

## UPDATE

[www.aalausd.com](http://www.aalausd.com)

Week of November 21, 2011

### **BARGAINING BULLETIN**

**News flash! The Health Benefits Committee (HBC), representing all LAUSD unions, and the District have reached a multiple-year agreement, in principle, that will provide a continuation of our health benefits. Details will follow soon.**

### **WE ARE THANKFUL...**

Last November we published an article about what AALA members are thankful for. Although the District's financial situation is more precarious this year, we are still thankful for the services remaining in LAUSD that allow administrators to support students, teachers, families and schools. This year we are thankful when:

- The Board of Education votes to support health benefits, which allows District employees to do their jobs effectively without worrying about the well-being of their families.
- Supervisory administrators go above and beyond to provide services to students and schools despite the RIFs and Basis changes they have experienced.
- Local District personnel work extra long hours and pay for refreshments out of their own slim wallets.
- Teachers understand how stretched administrators are.
- A parent actually says "Thank you" to a hard-working staff member.
- Colleagues, while incredibly busy, still take time to call and lend an ear.
- Students ask challenging questions, work hard in school and are kind to others.
- District leaders demonstrate respect for the knowledge, experience and wisdom of AALA members.
- Senior staff members listen to administrators' concerns and take steps to reduce unnecessary tasks.
- Board members focus on student learning instead of their own political ambitions.
- Los Angeles voters continue to support funding for public libraries.
- Journalists write about the numerous examples of excellence in the District.
- The Governor and Legislature increase revenue for public education.
- District leaders provide support to employees in lieu of "gotcha" and reduce the number of initiatives being pushed through.
- AALA members have the courage to push back despite the toxic atmosphere that permeates some District locations.
- Administrators manage to focus on teaching and learning with minimal resources, despite being overworked and underappreciated.

AALA wishes all our members a relaxing, stress-free Thanksgiving. We hope you make time for yourselves, for friends and loved ones during the holiday. Read a book; listen to great music. Know that we appreciate all you do every day to serve the students and families of this District.

**HEALTH BENEFITS FAQ**

**Topic: For Medicare Retirees Only – Your 2012 Medicare Part B Premium and Income-related Adjustments**

**What is the new Medicare Part B premium for 2012?**

The standard Medicare Part B monthly **premium** will be \$99.90 in 2012, a \$15.50 decrease over the 2011 **premium** of \$115.40. However, for some LAUSD Medicare beneficiaries, the 2012 premium will represent a \$3.50 increase from their 2011 premium of \$96.40. Medicare retirees with incomes higher than the standard threshold will pay an additional income-related amount, as shown below:

<i>Beneficiaries who file an individual tax return with income:</i>	<i>Beneficiaries who file a joint tax return with income:</i>	<i>Part B income-related monthly adjustment amount</i>	<i>Total monthly Part B premium amount</i>
\$85,000 or less	\$170,000 or less	<b>\$0.00</b>	<b>\$99.90</b>
\$85,001 - \$107,000	\$170,001 - \$214,000	<b>\$40.00</b>	<b>\$139.90</b>
\$107,001 - \$160,000	\$214,001 - \$320,000	<b>\$99.90</b>	<b>\$199.80</b>
\$160,001 - \$214,000	\$320,001 - \$428,000	<b>\$159.80</b>	<b>\$259.70</b>
Greater than \$214,000	Greater than \$428,000	<b>\$219.80</b>	<b>\$319.70</b>

**Last year, I paid a monthly income-related Part D adjustment. Will I be required to continue paying a Part D adjustment? If so, what will be the cost?**

Yes, if you exceed the standard income threshold, and are enrolled in a Medicare Advantage plan—Kaiser Senior Advantage, Health Net Seniority Plus, or UnitedHealthCare Group. You must pay this income-related adjustment despite the fact that LAUSD Medicare retirees do not pay Medicare for Part D. Medicare retirees enrolled in Anthem Blue Cross EPO are not subject to a Part D adjustment.

