elections Occurring November 6, 2012.

Dr. Vladovic moved that the report be adopted. Mr. Zimmer seconded the motion.

President García made the following statement:

Before action is taken on Board of Education Report No. 197 – 11/12 regarding the Proposed November 6, 2012, Local Parcel Tax Initiative Resolution - Student Program Protection and Instructional Improvement Compact, a public hearing must be held.

This constitutes a public hearing on the report and individuals who wish to address the Board on this item will be heard. Those who wish to speak to this report should pull a speaker form from the slots located on the pillar in the rear of the Board Room. Speakers will be heard in numerical order as indicated on the speaker form.

The following speakers addressed the Board:

Mr. Matthew Kogan, United Teachers Los Angeles (UTLA)
Mr. John Snelly, Adult Education Student
Mr. Gerson Cervantes, Adult Education Student
Ms. Gloria Ramirez, Adult Education Student
Ms. Ernestina Juarez, United Adult Students
Mr. Ron Miller, Los Angeles/Orange Counties Building and Construction Trades Council
Mr. Richard Slawson, Los Angeles/Orange Counties Building and Construction Trades Council
Mr. David Tokofsky
Ms. Liberty Bradford, Parent
Ms. Connie Rivera, Parent
Ms. Ana Ponce, Camino Nuevo Charter Academy
Ms. Guadalupe Mendez, ESL Student
Mr. Mark Slavkin, former Board Member

Remarks were heard from Board Members.

Superintendent Deasy responded to questions from Board Members regarding amending the language.

After discussion and on roll call, the report was adopted as amended to adopt the revised report, 6 ayes, 1 no, Ms. LaMotte.

BOARD MEMBER RESOLUTIONS FOR ACTION

Ms. Galatzan moved the following resolution regarding Protecting Children in the Classroom: A Call to Legislators:

Whereas, The Los Angeles Unified School District's priority is providing high quality instruction to all students, and integral to that effort is providing a safe learning environment at school;

Whereas, When school districts decide to dismiss a teacher for unprofessional, immoral or criminal conduct, state policies make the dismissal process ineffective and costly;

Whereas, The Governing Board of the Los Angeles Unified School District approved recommended changes to California Education Code in 2009 through Teacher Quality: A Call to Legislators, a resolution by Ms. Canter, Ms. Galatzan, and Ms. Flores. Since 2009, when the resolution passed, no legislation was pursued to target the recommended changes;

Whereas, Recent incidents in the District have highlighted the need to revisit California Education Code for dismissal of a public employee; the Education Code needs to be updated and clarified as it currently includes outdated and irrelevant language regarding grounds for termination such as “membership in the Communist Party”;

Whereas, When dismissing a teacher, the District must give teachers written notice of unprofessional conduct or unsatisfactory performance and the Board may not act on such charges until after 45 days, in the case of unprofessional conduct, and 90 days in the case of unsatisfactory performance, to vote to initiate dismissal proceedings and provide teachers written notice (only in non-summer months) that they will be dismissed within 30 days;

Whereas, A permanent certificated employee who receives notice of dismissal has the right under State law to demand a full administrative hearing within 60 days, and the hearing process lasts, on average, over a year during which time the employee continues to be paid in the majority of cases;

Whereas, Once a hearing has been requested by a permanent certificated employee, the decision whether to sustain the dismissal is made by a three-member panel, consisting of two teachers and an administrative law judge, known as the Commission on Professional Competence (CPC) – an ad hoc panel constituted in accordance with requirements set forth in the California Education Code;

Whereas, The CPC has the ultimate authority to either dismiss or reinstate the employee regardless of the Board’s recommendations; if they choose to reinstate the employee, which happens in many cases, the District is liable for all costs including those related to the teacher’s designated panel member and the employee’s attorney fees;

Whereas, The CPC is made up of an administrative law judge, one member appointed by the school district and one member appointed by the teacher, both of whom must be teachers who have recently worked in the same subject area as the appellant;

Whereas, Given the District’s size, it is a challenge for the District to find non-District permanent certificated staff to sit on the CPC who are willing to dedicate the weeks needed to participate in a hearing to dismiss a peer, and the mandate that these individuals have at least five years’ experience within the past 10 years in the same teaching discipline or field of the employee effectively eliminates highly experienced administrators from serving on the Commission;

Whereas, The hearing proceedings often take 1 to 1.5 years, and sometimes longer, during which time, in many cases, the employee continues to be paid by the school district, plus many more years if the decision is appealed;

Whereas, During the hearing process, the District is prohibited from providing evidence to the CPC panel that occurred more than four years prior to the date of the filing by the Board of the notice of intention to dismiss, making it challenging for the District to submit the historical perspective of the teacher's performance, which can create a perception that performance issues are not deeply rooted;

Whereas, This is not a Los Angeles Unified School District challenge, but a statewide and national one;

