

UPDATE

www.aalausd.com

Week of March 19, 2012

POTENTIAL BUDGET CUTS . . .

Dr. Judith Perez, AALA President, made the following comments at the meeting of the Board of Education on March 13, 2012, during which the approval of the District's Second Interim Budget was a major agenda item.

The Superintendent has repeatedly stated that the District's top funding priority is teaching and learning at K-12 sites. I would like to remind you that LAUSD is a Pre-K through adult school district.

I am here, first of all, to urge you to reconsider the 2012-2013 categorical allocations sent to principals on March 1, which effectively cut 30% or more of their funding. The memo stated that because resources are needed to fund the Office of Civil Rights Voluntary Agreement, Teaching and Learning Initiative and implementation of the Common Core State Standards and Assessments, some categorical allocations to schools would be cut. AALA wants to know the individual cost of the three cited initiatives. We urge you to request a delay of the OCR agreement for one year because of the District's fiscal constraints. We recommend that the Teaching and Learning Initiative and Common Core implementation be postponed. The categorical funds diverted for their use should be returned to the schools. During this fiscal crisis, any money taken from schools is too much.

Second, I'd like to speak briefly about Adult Education. While we appreciate your proposal to continue ROP and credit recovery classes at high schools, we urge you to think bigger. The Division of Adult and Career Education currently serves over 300,000 students with a budget of approximately \$150 million. If the budget is cut to \$50 million, educational services to 200,000 residents most in need would be eliminated and could not be replaced. We are talking about immigrants trying to learn English and gain citizenship for a better life, parents trying to obtain the skills to get decent jobs and help their children learn.

Third, we support maintenance of all Options Programs. Options students are as capable as other students, but because of various life challenges they need a small-school environment, support and personalization to graduate from high school and go on to postsecondary education. The cost of their earning a high school diploma is far less than the cost of incarceration. Please understand that for safety reasons and lack of adequate transportation, most Options students will not travel to sites outside their communities to attend school. By cutting 50% of Options sites, the District will, in fact, contribute to an increase in the dropout rate and a decrease in the graduation rate.

Fourth, we urge you to keep all Early Education Centers open. Fifty years of research demonstrates that children who attend pre-school are well prepared for kindergarten, do better in school and are more likely to graduate than those who do not.

POTENTIAL BUDGET CUTS (Cont.)

To conclude, if the Superintendent's goal to improve teaching and learning is to be realized, the District must maintain the programs that make it possible. Early education, options and adult school programs are essential; they are not extras. Skimming categorical funds from school sites to pay for initiatives that can wait a year is not justified given the current fiscal crisis. Again, let me remind you that LAUSD is a Pre-K through adult school district.

AALA SUPPORTS ADULT EDUCATION

AALA's long-stated goal is to save the Division of Adult and Career Education (DACE) as a unit and to save all administrative positions—including those of adult education principals and assistant principals. Since last fall, we have published weekly articles in *Update* on the importance of adult education. During our regular meetings with Superintendent **Dr. John Deasy**, Senior Deputy Superintendent of School Operations, **Michelle King**, and Deputy Superintendent of Instruction, **Dr. Jaime Aquino**, we have explained repeatedly why adult education is essential for adult students, their children and for the entire community. **Dr. Judith Perez**, AALA President, spoke in support of retaining all adult education programs at the Board of Education meeting on March 13, 2012 (see Page 1). AALA has helped recruit prominent public figures, retired superintendents, former Board members and others to advocate on behalf of adult education at Board meetings and to write letters to Board members and senior leadership in support of DACE.

Furthermore, we have supported and will continue to support complete budget transparency. At a meeting with Dr. Aquino on Friday, March 2, Dr. Perez asked him to give consideration to budget recommendations made by AALA members through their respective organizations. He said that he would welcome such input. To that end, he held a meeting for DACE principals on Monday morning (March 5) to express his commitment to preserve the Division as much as possible, given the current fiscal crisis. This is a far better scenario than zeroing out the Division altogether, as the Board recommended in the First Interim Budget in December.

Dr. Aquino asked **Dr. Clif de Cordoba** and **Donna Brashear**, as representatives of the DACE principals, to submit a "concept paper" within two days (by March 7), explaining in broad outline how to structure the division, based on several potential funding levels. His invitation indicates a beginning shift toward greater budget transparency. Dr. Aquino also told the principals that DACE administrators will have several months to work on details of the plan because of the uncertainty of the final budget. The District has been basing decisions on the worst-case budget scenario. Its approval on March 13, 2012, of the Second Interim Budget is not the end of the story as a much clearer picture of actual revenues will emerge when the Governor presents his May Revision.