<i>Beneficiaries who file an individual tax return with income:</i>	<i>Beneficiaries who file a joint tax return with income:</i>	<i>Part D income-related monthly adjustment amount</i>
\$85,000 or less	\$170,000 or less	<b>\$0.00</b>
\$85,001 - \$107,000	\$170,001 - \$214,000	<b>\$11.60</b>
\$107,001 - \$160,000	\$214,001 - \$320,000	<b>\$29.90</b>
\$160,001 - \$214,000	\$320,001 - \$428,000	<b>\$48.10</b>
Greater than \$214,000	Greater than \$428,000	<b>\$66.40</b>

**I'm married, but file a separate return. What are my 2012 premiums for both Parts B and D?**

Medicare retirees who are married and lived with their spouse at any time during the taxable year, but filed separate returns, must pay premium(s) indicated on the table below:

(CONTINUED ON NEXT PAGE)

**HEALTH BENEFITS (Continued)**

<i>Beneficiaries who are married but file a separate tax return from their spouse:</i>	<i>Part B income-related monthly adjustment amount</i>	<i>Total monthly Part B premium amount</i>	<i>Part D income-related monthly adjustment amount</i>
Less than or equal to \$85,000	<b>\$0.00</b>	<b>\$99.90</b>	<b>\$0.00</b>
Greater than \$85,000 and less than or equal to \$129,000	<b>\$159.80</b>	<b>\$259.70</b>	<b>\$48.10</b>
Greater than \$129,000	<b>\$219.80</b>	<b>\$319.70</b>	<b>\$66.40</b>

**KNOW YOUR CONTRACT: EMPLOYEE INITIATED TRANSFERS**

Recently, AALA members have inquired about their right to transfer to another location. Article IX, Section 1.8, of the AALA contract references the procedural rights of an employee who wishes to seek a transfer:

*Employees who have served for three consecutive years at a school in the same classification may request a transfer on the appropriate transfer form. Employees may request a transfer to a specific location or unit/local district. Transfer requests by the employee may be submitted at any time, but no later than May 15 for a Fall assignment and November 15 for a Spring assignment, to the current administrative supervisor who shall forward the request to the Human Resources Division. The request shall then be forwarded by the Human Resources Division to the appropriate administrative supervisor for consideration.*

By May 1, 2012, the District is required to post known administrative vacancies for the Fall of 2013. When an employee requests a transfer for two consecutive years, the Office of the Superintendent must conduct a formal review of the application and give priority consideration to such applicant. This includes those serving in locations far from their residence. Seniority shall be considered as a factor. When the District does not transfer the most senior qualified administrator, the District shall, upon written request from that candidate, inform him or her, in writing, of the reason(s) for denying the request.

Please contact AALA should you have questions and/or need assistance with the transfer application process.

**NOTE: The AALA OFFICE WILL BE CLOSED NOVEMBER 23–25, 2011, due to the Thanksgiving holidays. Update will not be published the week of November 28. The next Update will be dated December 5, 2011. To view LAUSD positions available and the respective flyers, please go to the AALA Website, [www.aalausd.com](http://www.aalausd.com).**

Legal Brief

**STUDENT INJURIES AND SCHOOL DISTRICT/ADMINISTRATOR  
LIABILITY**

**QUESTION**

Is a school district or administrator always responsible or liable for a student's injury?

**ANSWER**

No, a school district and its employees (i.e., administrators) are only responsible or liable for a student's injury during the following circumstances:

1. When a student is on campus attending school during school hours.
2. When a student is at a school sponsored activity.
3. When a student is using district transportation on the way to school or home.
4. When a student is on campus before or after school with the school's consent.

Generally, a school district and its employees are not responsible or liable for student safety when the student is not on school property *unless* the school or its employees engage in an act which requires student supervision, such as (1) providing for transportation; (2) sponsoring a school activity or (3) consenting to use of facilities.