Whereas, in 2009 the Board approved the following recommended changes to State Education Code under Ms. Canter, Ms. Galatzan, and Ms. Flores' resolution, Teacher Quality: A Call to Legislators:

“When a Board of Education has determined that a permanent certified employee be dismissed for the following causes contained in the California Education Code Section 44932: unprofessional or immoral conduct; criminal conduct; dishonesty; evident unfitness for service; persistent violation of or refusal to obey the school laws or regulations; or conviction of a felony or of any crime involving moral turpitude;

1. The notice of dismissal period shall be no more than 30 days and a school district shall be allowed to remove the teacher from the classroom immediately;
2. The summer moratorium on dismissal filings be removed when the subject teacher is on track during these months;
3. A new standard be implemented that employees not agreeing to complete hearings within a prescribed number of days would forego salary beyond that time;
4. A school district shall be allowed to appoint an administrator, parent or citizen as their representative on the Commission on Professional Competence or a single arbitrator appeal process shall be instituted;
5. The Commission on Professional Competence panel be allowed to consider evidence presented by a school district related to matters that occurred more than four years prior to the date of the filing of the notice of intention to dismiss when the cause was concealed or not disclosed by the employee, when it could be reasonably assumed that the employee should have disclosed the facts to the employing district, as cited in California Education Code Section 45113 in the case of permanent classified employees;
6. The Commission on Professional Competence decisions shall be advisory and not the final authority, the Board of Education shall have the final authority.”;

Whereas, No legislation followed to make the aforementioned changes to the California Education Code; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District directs the Superintendent to again pursue the approved recommended changes to California Education Code requested by Ms. Canter, Ms. Galatzan, and Ms. Flores' Teacher Quality: A Call to Legislators resolution, as well as the following legislative changes to the California Education Code as top District priority for an upcoming legislative session; now, be it finally

Resolved, That the Superintendent report back in 30 days with a plan of action pursuing the following:

1. The approved recommended changes to State Education Code under Ms. Canter, Ms. Galatzan, and Ms. Flores' 2009 Teacher Quality: A Call to Legislators resolution.
2. Amend Education Code Section 44944 to permit districts to implement dismissal of certificated employees after pre-disciplinary due process ("Skelly hearing") and once the Board of Education takes action, with no continuance of pay. As with classified employees and virtually all other public employees, certificated employees may be awarded back pay and other benefits if they prevail at the Commission on Professional Competence hearing or in court.
3. Amend the Education Code to ensure a fair and efficient process for dismissal of certificated employees that would serve the interest of student safety and/or reducing associated costs, including but not limited to:
 - a. amendment of section 44936 to allow notices of dismissal to be given year round;
 - b. amendment of section 44938 to shorten or eliminate the 45-day and 90-day notice grace period before Board can take action to initiate dismissal proceedings;
 - c. amendment of section 44944 to allow introduction of evidence that occurred more than four years prior to the date of the filing of the notice of intention to dismiss based on equitable doctrines such as delayed discovery, fraudulent concealment, equitable estoppel, and continuing course of conduct, etc.;
 - d. amendment of any other pertinent section to effectuate dismissals in a fair and efficient manner that would promote student safety, student learning and achievement.
4. Changes to state law to prohibit any public employee convicted of sexual abuse of a minor from receiving his or her pension and retirement benefits, even if the employee resigns prior to dismissal; pension withheld for this purpose shall be redirected to reimburse the District for litigation costs. All surplus money will be directed to the Los Angeles Fund For Public Education or charities that support victims of sexual abuse.

Ms. Galatzan also moved the following resolution regarding Improving Transparency, Process, and Procedures for Student Safety:

Whereas, The Governing Board of the Los Angeles Unified School District approved a resolution, entitled Accountability for Student Safety, authored by Board Member Galatzan, on April 8, 2008, that reaffirmed our commitment to maintaining a learning environment that is free from the sexual abuse of children and ensuring that sexual abuse of students is dealt with promptly and effectively;

Whereas, On June 24, 2008, the Board adopted "core values" to further communicate the District's priorities to students, parents, teachers and other employees of the District;

Whereas, the Core Values to Keep our Students Safe were adopted as follows:

1. The most important responsibility of all District employees is the safety of our students;
2. No person who presents a recognized threat to the physical or emotional health of students will knowingly be allowed to come into contact with children in our care;

3. In balancing the safety of our students against the rights of adults, children always come first.

Whereas, While the Board recognizes that the overwhelming majority of teachers and other District employees are competent and caring professionals committed to the safety and academic success of all students, no accommodation or protection can be extended to any employee who preys on our children;

Whereas, Recent events make it clear that heightened vigilance and more proactive measures are needed for the District to more effectively identify, prosecute and terminate any employee who endangers the physical or emotional health of our students;