Dr. de Cordoba and Ms. Brashear plan to contact the DACE AP Organizations' presidents to discuss the potential DACE structure and budget levels at their respective meetings to come up with recommendations. In this way everyone's voice can be heard. Again, AALA's goal is 100% preservation of the Division and all administrative positions.

HEALTH BENEFITS FAQ

Topic: Supreme Court to Hear Affordable Care Act Challenges in March

Later this month, the Supreme Court will hear arguments on the constitutionality of four specific issues related to the Affordable Care Act (ACA). In one of the most important lawsuits of the decade, the Court will hear an unprecedented total of six hours of argument. These are the key dates and issues:

- March 26 – Can the ACA be challenged prior to its enactment? (Dept. of Health and Human Services v. Florida)
- March 27 – Does Congress have the power to require an individual to have health care insurance, otherwise known as the individual mandate? (Dept. of Health and Human Services v. Florida)
- March 28 – Can the individual mandate be severed from the rest of the ACA or does a ruling that it is unconstitutional invalidate the entire ACA? (National Federation of Independent Business v. Sebelius, Secretary of H&HS)
- The Court will also hear arguments on whether Congress violated states' rights when it expanded Medicaid. (Florida v. Dept. of H&HS)

What is the basis of the challenge?

The crux of the challenge to the health care law focuses on the individual mandate, which requires every American to have health insurance or face a stiff tax penalty designed to cover the costs for being uninsured.

- The government argues that Congress has long had the authority to regulate health insurance under the interstate commerce clause of the Constitution and forcing participation is just a way of bolstering that market.
- The plaintiffs charge that the mandate doesn't regulate existing commerce. Instead, they say, it violates individual liberty by forcing people to engage in commerce in the first place by requiring them to purchase insurance they may not want or need. If the government can order citizens to buy health insurance, the argument goes, what is to stop it from mandating other healthful activities such as buying broccoli or signing up for a gym membership?

Who are the plaintiffs in the lawsuit and what decisions preceded this appeal to the highest court?

The plaintiffs represent a consolidation of two cases from Florida. The first case includes two individuals currently without health insurance and the National Federation of Independent Business (NFIB). At issue is the validity of the individual mandate and Congress' legislative powers to regulate commerce and levy taxes. The second case is the State of Florida, joined by 25 other states. They challenge the Medicaid expanded eligibility rules that mandate coverage in 2014 for nearly all people under age 65 with income levels at or below 133% of the Federal Poverty Level (FPL). The states' plaintiffs argue that Medicaid's expansion coerces states to participate, making it an unconstitutional exercise of power under Congress' Spending Clause. The states also join the private plaintiffs' challenge to the constitutionality of the individual mandate.

What government agencies are defending the ACA?

Three federal agencies involved in implementing the ACA are the Departments of Health and Human Services, Treasury and Labor. The federal government maintains the position that the individual mandate and Medicaid expansion are both valid exercises of Congressional legislative powers.

What prior court decision led to this appeal to the highest court?

To date, approximately 30 lawsuits challenging the ACA are in varying stages of litigation. Last August, the 11th Circuit Court overturned an earlier 6th Circuit Court decision to uphold the individual mandate and ruled it unconstitutional. Other cases ruled the law constitutional or dismissed the cases, with other cases dismissed due to lack of standing or procedural problems. Three cases are still pending.

MARCH 15 RIF LETTERS

This year, all AALA members received letters notifying them of the potential loss of their jobs due to a reduction-in-force (RIF) necessitated by revenue decreases. In fact, the District sent such notices to over ¼ of its certificated employees, the largest number ever. AALA would like to remind members, as did **Dr. Deasy**, that these letters do not mean that you will absolutely lose your position; it is a legal requirement that certificated employees be notified by March 15 if the potential for a reduction in classification or reassignment exists. For contractual details about reduction in force, review the AALA/LAUSD Bargaining Agreement, Article IX, Sections 4.0-4.6, *Release and Subsequent Reassignment of Personnel When Positions are Discontinued Because of a Reduction in Force/Reassignment*. The AALA/LAUSD Contract is available on the AALA website at www.aalausd.com.