**FREQUENTLY ASKED QUESTIONS**

- 1. Is a school district or its employees responsible or liable for student safety if it opens the school gates before or after school?*** Yes, by opening the school gates before or after school, the district engaged in an act that requires supervision.
- 2. Is a school district or its employees liable if a student is on campus before or after school without the school's consent, but with the school's knowledge?*** Yes, a district or its employees may be liable in this type of situation because of the school's "*implied consent*" and failure to stop the campus activity. The school's failure to act is in effect an affirmative act of allowing student access which requires supervision.
- 3. If a student is injured on campus, does a school district or its employees have any legal defenses?*** Yes, if a student is injured on campus, a district or its employees have all the defenses that may apply in a negligent lawsuit, such as the school was not negligent, the student assumed the risk or contributed to the injury or third parties were at fault.
- 4. If a student is injured in class, will the school district defend and pay for any money judgment against an administrator if sued?*** Yes, if a student is injured in class, a district will defend and pay any damages against an administrator as long as the administrator's conduct was performed in the course and scope of employment duties.

**Legal Authority:** Education Code sections 35160 and 44808; Government Code section 825.

*This LAUSD Legal Brief is for information only and does not constitute legal advice. Please contact the Office of the General Counsel to determine how this information may apply to your school's specific facts and circumstances.*

## OCTOBER STATE REVENUES

*AALA wishes to thank **Tom Chorneau**, of School Innovations & Advocacy Budget Watch, who gave us permission to reprint this article.*

More bad news came from the state controller last week as tax collections continue to fall short of expectations, now running \$1.5 billion behind—but that doesn't necessarily mean midyear cuts will be triggered. Of the state's big three revenue sources, two—corporate and sales taxes—are behind estimates by about \$400 million so far, the controller's office reported. Those losses are being partially offset by personal income taxes, which are about \$51 million higher than expected. Combined, the big three are off by just 1.6%, the controller said.

It is important to note that the Governor's Department of Finance continues to look further down the road for determining if trigger cuts will be needed. **H. D. Palmer**, spokesman for the finance department, told reporters again last week that the decision over the trigger cuts will be made based on the revenue forecast for 2012—which will be made in December. He said the decision will not be based on the monthly cash reports—a position the administration took earlier last summer.

Meanwhile, employment data continues to show the California economy is improving and has added back close to a quarter-million jobs the last year. Just during the month of September, the Los Angeles metropolitan area added 22,300 nonfarm jobs; while Orange County contributed 4,600 with the Inland Empire adding another 4,300 jobs. Even the Stockton area had a net increase of 2,700 jobs. Oakland, Sacramento and San Diego accounted for a combined loss of 6,100 jobs, according to analysis provided by the state controller.

Local government, which traditionally accounts for about 11% of the nonfarm employment in California, led the decline with a reduction of 8,400 positions in September. Remarkably, construction increased by 6,900 during the same period.

Economists **Christopher Thornberg** and **Eric Meux** noted that as the California economy recovers, there is increasing evidence of a "dichotomy" between the skill set of workers in the sectors hit hardest by the recession and the skills needed to be employed by the sectors leading the state out of the downturn. "On a proportional basis, construction, real estate and retail trade were among the hardest-hit sectors in the region in terms of job losses," wrote Thornberg and Meux of Beacon Economics. "These sectors traditionally have low education requirements and pay relatively low wages, which are two of the predominant characteristics of our unemployed population."

## FURLOUGH DAYS

The AALA/LAUSD Jobs Restoration Agreement (May 27, 2011) provides for four (4) furlough days for AALA members this school year. The current plan is for the school year to be shortened by three instructional days and one pupil-free day. Final decisions regarding midyear budget cuts will be made after Governor Brown releases his fiscal forecast on or about January 10, 2012. Deeper cuts could result in a shorter school year and additional furlough days for AALA members. We will keep you informed.