Whereas, Recent allegations of inappropriate and criminal acts perpetrated against children in our care have served to inform us that no uniform guidelines and procedures exist within the District with respect to informing parents about incidents involving child abuse and other serious criminal behavior alleged to have been committed by a District employee; now therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District directs the Superintendent to continue to develop and to finalize, in collaboration with all relevant law enforcement agencies and the Independent Commission, a uniform notification process for all complaints of inappropriate employee conduct that will include guidelines and timelines for informing parents and guardians of:

1. Temporary employee reassignments pending criminal or administrative investigations;
2. Suspensions of teaching credentials; and
3. Arrests for criminal acts against children and other offenses as deemed necessary for the safety of students, and suspensions and terminations of employment;

Resolved further, That the Superintendent and designated staff review and evaluate the effectiveness and implementation of all internal processes and procedures pertaining to complaints or evidence of sexual or physical abuse or harassment of students including, but not limited to, the procedures set out in District Bulletin Numbers BUL-3357.1, BUL-1347.2 and BUL-3349;

Resolved further, That said review will consider and make recommendations for:

1. Any limitations that may be obstructing the recently initiated Employee File Project, in which the Superintendent has directed all principals to review all working personnel folders at school sites, to determine whether all necessary reports have been made to law enforcement and/or the Department of Children and Family Services;
2. The renegotiation of any collectively bargained provision, with any District bargaining unit, that prohibits the indefinite preservation of documents relating to allegations of sexual or physical abuse or harassment of students without regard to whether the complaint resulted in disciplinary action;
3. The creation of a centralized and computerized, confidential database of all complaints, and their resolution, of sexual or physical abuse or harassment of a

student lodged against any District employee; and
4. The automatic administrative review of a permanent employee's site based and centralized personnel records whenever an employee is reassigned to a different District site;

Resolved further, That the Superintendent and designated staff review, evaluate and present to the Board any and all language and provisions in state law, and in the current Collective Bargaining Agreement with United Teachers Los Angeles, that can obstruct or delay the District's desire to protect children as soon as an allegation of sexual or other serious misconduct comes forward;

Resolved further, That the Board instructs the Superintendent and designated staff to develop and present a process that would delegate authority from the Board to the Superintendent to take immediate action, if appropriate, when a District teacher or employee is arrested for alleged misconduct, including but not limited to placing an employee on immediate unpaid status, summary dismissal of an employee and instant notification to parents and guardians;

Resolved further, That the Superintendent and designated staff review current programs and materials in place for educating and training parents and guardians to protect their children from all forms of sexual or physical abuse or harassment and make recommendations for improving and enhancing access to effective abuse awareness education and training for parents, guardians and students; and be it finally

Resolved, That the Superintendent present all recommendations requested herein to the Governing Board of the Los Angeles Unified School District within 60 days.

Ms. Martinez seconded the motions.

The following speakers addressed the Board:

Mr. Gregg Solkovits, UTLA, on Protecting Children in the Classroom: A Call to Legislators

Ms. Sandy Escobedo, Alliance for a Better Community, on Protecting Children in the Classroom: A Call to Legislators

Mr. Wayne Spindler on Protecting Children in the Classroom: A Call to Legislators

Ms. Arlene Inouye, UTLA, on Improving Transparency, Process, and Procedures for Student Safety

Ms. Heidi Brewington, 31st District PTA, on Improving Transparency, Process, and Procedures for Student Safety

Ms. Escobedo on Improving Transparency, Process, and Procedures for Student Safety

Mr. Spindler on Improving Transparency, Process, and Procedures for Student Safety

Remarks were heard from Board Members.

Superintendent Deasy responded to questions from Board Members regarding withholding of pensions.

Mr. Kayser moved that the resolution be amended to state that any funds withheld from employee pensions be directed to families of the victims and to programs such as Darkness to Light. After discussion, the amendment was changed to remove "Pension withheld for this purpose shall be redirected to reimburse the District for litigation costs. All surplus money will be directed to the Los

Angeles Fund For Public Education or charities that support victims of sexual abuse.” from the final Resolved. With the consent of the resolution’s mover and seconder this amendment was accepted as friendly.

After discussion and on roll call, the resolutions were adopted unanimously, with Protecting Children in the Classroom: A Call to Legislators being adopted as amended. The final version of Protecting Children in the Classroom: A Call to Legislators reads as follows:

Whereas, The Los Angeles Unified School District’s priority is providing high quality instruction to all students, and integral to that effort is providing a safe learning environment at school;

Whereas, When school districts decide to dismiss a teacher for unprofessional, immoral or criminal conduct, state policies make the dismissal process ineffective and costly;

Whereas, The Governing Board of the Los Angeles Unified School District approved recommended changes to California Education Code in 2009 through Teacher Quality: A Call to Legislators, a resolution by Ms. Canter, Ms. Galatzan, and Ms. Flores. Since 2009, when the resolution passed, no legislation was pursued to target the recommended changes;

