

## UPDATE

Week of January 18, 2010

### A FREE SPEECH LESSON FOR THE BOARD OF EDUCATION

*On January 19, 2010, in response to LAUSD Board of Education President **Mónica García**'s refusal to let her speak at last week's Board meeting, AALA President Dr. **Judith Perez** sent the following letter to the Board President, Board Members, the Board Secretariat, Superintendent **Ramon C. Cortines** and the District's General Counsel:*

I wish to bring to your attention that during the Board meeting of January 12, 2010, Board President García improperly interpreted the Board's recently adopted policy on public speakers. The impact of her decision was to limit public comment on a topic of great interest to AALA members, thus contradicting both the letter and spirit of the Brown Act.

As you are well aware, the Ralph M. Brown Act (California Government Code sections 54950 et seq., particularly at section 54954.3) requires that at every District Board meeting, members of the public, including union representatives, must be provided with the opportunity to address the Board on any item of interest to the public. While the Board may adopt reasonable regulations "to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker," it may not stifle our rights to freedom of expression. Further, "The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions for the legislative body."

Here is what took place on January 12, 2010. I arrived at the Board Room before the scheduled 1:00 p.m. Board meeting to pull a speaker card for Item #3 on the agenda, the proposed Policy for Charter Schools. However, all seven cards had already been taken. Only three of the seven public speakers were present and made comments on Item #3; the remaining four individuals holding speaker cards did not appear.

I pointed out to Ms. García that I wished to speak, but she said, "We are looking for the other people with speaker cards. If you don't have a card, you can't speak!" Her *de facto* allowance of only three public speakers on the proposed Charter School Policy violates the Brown Act, as mentioned above. Permitting me to address the Board would not have taken an undue amount of time. Additionally, since only three speakers were allowed to address the issue, the unilateral refusal to allow AALA to express its views violated our First Amendment Rights of free speech as well as the open-meeting requirements of the Brown Act.

## A FREE SPEECH LESSON FOR THE BOARD OF EDUCATION (Continued)

As you know, I am President of AALA, which represents LAUSD principals, assistant principals, directors and other administrators. Prior to implementation of the new Board policy on public speakers, LAUSD union presidents were afforded the courtesy of addressing the Board on topics of interest to their members. The Board has apparently rescinded this long-time practice. The result is the exclusion of the voices of those charged with carrying out Board policy. We reserve the right to challenge the Board's actions and insist that you allow me, as AALA President, to address the Board on issues of great importance to our membership as well as the public.

On behalf of AALA members, I object to Ms. García's actions on January 12, 2010. The demand is hereby made that at all future Board meetings the Board (1) allow additional speakers on a topic if all seven individuals who have pulled speaker cards are not present to make their comments and (2) reinstate its practice of permitting union presidents to speak to the Board on matters of interest to their members. The courtesy of a written reply by February 2, 2010, will be greatly appreciated.

## ACADEMIC DECATHLON VOLUNTEERS NEEDED

The 2010 LAUSD Academic Decathlon competition, the 29th annual, will be held on Saturday, January 30, 2010, and Saturday, February 6, 2010, at Roybal Learning Center, 1200 West Colton Street, Los Angeles 90026. Past support by administrators and teachers, **elementary, middle, and high school**, for this competition has been outstanding, and that support is needed again this year, especially on the first date, January 30, for the Speech, Interview and Essay events. Volunteer applications are available at all participating high schools, Local District offices, and at [www.acadecala.net](http://www.acadecala.net). Contact **Cliff Ker**, Academic Decathlon Coordinator, at 818.654.3714 or at [cliff.ker@lausd.net](mailto:cliff.ker@lausd.net) if you have any questions.

**Special Request for Retired Administrators:** Readers are needed to score the student essays on Wednesday, February 3, 2010, from 7:30 a.m. to 3:00 p.m. at Beaudry, 25th Floor. If you have questions regarding this request or can help read the essays, please contact Cliff Ker at the numbers above. Validated parking will be available in the Visconti garage.

## TIER II PROGRAM FOR SCHOOL ADMINISTRATORS

Join a select group of school administrators for the highly rated and well-respected program, "Tier II Program for School Administrators in Brazil & Thailand, with Certificate in International Leadership!" The programs were designed in collaboration with the University of California, Irvine's FastTrack Tier II Program, and will support completion of ALL Tier II requirements.