Some AALA members will also receive a second letter, which includes this anxiety-producing statement, “Pursuant to Education Code Sections 44949 and 44955, you will be laid off effective the close of June 30, 2012.” Those who receive this notification do so because their seniority dates as a LAUSD teacher or counselor fall within the time frames that are being reduced; or, they may have been hired as an administrator from outside of the District which gave them a seniority date within the time frames that are being reduced. Human Resources personnel have assured AALA that this letter will only apply to those who are reduced-in-force from their current administrative assignment or whose administrative assignment is not continued for the 2012-2013 school year. Administrators who receive the second letter and have questions about their seniority date or believe the District made an error have the right to request a hearing. The hearing request must be made in writing on the “Request for Hearing” form that was included in the mailing and be received by HR by 5:00 p.m. on Thursday, March 22, 2012. Please call 213.241.6365 for more information.

We realize that no matter the rationale, receiving these letters is stressful and demoralizing (Can it get any worse?)! As the Board continues to receive updates from the state and anticipates the Governor’s Budget Revision in May which potentially will enable the rescission of many of the letters, AALA provides below, as we have in the past, some answers to FAQs.

If I am a current administrator at a school site, will central office cuts have an impact on my position?

If a central office employee has return rights to a former class such as a principal or assistant principal position, then central office cuts may cause some reassignments. A subsequent letter regarding reassignment will be sent by June 30, 2012.

If a seniority-based classification must be reduced, e.g., principal, what is the order of release?

According to the AALA/LAUSD Bargaining Agreement, Article IX, Section 4.2, the order of release within a seniority-based class is as follows:

1. Temporary (T1), then
2. Provisional AR 4213 (V1), then
3. Restricted AR 4214 (W1), then
4. Qualifying 1 (Q1) and Restricted AR 4214 (W1), then
5. Qualifying 2 (Q2) and Restricted AR 4214 (W1), and finally
6. Regular (R1)

Certificated employees assigned in an administrative position as a Temporary Adviser (generally, class codes 0503, 0504, 0505, 0508, 0510, 0512, 0514 and 0515) do not have rights to this class and will be reassigned to the last class in which they have return rights. Administrators who are not sure of their class code may check with their time reporter. If a tie occurs in determining the order of release, the administrator with the earliest date of continuous assignment to a supervisory class is retained. If a tie still exists, the administrative employee with the earliest District seniority date is retained. Remaining ties shall be broken by using the District seniority tiebreaker.

MARCH 15 LETTERS (Cont.)

What happens if my position is eliminated?

You will be assigned to either an administrative or a nonadministrative position to which you have return rights and will receive a letter by June 30, 2012, regarding your reassignment for the 2012-2013 school year.

What are an employee's rights to a seniority earning class from which he/she was released?

The employee will be assigned to a position to which he/she has return rights. According to the AALA/LAUSD Collective Bargaining Agreement, Article IX, Section 4.5, your name will be placed on a reassignment list not to exceed a period of 39 months from the date of release or until an assignment consistent with this process has been accomplished, whichever occurs first. As positions become available, assignments will be offered.

Where will I be able to obtain my seniority status?

Please contact the Administrative Assignments Unit at 213.241.6365 for information on your seniority status. As of March 16, 2012, school-based administrators may also review seniority dates online at www.teachinla.com.

IS YOUR RETIREMENT INCOME SECURE?

These turbulent economic times, coupled with the continuous diatribe in the media against public pension plans, has made many CalSTRS members apprehensive about the security of their retirement benefits. Some may have read that CalSTRS is facing a funding shortfall. This is accurate, due to substantial and unprecedented market losses during the economic downturn. Based on current projections, CalSTRS has assets to pay benefits through the early 2040s. If there is no change to contribution levels, the state as plan sponsor would be obligated at that time to fund benefits. The excerpt below is from the CalSTRS website.

A "public employee's pension constitutes an element of compensation . . ." and the right to the pension is contractual and "accrues upon acceptance of employment." (Betts v. Board of Administration (1978) 21 Cal.3d 859, 863.) Once the inducement is accepted, the pension promises become "obligations which are protected by the contract clause of the Constitution." (Kern v. City of Long Beach (1947) 29 Cal.2d 848, 853.) Therefore, the state "may not deny or impair the contingent liability any more than it can refuse to make the salary payments which are immediately due." (Id. at p. 855; see also United Firefighters of Los Angeles City v. City of Los Angeles (1989) 210 Cal.App.3d 1095 [law that capped annual cost-of-living increases was an unlawful impairment for employees who worked before the cap was established].)