Whereas, Recent incidents in the District have highlighted the need to revisit California Education Code for dismissal of a public employee; the Education Code needs to be updated and clarified as it currently includes outdated and irrelevant language regarding grounds for termination such as “membership in the Communist Party”;

Whereas, When dismissing a teacher, the District must give teachers written notice of unprofessional conduct or unsatisfactory performance and the Board may not act on such charges until after 45 days, in the case of unprofessional conduct, and 90 days in the case of unsatisfactory performance, to vote to initiate dismissal proceedings and provide teachers written notice (only in non-summer months) that they will be dismissed within 30 days;

Whereas, A permanent certificated employee who receives notice of dismissal has the right under State law to demand a full administrative hearing within 60 days, and the hearing process lasts, on average, over a year during which time the employee continues to be paid in the majority of cases;

Whereas, Once a hearing has been requested by a permanent certificated employee, the decision whether to sustain the dismissal is made by a three-member panel, consisting of two teachers and an administrative law judge, known as the Commission on Professional Competence (CPC) – an ad hoc panel constituted in accordance with requirements set forth in the California Education Code;

Whereas, The CPC has the ultimate authority to either dismiss or reinstate the employee regardless of the Board’s recommendations; if they choose to reinstate the employee, which happens in many cases, the District is liable for all costs including those related to the teacher’s designated panel member and the employee’s attorney fees;

Whereas, The CPC is made up of an administrative law judge, one member appointed by the school district and one member appointed by the teacher, both of whom must be teachers who have recently worked in the same subject area as the appellant;

Whereas, Given the District's size, it is a challenge for the District to find non-District permanent certificated staff to sit on the CPC who are willing to dedicate the weeks needed to participate in a hearing to dismiss a peer, and the mandate that these individuals have at least five years' experience within the past 10 years in the same teaching discipline or field of the employee effectively eliminates highly experienced administrators from serving on the Commission;

Whereas, The hearing proceedings often take 1 to 1.5 years, and sometimes longer, during which time, in many cases, the employee continues to be paid by the school district, plus many more years if the decision is appealed;

Whereas, During the hearing process, the District is prohibited from providing evidence to the CPC panel that occurred more than four years prior to the date of the filing by the Board of the notice of intention to dismiss, making it challenging for the District to submit the historical perspective of the teacher's performance, which can create a perception that performance issues are not deeply rooted;

Whereas, This is not a Los Angeles Unified School District challenge, but a statewide and national one;

Whereas, in 2009 the Board approved the following recommended changes to State Education Code under Ms. Canter, Ms. Galatzan, and Ms. Flores' resolution, Teacher Quality: A Call to Legislators:

“When a Board of Education has determined that a permanent certified employee be dismissed for the following causes contained in the California Education Code Section 44932: unprofessional or immoral conduct; criminal conduct; dishonesty; evident unfitness for service; persistent violation of or refusal to obey the school laws or regulations; or conviction of a felony or of any crime involving moral turpitude;

1. The notice of dismissal period shall be no more than 30 days and a school district shall be allowed to remove the teacher from the classroom immediately;
2. The summer moratorium on dismissal filings be removed when the subject teacher is on track during these months;
3. A new standard be implemented that employees not agreeing to complete hearings within a prescribed number of days would forego salary beyond that time;
4. A school district shall be allowed to appoint an administrator, parent or citizen as their representative on the Commission on Professional Competence or a single arbitrator appeal process shall be instituted;
5. The Commission on Professional Competence panel be allowed to consider evidence presented by a school district related to matters that occurred more than four years prior to the date of the filing of the notice of intention to dismiss when the cause was concealed or not disclosed by the employee, when it could be reasonably assumed that the employee should have disclosed the facts to the employing district, as cited in

California Education Code Section 45113 in the case of permanent classified employees;

6. The Commission on Professional Competence decisions shall be advisory and not the final authority, the Board of Education shall have the final authority.”;

Whereas, No legislation followed to make the aforementioned changes to the California Education Code; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District directs the Superintendent to again pursue the approved recommended changes to California Education Code requested by Ms. Canter, Ms. Galatzan, and Ms. Flores’ Teacher Quality: A Call to Legislators resolution, as well as the following legislative changes to the California Education Code as top District priority for an upcoming legislative session; now, be it finally

Resolved, That the Superintendent report back in 30 days with a plan of action pursuing the following:

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2. Amend Education Code Section 44944 to permit districts to implement dismissal of certificated employees after pre-disciplinary due process (“Skelly hearing”) and once the Board of Education takes action, with no continuance of pay. As with classified employees and virtually all other public employees, certificated employees may be awarded back pay and other benefits if they prevail at the Commission on Professional Competence hearing or in court.
3. Amend the Education Code to ensure a fair and efficient process for dismissal of certificated employees that would serve the interest of student safety and/or reducing associated costs, including but not limited to:
 - a. amendment of section 44936 to allow notices of dismissal to be given year round;
 - b. amendment of section 44938 to shorten or eliminate the 45-day and 90-day notice grace period before Board can take action to initiate dismissal proceedings;
 - c. amendment of section 44944 to allow introduction of evidence that occurred more than four years prior to the date of the filing of the notice of intention to dismiss based on equitable doctrines such as delayed discovery, fraudulent concealment, equitable estoppel, and continuing course of conduct, etc.;
 - d. amendment of any other pertinent section to effectuate dismissals in a fair and efficient manner that would promote student safety, student learning and achievement.
4. Changes to state law to prohibit any public employee convicted of sexual abuse of a minor from receiving his or her pension and retirement benefits, even if the employee resigns prior to dismissal.