**\*Dates:** March 26-April 4, 2010, in Rio de Janeiro, Brazil, or July 19-29, 2010, in Chiang Mai, Thailand  
**\*Cost:** \$3,255 (approximate cost and includes inter'l program, Tier II tuition, flight, visa, & hotel) or \$2,655 without Tier II.

For full information visit the website <http://www.leadership-innovation.org/> or call 562.368.4844 or e-mail Dr. **Linda Orozco** at [Orozco@Leadership-Innovation.org](mailto:Orozco@Leadership-Innovation.org).

## HEALTH BENEFITS FAQ

**Topic: Member Concerns Regarding Enrollment Errors and Assigned Primary Care Physician**

*I enrolled via the Internet or IVR and my benefit elections differ from those confirmed by the District. What should I do?*

Contact the District Benefits Administration at 213.241.4262.

The District Benefits Administration will review your request, and if this is a documented error (records are available for both internet and IVR enrollments to confirm any LAUSD administrative errors), they will advise you on your eligibility to make an enrollment change.

***What if I made an error and chose an HMO plan where my provider is not in the network?***

Plan guidelines and IRS rules **do not allow** for a change in election except during the annual Open Enrollment period unless a “major life event” takes place. Major events include, but are not limited to, marriage, divorce or legal separation, birth of a child or legal adoption, and change in spouse’s employment or health coverage.

Additional information can be found on page 6 of the District’s *2010 Annual Benefits and Open Enrollment Guide* (<http://benefits.lausd.net>, Publications).

***How do I make changes to the assigned Primary Care Physician in my HMO?***

To change your assigned Primary Care Physician, go to the LAUSD health benefits website at <http://benefits.lausd.net> or the HMO website and locate your HMO’s directory of providers. Providers are listed by region/location, physician or medical group with contracted hospitals, and by individual physician names.

Once you have selected a new Primary Care Physician, contact your HMO’s Customer Service or the Member Service representative.

***What are the websites for the District’s medical plans?***

- Anthem Blue Cross EPO and HMO Select: <http://www.anthem.com/ca/lausd/>
- Kaiser, including Senior Advantage: <http://www.kp.org>
- Health Net, including Seniority Plus: <http://www.healthnet.com/lausd>
- Secure Horizons: <http://www.securehorizons.com>

**NEXT UPDATE: ANTHEM SELECT HMO ENROLLMENT CHANGES**

## SCHOOLS MOBILIZE FOR HAITI'S EARTHQUAKE RECOVERY

By [Mary Ann Zehr](#), EDUCATION WEEK, January 14, 2010

School children and educators are organizing to respond to victims of the January 12, 2010, earthquake that devastated much of Haiti's capital city, Port-au-Prince.

UNESCO announced in a [statement](#) that the university in Port-au-Prince and numerous primary and secondary schools in the city had been destroyed, and that many teachers and students had lost their lives.

"Education is at the core of Haiti's recovery and is the key to Haiti's development," the statement from the United Nations Educational, Scientific, and Cultural Organization said.

**Randi Weingarten**, the president of the American Federation of Teachers, called on AFT members to donate money through the [United Way Worldwide Disaster Fund](#) and the [American Red Cross](#) to respond to the crisis.

Communities with strong ties to the island nation were mobilizing. At Randolph High School in Randolph, Massachusetts—where 135 students, or 18 percent, are of Haitian heritage—guidance counselors were reported to be offering support to anxious students. Palm Beach County, Florida, school officials put out a press release calling for members of the community to donate to international relief organizations and to take up collections of food and personal items, such as blankets and towels, that could be sent to Haiti, a local news report said.

The Miami-Dade County, Florida, school board voted unanimously to begin collecting donations for victims of the earthquake, according to **Gemma Catire**, an assistant to a district communications officer. She said nearly 19 percent of the district's 300,000 students are of Haitian heritage. The Miami-Dade board decided to open an old high school building as a collection center for supplies that could be sent to Haiti. Some district employees, including maintenance personnel and electricians, volunteered to travel to Haiti to help with the relief effort, a district press release said.