## **AALA PAC REPORT**

AALA's Political Action Committee (PAC) is our legally constituted entity for engaging in support for political candidates and ballot measures. Historically, our PAC has supported candidates who understand, advocate for and implement policies that are beneficial to our members and to public education. Above all, AALA has taken an active interest in LAUSD School Board elections, local bond measures, a recent parcel tax effort and the race for State Superintendent of Public Instruction.

When AALA members join the Association, they have the opportunity to complete a PAC Authorization Card, which allows for up to \$25 of their dues each year to go into our PAC account. As of this writing, our current PAC balance is nearly \$178,000. The balance is this high because current law limits PAC donations to a maximum of \$1,000 per Board of Education candidate in any given election. In past years, PACs legally could donate far more.

On November 14, 2011, the AALA Executive Board held an in-depth discussion about the financial strength of our PAC and ways to save money in our general fund. The Board passed the following motion: *For the 2011-2012 school year, the amount of AALA dues contributed to the PAC will be reduced from \$25 to \$5 for each person who has signed the PAC authorization card. At the beginning of the 2012-2013 school year, barring further action of the Executive Board, donations will return to the \$25 level.*

This decision allows AALA to continue providing the highest level of support to members while maintaining our fiscal integrity during these challenging times. Furthermore, the PAC will maintain a substantial financial cushion so we may actively engage in support of candidates during the 2012 election cycle.

## **AALA CLASSIFIED UNIT SURVEY HIGHLIGHTS**

In preparation for negotiating the first contract for AALA's new classified unit, all 255 classified bargaining unit members were surveyed online between November 4 and November 10, 2011. Of these, 110 administrators (approximately 43%) completed the survey. The leadership team and bargaining committee members have reviewed the survey responses, which they will use to prioritize issues for negotiating their first collective bargaining agreement with LAUSD.

Following are survey highlights:

- Compensation/salary ranks as the highest priority for members, followed by health benefits, administrative workload and advancement opportunities, respectively.
- Members rank health benefits as highly important. The top two comments about benefits demonstrate members' concerns regarding the maintenance of or reduction of copays and ensuring that current health benefit levels continue. Improving dental benefits ranks third in concern.
- Members identify staff support as the most important need not currently met, but one that is essential to fulfill their administrative job responsibilities.
- Sharing best practices, dealing with personnel issues and operational issues are the highest priority areas identified for professional development.
- A majority of respondents express dissatisfaction with the current promotional process. Over two-thirds do not believe that it is transparent and demonstrates integrity and equity. The top concerns include selection bias, best candidate selection criteria and process inconsistencies.

After fully analyzing survey results, the Bargaining Committee's next steps will include framing the initial bargaining proposals and sending a "sunshine letter" to the District, to start formal negotiations. AALA will continue to keep you informed via *Update* regarding progress.

**EYES IN CONFLICT**

*AAALA wishes to thank **Maureen Powers**, Gemstone Foundation Director of Research, for providing the following information.*

A new approach to helping struggling readers is making a difference in several LAUSD schools, and it's based on how the students' eyes work together. The Gemstone Foundation, based in Riverside County, has been carrying out research for several years in L. A. and elsewhere around the country. On average, researchers have found that a significant proportion of children lack the eye coordination skills necessary to read comfortably and efficiently.

These students have "eyes in conflict," a name used for problems with tracking, refocusing the eyes or being able to aim them at the same place at the same time on the page. Scientific studies show this interferes with reading at the very first stages, before cognition even occurs, slowing down rates and resulting in poor fluency. Current vision screening in school does not identify children with eyes in conflict. So vision problems that occur at reading distance and with eye coordination are often missed. Gemstone's process provides a clinically validated questionnaire for initial identification of students, followed by testing using optometric procedures.

After testing and consultation with administrative and teaching staff, students with the problem participate in a series of internet-based computer games in school or in an after-school program. The games use a unique 3D technology that engages students. After 30 sessions of 15-20 minutes each, students report better reading comfort and their reading scores improve by a grade level or more.