President García resumed the Order of Business.

CONSENT ITEMS

Items for action below assigned by the Board at the meeting to be adopted by a single vote.

NEW BUSINESS FOR ACTION:

BOARD OF EDUCATION REPORT NO. 171 – 11/12
Procurement Actions

BOARD OF EDUCATION REPORT NO. 175 – 11/12
Report of Warrants Issued, Request to Reissue Expired Warrants, and Donations of Money

BOARD OF EDUCATION REPORT NO. 187 – 11/12
Statutory School Fees (Level 1 Developer Fees)

President García made the following statement:

Before action is taken on Board of Education Report No. 187-11/12 regarding Alternative School Facilities Fees (Level 1 Developer Fees), a public hearing must be held.

This constitutes a public hearing on the report, and a maximum of 12 individuals who wish to address the Board on this item will be heard. Those who wish to speak to this report should pull a speaker form from the slots located on the pillar in the rear of the Board Room. Speakers will be heard in numerical order as indicated on the speaker form.

BOARD OF EDUCATION REPORT NO. 189 – 11/12
Routine Personnel Actions

BOARD OF EDUCATION REPORT NO. 172 – 11/12
Facilities Services Division Contract Actions

BOARD OF EDUCATION REPORT NO. 193 – 11/12
Resolution of Intention to Dedicate an Easement at 4th Street Elementary School

BOARD OF EDUCATION REPORT NO. 194 – 11/12
Ratification of Real Estate Leases, Licenses, and Other Agreements or Instruments
That Are Necessary or Incidental for the Use of Real Property

BOARD MEMBER RESOLUTIONS FOR ACTION:

Ms. Garcia, Ms. Martinez and Mr. Zimmer – Resolution for Solidarity with Saving Mexican American Studies Campaign and Opposing HB 2281

Whereas, The Los Angeles Unified School District is committed to providing excellent educational opportunities to all of our students, without regard to race, ethnicity, national origin, income, sexual orientation, or disability, and is guided by the core values of equity, inclusiveness, and universally high expectations;

Whereas, The District seeks to provide a well rounded and quality education that exposes students to cultures that are crucial to understanding our nation, past and present, and that helps our students to appreciate the histories and cultural contributions of their own communities;

Whereas, The District offers a variety of ethnic studies courses within our curriculum, with the objective of preparing our students to be global citizens with an appreciation for the contributions of multiple cultures to the tapestry of our civilization;

Whereas, The Latino student population, a majority of which is Mexican-American, of the District makes up 73.4% of the student body;

Whereas, Arizona has legislated HB-2281, which bans the teaching of ethnic studies in the Tucson Unified School District (TUSD);

Whereas, The TUSD has a proven successful model for the education of Mexican-American students, which has raised students' self-esteem, state exams scores and graduation rates;

Whereas, Selected United Nations Articles reflect that States should, where appropriate, take measures in the field of education in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory;

Whereas, Since 2000, in the month of March, District schools have commemorated the birthday of César Chávez, a Mexican-American who championed the rights of the underprivileged, with classroom discussions, assemblies, mural projects and other service learning projects and classroom discussions; and

Whereas, César Chávez is an example of leadership and humility and serves as a powerful inspiration to our children today, and in learning about his life and work, children can see how ordinary people can empower themselves and change our world for the better. In bringing forth such awareness, we are creating an opportunity to educate students and promote a culture of community service; now, therefore be it

Resolved, That the Governing Board of the Los Angeles Unified School District stands in solidarity with, and supports, the faculty of the TUSD Teachers' Union Campaign to Save Mexican American Studies from the blatantly biased HB- 2281.