**"If your plan is for a year, plant rice.  
If your plan is for a decade, plant trees.  
If your plan is for a lifetime, educate children."**

-- [Confucius](#)

## Retirees Update Corner —

- There will be two state initiatives concerning retirees trying to qualify for the state ballot. Right now they are with the Attorney General waiting for a title. They are very detrimental and harmful to current and future retirees. **PLEASE DO NOT SIGN ANY INITIATIVE PROPOSALS PUT IN FRONT OF YOU ON THE SUBJECT OF RETIREMENT!**
- **AB 506** – Post-Retirement Earnings Limits/Exemptions  
This law prohibits retirees under the age of 60 from performing creditable service teaching in kindergarten through community college as an employee of a public school district, an independent contractor, or an employee of a third party during the first six months after retiring if they are below the normal retirement age (60) at the time that the compensation is earned. There is a new sunset date for all current earnings limit exemptions to June 30, 2012. AB 506 also states that a vacant administrative position emergency exemption shall not apply to a retiree whose retirement is the basis for the vacant administrator position.
- Useful websites and phone numbers for retirement issues  
[www.socialsecurity.gov](http://www.socialsecurity.gov)  
[www.calstrs.com](http://www.calstrs.com)  
[www.medicare.gov](http://www.medicare.gov)  
[www.calrta.org](http://www.calrta.org)  
[www.acsa.org](http://www.acsa.org) Click on "Information for" and scroll down to "Retirees"  
HICAP-Health Insurance Counseling and Advocacy Program – 800.434.0222
- The ACSA Region 16 Retiree Chapter held its Winter Luncheon on December 4, 2009, at Taix Restaurant. President Dr. **Benita Chaum** and the Executive Board will meet on January 29, 2010, to work on the March Opportunity Faire.

### RETIREMENT CELEBRATIONS

Name	Date/Time	Location	Contact
Mirta A. McKay	Saturday, January 30, 2010 12:00 p.m.-3:00 p.m.	Fanta Sea Yacht Club 4215 Admiralty Way Marina del Rey	Susy Blair <a href="mailto:srb5090@lausd.net">srb5090@lausd.net</a>
Willie Richardson	Saturday, March 13, 2010 11:30 a.m. – 3:30 p.m.	Proud Bird Restaurant 11022 Aviation Blvd. Los Angeles	Pat Nichols 310.702.0137

## Charter School Not A "State Actor," Court Rules

By [Mark Walsh](#), on January 6, 2010, *Education Week*

A federal appeals court has ruled that an Arizona charter school is not a "state actor" for purposes of federal civil rights law. The court upheld the dismissal of a lawsuit filed by a former teacher at the school who alleged that the school deprived him of his liberty interest in finding other work.

**Michael Caviness**, a former physical education teacher and coach at the Horizon Community Learning Center in Phoenix, was placed on administrative leave in 2006 for questionable judgment over personal phone contacts with a female student, according to court papers. Caviness contended that the student had a crush on him and that he did nothing wrong. After his contract was not renewed, Caviness alleges that the charter school declined to clear his name and refused to provide references as he sought another teaching job.

He sued the school under the federal civil rights law known as Section 1983. That law, which stems from the Reconstruction-era Civil Rights Act of 1871, allows individuals to sue over any alleged deprivation of rights carried out under "color of law." To succeed in such a case, the plaintiff must show that the challenged conduct was attributable to government action.

For both a federal district court and the U.S. Court of Appeals for the 9th Circuit, in San Francisco, the key question was whether an Arizona charter school was a "state actor" under Section 1983. Both courts concluded it was not, and thus Caviness's suit could not proceed.

"This case presents the special situation of a private nonprofit corporation running a charter school that is defined as a 'public school' by state law," the three-judge appeals court panel said in its unanimous January 4 decision in [Caviness v. Horizon Community Learning Center](#).

The court said that even though charter schools are defined as public schools by the state of Arizona and are subject to extensive state rules and obligations, that does not transform private organizations that run them into government actors.

The appeals court cited a 1982 ruling by the U.S. Supreme Court, in [Rendell-Baker v. Kohn](#), that a private school for troubled students in Massachusetts that received nearly all of its students by referral from public school districts and the state was nonetheless not a "state actor" for employment purposes under Section 1983.

"The Arizona legislature chose to provide alternative learning environments at public expense, but, as in *Rendell-Baker*, that legislative policy choice in no way makes these services the exclusive province of the state," the appeals court said.

## OPEN ENROLLMENT FOR GROUP LONG TERM CARE INSURANCE

AALA has scheduled an Open Enrollment period for the Group Long Term Care Insurance Plan. Long Term Care Insurance is designed to help AALA members and their families meet the high cost of care received either at home or in a facility.

The Open Enrollment period begins on January 15, 2010, and ends on February 28, 2010. AALA has approved the group Long Term Care Insurance through UNUM Insurance Company of America and marketed by Specialist in Long Term Care Insurance Services, Inc. The insurance is flexible and can be tailored to fit specific needs.