Gemstone is a 501(c)(3) nonprofit with flexible, low prices: \$1 per child to test and \$199 per child for the computer intervention. For further information, call 951.244.3834 or go to [www.eyesinconflict.com](http://www.eyesinconflict.com) or [www.gemstonefoundation.org](http://www.gemstonefoundation.org).

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Please join us for Ed.D. Prospective Student Day on December 3, 2011. To RSVP, see our flyer and register at the following link: <http://rossier.usc.edu/admission/events.html>.

Questions? USC Rossier School of Education at [rossier.info@usc.edu](mailto:rossier.info@usc.edu) or call 213.740.0224 or go to <http://rossier.usc.edu/academic/edd/>.

Go to the following link for additional information:  
<http://www.aala.us/docs/2011/11/USC-Ed-D-for-AALA-Update-Ad-11-17-11.pdf>.

## SAVE THE DATE

**WEDNESDAY, NOVEMBER 30, 2011** – Region XVI – ACSA-R Winter Luncheon, to be held at 11:30 a.m. at **Taix Restaurant**, 1911 W. Sunset Blvd., Los Angeles.

## 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.

### CERTIFICATED POSITIONS

#### *PRINCIPAL, ELEMENTARY*

**Ascot ES (5) MST 41**, 1447 East 45<sup>th</sup> Street, Los Angeles, CA 90011  
Ascot is an E Basis school. For information and application procedures contact **Celia Ripke**, Principal Leader, at 323.224.3172. **Filing deadline is Wednesday, November 30, 2011.**

#### *PRINCIPAL, SECONDARY*

**Crenshaw HS, MST 45**, 5010 11<sup>th</sup> Avenue, Los Angeles, CA 90043  
Crenshaw is an E Basis school. For information and application procedures contact **Donna Muncey**, Chief of Intensive Support and Intervention, Office of the Superintendent, at 213.241.7000. **Filing deadline is Wednesday, November 30, 2011.**

#### *INSTRUCTIONAL SPECIALIST*

**Dodson MS (8) MST 39 (Temp. Adv.)**, 28014 Montereina Drive, Rancho Palos Verdes, CA 90275  
Dodson is a B Basis school. For information and application procedures contact **Terry Ball**, Principal Leader, at 310.354.3400. **Filing deadline is Monday, November 28, 2011.**

The following positions are available to view in their entirety by going to [http://certificated.lausd.k12.ca.us/admin\\_vacancies](http://certificated.lausd.k12.ca.us/admin_vacancies). Select School-Based and Non-School-Based positions and click on any position to view the specific flyer.

POSITION	LOCATION	CONTACT	DEADLINE
Principal, Elementary	Roscoe ES	818.252.5405	11/23/11
Instructional Specialist	Manual Arts HS	213.745.4928	Until Filled

POSITION	DEADLINE
<ul style="list-style-type: none"> <li><b>PUPIL SERVICES and ATTENDANCE COORDINATOR, MST 39 (Temp. Adv.), B Basis, Division of Health and Human Services.</b> Contact <b>Debra Duardo</b>, Director, Pupil Services, at 213.241.3844.</li> </ul>	<b>5:00 p.m. Mon., Nov. 28, 2011</b>
<ul style="list-style-type: none"> <li><b>SPECIALIST, DATA MANAGEMENT and REPORTING, MST 37 (Temp. Adv.), B Basis, Division of Special Education SELPA.</b> Contact <b>Veronica Smith</b>, Director, at 213.241.6701. <b>THE DEADLINE TO APPLY HAS BEEN EXTENDED.</b></li> </ul>	<b>5:00 p.m. Wed., Nov. 30, 2011</b>
<ul style="list-style-type: none"> <li><b>DIRECTOR, LAUSD CHARTER OPERATED PROGRAMS, MST 45 (Temp. Adv.), A Basis, Division of Special Education.</b> Contact <b>Sharyn Howell</b>, Executive Director, at 213.241.6701. <b>THE DEADLINE TO APPLY HAS BEEN EXTENDED.</b></li> </ul>	<b>5:00 p.m. Fri., Dec. 9, 2011</b>