Ms. García, Ms. Martinez - Resolution to Declare March as School Social Work Month

Whereas, March is National School Social Work Month;

Whereas, National School Social Work Month aims to advocate for the profession's goals of increasing student ability to focus on learning, removing barriers to achievement, decreasing school violence, and improving the school climate for all students and staff;

Whereas, School social work practice is a specialized area within the broad professional field of social work;

Whereas, Research suggests that schools may function as the de facto mental health system for children and adolescents. Nationally, only 16% of all children receive mental health services. Of those receiving care, 70-80% receive that care in a school setting;

Whereas, School Social Workers provide mental health services that students would otherwise not receive, thus reducing barriers to access and playing an integral role in early identification and treatment of mental health concerns;

Whereas, School Social Workers bring their unique professional knowledge, skills and perspective in the areas of mental health and child welfare and attendance to the school system;

Whereas, School Social Workers understand the interconnection between family, cultural, and community factors as well as social issues such as poverty, community and interpersonal violence, and substance abuse that impact the safety and academic achievement of students;

Whereas, These community factors can have profound effects on the physical and mental health and development of children, impacting their behavior, brain development, self-regulation, and familial and peer relationships, and increasing high-risk behaviors;

Whereas, School Social Work practice is essential to the schools' mission and includes activities such as assessment, crisis intervention, home visits, conflict resolution, individual, group and family counseling, parent education, staff consultation and training, program development, and coordination and linking of school and community services;

Whereas, 253 FTE School Social Workers are employed by the Los Angeles Unified School District's School Mental Health Unit and other programs to support the academic mission by providing services which strengthen home/school/community partnerships;

Whereas, School Social Workers use research and evidence-based approaches in order to evaluate and assure the effectiveness of their services;

Whereas, School Social Workers have a minimum master's level education and adhere to a professional code of ethics as they guide students, families and teaching professionals through complex issues and choices; and

Whereas, School Social Workers are uniquely qualified to serve as catalysts to bring people together and create partnerships with teaching staff and other support staff in order to create learning environments that are responsive to all; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District declares March as Professional School Social Work Month

Ms. Martinez, Ms. García, Mr. Zimmer – Resolution in Support of Senate Constitutional Amendment (SCA) 5

Whereas, Senate Constitutional Amendment 5 (Simitian), which reduces the two-thirds vote requirement on parcel taxes, will be acted on by the California State Legislature;

Whereas, Severe reductions in the state General Fund revenue have led to unprecedented reductions in school funding;

Whereas, California's budget crisis has increased the pressure on the Los Angeles Unified School District to maintain staffing and educational offerings with fewer dollars beginning with a \$247 million shortfall in 2008-09 and annual deficits of at least \$400 million thereafter, including a shortfall of at least \$543 million for the 2012-13 school year;

Whereas, As a whole, funding to the District from Sacramento has been reduced by an estimated \$2.5 billion over the past five years;

Whereas, The District is faced with making unconscionable cuts that will seriously impact all students and the Los Angeles community and economy;

Whereas, State General Fund revenue is unstable and erratic, which results in unpredictable funding levels for school districts and county offices of education;

Whereas, Parcel tax revenue can provide a stable, predictable source of school revenue;

Whereas, Passage of SCA 5 will empower local voters to invest in their schools based on the needs of their communities by requiring a tough, but fair 55 percent vote to pass local parcel taxes, while protecting taxpayers and homeowners with accountability provisions that will ensure that funds generated from parcel taxes are not wasted or mismanaged;

Whereas, Revenue from parcel taxes can be spent according to local priorities and are not subject to state control;

Whereas, The two-thirds vote requirements results in minority rule by requiring two “yes” votes to cancel out one no vote; and

Whereas, Passage of SCA 5 will allow local voters to decide to make investments in their neighborhood schools in addition to state funding; now, therefore be it

Resolved, That the Governing Board of the Los Angeles Unified School District strongly urges the California State Legislature to support and adopt SCA 5.

Ms. Martinez, Ms. García, Mr. Zimmer – Resolution to Endorse Public Policies to Protect Tenants in Multi-Unit Housing from Drifting Tobacco Smoke

Whereas, The Los Angeles Unified School District has a strong interest in and obligation to promote the health of children, which leads to better attendance, improved behavior, lower incidence of illness, and increased attention, creativity, and academic achievement;

Whereas, Tobacco-related illnesses are the leading cause of preventable death in the United States, accounting for as many as 443,000 deaths each year;

Whereas, Secondhand smoke is responsible for as many as 73,000 deaths among non-smokers each year in the United States due to secondhand tobacco exposure;

Whereas, According to the most recent report from the U.S. Surgeon General, secondhand cigarette smoke contains more than 7,000 chemicals and compounds and hundreds are toxic and more than 70 cause cancer;

Whereas, Lead is a component of tobacco and tobacco smoke and secondhand smoke could be a cause of increased blood lead levels in U.S. children aged between 4 and 16 years of age;

Whereas, The U.S. Surgeon General has also concluded that there is no risk-free level of exposure to secondhand smoke;

Whereas, Researchers at Roswell Park Cancer Institute in Buffalo, N.Y. in 2010 analyzed air quality data from 30 apartments within 11 buildings and found that secondhand smoke easily travels from the apartments of smokers to hallways and the apartments of nonsmokers;

Whereas, Tobacco smoke particles also travel from unit to unit through light fixtures, electrical outlets, pipes, vents and baseboards, ceiling crawl spaces, as well as through shared ventilation systems and windows;

Whereas, As much as 30 to 50 percent of air in multi-unit housing comes from other units;