To receive more information about the Long Term Care Insurance program, call 800.764.6585 or send an e-mail to [info@specialistsinlongtermcare.com](mailto:info@specialistsinlongtermcare.com) or visit [www.unum.com/enroll/aala](http://www.unum.com/enroll/aala).

## AVID FOR SUCCESS

Six schools across the country, including one in Baltimore, are participating in the AVID (Advancement Via Individual Determination) Center's African-American Male Initiative, a national college-preparatory program for black males capable of challenging work but needing additional resources to reach their potential, reports *The Baltimore Sun*. As part of the initiative, each school recruited 25 black male students and was required to recruit black male tutors and teachers as well. The consistent presence of an adult black male is crucial to the success of the program and its students, say observers, and **James Martin**, a program teacher at Woodlawn High in Baltimore, agrees. The ability to relate to his students has fostered an environment that enables "man-to-young-man talks" during class, he explained. "Our relationship is more personal. Just it being all males, we're a more family-oriented class, because everything we talk about is as a whole. There's nothing that's really secretive." The five other schools participating are in Arlington, Tex.; Fresno, Calif.; Las Vegas; Los Angeles; and New York City. Woodlawn and Las Vegas' Mojave High School are the only ones piloting a gender-based classroom; the others have created mentorships to build relationships between students and a role-model adult.

Read more: <http://www.baltimoresun.com/news/education/bal-md.aami02jan02,0,6344418.story>

## REMINDER...REPRESENTATIVE ASSEMBLY MEETING

The second of this school year's four Representative Assembly meetings is scheduled for **Thursday, January 28, 2010**. The format will be same as in the past: 4:30 p.m.—Departmental caucuses; 5:30 p.m.—Dinner meeting/Third Floor Conference Room. These meetings are always important and even more so now. Please RSVP your attendance to AALA at 213.484.2226 or e-mail to [rsvp@aala.us](mailto:rsvp@aala.us) so that we may prepare adequately for the meal.

## UCLA PRINCIPALS' CENTER

Principals and aspiring principals are invited to the Winter Event at the UCLA Principals' Center on Wednesday, February 3, 2010, 5:00 p.m. – 8:00 p.m., at UCLA, Moore Hall 3340. Professor **John Rogers** will discuss his new Report, *"Educational Opportunities in Hard Times: The Impact of the Economic Crisis on Public Schools and Working Families."* To illustrate the current, "real time" effects of the recession on California children and public schools, interviews were conducted with a representative sample of principals from across the state. Rogers will report on what has happened to California's students and how principals are responding in this time of crisis. He will also initiate a dialogue on what now can be done. For additional information contact **Nataly Birch** at 310.267.4905 or e-mail [Birch@gseis.ucla.edu](mailto:Birch@gseis.ucla.edu). Cost for the workshop, wine, and cheese is \$15. Parking is \$10 in Lot 2.

## SAVE THE DATE

**MONDAY, FEBRUARY 22, 2010** – Women in Educational Leadership (WEL) will hold its Annual Winter Social from 5:30 – 7:30 p.m. at the San Antonio Winery, 737 Lamar Street, Los Angeles. For additional information contact **Penny Sommers** at [Laurice.Sommers@yahoo.com](mailto:Laurice.Sommers@yahoo.com) or call 323.463.2010.

## POSITIONS AVAILABLE

**Minimum Qualifications:** Candidates are responsible for making sure all the District requirements have been met. Do not contact AALA for information regarding positions. Use the listed contact phone number.

**THE FOLLOWING POSITIONS ARE AVAILABLE TO VIEW IN THEIR ENTIRETY BY GOING TO THE AALA WEBSITE, <http://www.aalausd.com>. BY CLICKING ON "POSITIONS AVAILABLE" TO THE LEFT OF THE SCREEN, YOU CAN SELECT NONSCHOOL-BASED POSITIONS AND CLICK ON ANY POSITION TO VIEW THE SPECIFIC FLYER.**

POSITION	FILING DEADLINE
<b>DIRECTOR OF INSTRUCTIONAL AND OPERATIONAL OVERSIGHT, MST 45, B Basis, Charter Schools Division.</b> For information and application procedures contact <b>Aaron Eairleywine</b> , Central Business Advisor, at 213.241.5516	<b>UNTIL FILLED</b>
<b>COORDINATOR, CHARTER SCHOOLS DIVISION, MST 41, B Basis, Charter Schools Division.</b> For information and application procedures contact <b>Aaron Eairleywine</b> , Central Business Advisor, at 213.241.5516	<b>UNTIL FILLED</b>