Whereas, In Los Angeles County, more than 41 percent of housing units are multi-unit structures;

Whereas, Eighty-four percent of children who live in apartments with parents who do not smoke showed evidence of exposure to tobacco smoke, according to a research study reported by the American Academy of Pediatrics;

Whereas, Long-term adverse outcomes in children, whether through secondhand smoke or third-hand smoke exposure, include cognitive impairment, reduced lung function and development, and deficits in reading, math and visiospatial reasoning;

Whereas, Children's respiratory systems are highly vulnerable to harm from tobacco smoke and children who breathe secondhand smoke are more likely to suffer from pneumonia, bronchitis, and ear infections;

Whereas, Secondhand smoke may also cause thousands of healthy children to develop asthma each year;

Whereas, Children who live in multi-unit housing have higher levels of cotinine, a biomarker for tobacco smoke exposure, compared to children living in attached and detached houses, and that no ventilation system or other alternative provides adequate protection from the harmful effects of tobacco smoke;

Whereas, Children miss more school due to tobacco-related illnesses than those who do not;

Whereas, Persons with chronic illnesses, the elderly and children especially, need to be protected from exposure to tobacco smoke;

Whereas, Fair housing laws do not preclude the right of a landlord to designate apartment buildings smoke free spaces;

Whereas, California Law, proposed by Senator Alex Padilla and signed by Governor Brown, allows landlords to prohibit smoking in rental units, however, does not require them to do so;

Whereas, California law declares anything which is injurious to health or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property, is a nuisance and because of all that is known about secondhand smoke, it should be considered a nuisance; and

Whereas, A statewide scientific survey of California renters conducted by Goodwin Simon Strategic Research in May 2004 found that 69% of California renters supported a law requiring that all apartment buildings offer non-smoking sections where all apartments, patios, and balconies in that section are smoke free; now, therefore be it

Resolved, That the Governing Board of the Los Angeles Unified School District supports the passage of public policies protecting individuals and families from drifting secondhand tobacco smoke in multi-unit residences including policies requiring multi-unit apartment buildings to be smoke free.

MOTION REQUESTED BY THE SUPERINTENDENT:

Appointment of Alternate Member to the School Construction Bond Oversight Committee

Resolved, That the Governing Board of the Los Angeles Unified School District ratifies the confirmation of Ms. Elizabeth Lugo as Alternate Parent Member to the School Construction Bond Citizens' Oversight Committee for a two-year term, commencing immediately.

Appointment of Member to the School Construction Bond Oversight Committee

Resolved, That the Governing Board of the Los Angeles Unified School District ratifies the nomination of Mr. William Brewington, representing the 31st District PTSA, as member to the School Construction Bond Oversight Committee for a two-year term, commencing immediately, and determines that Mr. Brewington is not an employee, official, vendor, contractor, or consultant of the District.

CORRESPONDENCE AND PETITIONS:

Report of Correspondence

PUBLIC HEARINGS:

Resolutions of Intention to Dedicate Easements to the City of Los Angeles at South Region High School No. 12

Mr. Crain made the following statement:

Reference is made to the following February 14, 2012 Board of Education Report:

Report 151-11/12, wherein the Board adopted a resolution of intention to dedicate, without consideration, to the City of Los Angeles, a portion of South Region High School No. 12 for an easement for sewer purposes.

The Board has fixed this meeting as the time and place for the public hearing upon the question of such dedication.

President Garcia made the following statement:

An opportunity is now given to anyone present to file with the Board petitions protesting the proposed dedication, signed by at least ten percent of the qualified electors of the District as shown by the affidavit of one of the petitioners.

No petitions being filed, a motion is now in order to adopt the resolution and to direct the Director of Real Estate to sign on behalf of the Board the deeds dedicating said properties.

APPROVAL OF MINUTES:

- 1 p.m., Regular Board Meeting, November 15, 2011
- 1 p.m., Regular Board Meeting, December 6, 2011
- 10 a.m., Special Closed Session, January 31, 2012
- 1 p.m., Regular Closed Session, February 2, 2012
- 9 a.m., Regular Closed Session, February 6, 2012
- 10 a.m., Special Closed Session, February 7, 2012
- 10 a.m., Special Closed Session, February 14, 2012

The following speakers addressed the Board on Consent Calendar items:

- Mr. David Tokofsky, AALA, on Board of Education Report No. 187 – 11/12, Statutory School Fees (Level 1 Developer Fees)
- Mr. Wayne Spindler on Board of Education Report No. 187 – 11/12, Statutory School Fees (Level 1 Developer Fees)
- Mr. Luis A. Garcia, L.A. Chicano Roundtable, on the Resolution for Solidarity with Saving Mexican American Studies Campaign and Opposing HB 2281
- Ms. Lorena Jaramillo on the Resolution for Solidarity with Saving Mexican American Studies Campaign and Opposing HB 2281
- Ms. Cecilia Ramos, School Mental Health Services, on the Resolution to Declare March as School Social Work Month

Following the speakers, the consent calendar items were adopted by general consent with Board of Education Report No. 172 – 11/12 being amended to withdraw Contract Nos. 1130032, Asbestos Instant Response and 1130033, Karcher Environmental, Inc. Ms. Martinez was absent.

Later in the meeting, Ms. Martinez recorded an aye vote on the Consent Calendar items.

NEW BUSINESS FOR ACTION

BOARD OF EDUCATION REPORT NO. 174 – 11/12

Material Decrease in Attendance and Emergency Closure of 14 K-12 Schools and 3 Early Education Centers Due to Power Outage Caused by Santa Ana Winds; Attendance Allowance Due to Emergency Conditions; Payment of Employees

Ms. LaMotte moved that the report be adopted. Ms. Galatzan seconded the motion. Superintendent Deasy responded to questions from Board Members regarding the closure of Miramonte Elementary School.

After discussion and by general consent, the report was adopted. Ms. Martinez was absent.

BOARD OF EDUCATION REPORT NO. 190 – 11/12

Nonroutine Personnel Actions

Mr. Zimmer moved that the report be adopted. Ms. LaMotte seconded the motion.

Dr. Vladovic requested that Item 11 be withdrawn. With the consent of the report's mover and seconder, the amendment was accepted as friendly.

After discussion and by general consent, the report was adopted as amended.

BOARD OF EDUCATION REPORT NO. 145 – 11-12

Selection of a Charter Operator and Authorization to Negotiate and Enter into a Long Term Lease for the Financing, Construction and Operation of a Permanent Charter School Facility on a Portion of the Walgrove Elementary School Campus

Ms. LaMotte moved that the report be adopted. Ms. Galatzan seconded the motion.

The following speakers addressed the Board:

Ms. Sarah Reimers, Friends of Walgrove Elementary School

President García passed the gavel to Dr. Vladovic and left the room.

Mr. Yossie Ziff, Walgrove Elementary School

Ms. Allison Bajracharya, California Charter Schools Association (CCSA)

Ms. Kristy Mack-Fett, Ocean Charter School

Mrs. Evan & Noah Latt, Ocean Charter School Parent & Student

Mr. Jackson Schierbeek, Ocean Charter School Student

Ms. Yonna Sternberger, Ocean Charter School Student
Ms. Angelica Gonzalez, Ocean Charter School Student
Ms. Annabelle Palmer, Ocean Charter School Student
Ms. Christina Ruiz, Ocean Charter School
Mr. James Brennan, Ocean Charter School Parent
Ms. Lisa Cahill, Ocean Charter School Parent

Remarks were heard from Mr. Zimmer.

After discussion and on roll call, the report failed, 4 noes, 3 ayes, Ms. Galatzan, Mr. Kayser, Mr. Zimmer.

BOARD OF EDUCATION REPORT NO. 192 -11/12
Authorization to Execute a Long Term Lease with Camino Nuevo Charter Academy for the
Financing, Operation and Occupancy of Central Los Angeles High School No. 12

Ms. Galatzan moved that the report be adopted. Ms. LaMotte seconded the motion.

The following speakers addressed the Board:

Ms. Ana Ponce
Ms. Bajracharya, CCSA
Mr. Tokofsky

Superintendent Deasy and Mr. Kelly Schmader, Chief Facilities Executive, responded to questions from Board Members regarding enrollment numbers and project budgets.

After discussion and on roll call, the report was adopted, 5 ayes, 2 noes, Mr. Kayser, and Ms. LaMotte.

BOARD OF EDUCATION REPORT NO. 195 – 11/12
Office of the General Counsel CalPERS Early Retirement Incentive Proposal

This item was withdrawn prior to the meeting.

PUBLIC COMMENT

The following speakers addressed the Board on the subject indicated:

Mr. Mark Kirk	Fiscal Stabilization
Ms. Jonna Harris	SRDLP Program
Mr. Luis Garcia	Mexican American Studies Program
Speaker	Parcel Tax Proposal & Resolution Opposing HB 2281
Ms. Valeria Gonzalez	Early Education
Ms. Ginger Rose Fox, UTLA	Arts Education
Ms. Maria Pineda	John Mack ES/Charter Schools
Ms. Lorena Jaramillo	Mexican American Studies Program
Ms. Linda Perez	Budget Cuts

ANNOUNCEMENTS

Ms. LaMotte announced that April is Parkinson's Disease Awareness Month.

ADJOURNMENT

Mr. Zimmer moved that the meeting be adjourned. Ms. Martinez seconded the motion, which by general consent was adopted.

The meeting adjourned at 5:59 p.m.

APPROVED BY BOARD: **AUGUST 21, 2012**

MONICA GARCIA
PRESIDENT

JEFFERSON CRAIN
EXECUTIVE OFFICER OF THE BOARD

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