This would appear to indicate that AALA members do not need to worry about their future retirement benefits. However, the projected shortfall must still be addressed. Historically, investment returns have contributed about 60 percent of the retirement benefit with the balance coming from the contributions of the state, school districts and current members. The significant financial losses CalSTRS experienced during the global economic downturn make it unreasonable to assume that future investments will be enough to eliminate the unfunded liability. For the past few years, CalSTRS has been asking the governor and Legislature to increase the contribution rates of active certificated public school employees. Currently, active CalSTRS members contribute 8% of their salary to their retirement account. School districts contribute 8.25% of each employee's salary to the general fund and the state also contributes a miniscule amount which varies from year to year. The contribution rates for members have not changed in 40 years, but, inevitably, it must happen.

NEW IMAGING EQUIPMENT

In December, the Procurement Branch's Policy, Procedures & Compliance Unit issued an advisory entitled *UnifiedPrint Imaging Project*. It provided information on the launching of a new Districtwide imaging management services project in which the Board of Education contracted with Toshiba to be the single vendor for imaging services for all schools and offices. At full implementation, it is expected that schools and offices will have replaced existing, stand-alone imaging equipment with new networked, multifunctional copier and duplicator solutions tailored to meet specific needs. Site assessments are being conducted to inventory existing equipment with recommendations being presented to the site administrators within two to four weeks. The initial recommendations will be for the replacement of devices that are not cost effective or are off-lease. If the recommendation is approved, administrators will receive a schedule for installation of the new copier equipment. There is an opportunity to *opt out* of this program with specific documentation and approval from the appropriate Division Executive or Local District Superintendent and the Chief Operating Officer. AALA encourages all site administrators to visit the Policy, Procedures & Compliance Unit's website, www.psd.lausd.net, and click on UnifiedPrint to review FAQs and obtain additional information.

MANDATORY POSTING REQUIREMENT

AALA thanks Carlos A. Torres, Environmental Health Manager, for sharing this information.

California state law requires every District school and office to have the Annual Summary of Work-Related Injuries and Illnesses (Cal-OSHA Form 300A) displayed in a conspicuous place where notices to employees are customarily posted. This form must be posted from February 1 until April 30 each year.

In the past, the Office of Environmental Health and Safety (OEHS) mailed hard copies to all locations; however, last year the OEHS moved to an electronic distribution system and e-mailed information to site administrators advising how to access and post their site specific logs. Recently, OEHS conducted a survey of 69 random sites and found that only 43% of sites had the current log posted. If you have not done so, please ensure that the appropriate logs are posted in every school and office to maintain compliance and prevent Cal/OSHA from issuing citations.

To obtain more information about this state mandate and to access your specific site report, go to www.lausd-oehs.org/OSHAform300.asp. If you have any questions regarding the posting requirement or believe the information on the website is inaccurate, please contact the Office of Environmental Health and Safety at 213.241.3199 or www.lausd-oehs.org.

SPRING ALUMNI LUNCHEON

Alumni members are invited to attend the Spring Alumni Luncheon on Wednesday, April 18, 2012, at 11:30 a.m., at the Stadium Club at Dodger Stadium. It is an excellent opportunity to reconnect with former colleagues, learn about the latest issues impacting LAUSD and receive an AALA update from **Dr. Judith Perez**, President. The featured speaker will be **Dr. George J. McKenna III**, Local District 7 Superintendent, who will be "Looking Back ... Moving Forward." Invitations to the luncheon were mailed last week. The deadline for return is Friday, April 13, 2012. We hope to see many of you at the luncheon. Should you have questions regarding the event, call **Gema** at 213.484.2226 or e-mail gpivaral@aala.us.

FRIENDS OF AALA – 2012 CAMPAIGN

Friends of AALA's 2012 fundraising campaign is under way. Donation requests have been sent via e-mail to Active members and U.S. Mail to Alumni members. When you receive the request, we hope that you will consider donating to Friends of AALA as one of your charitable contributions. The funds received go to support scholarships for LAUSD students. Last year, 21 remarkable young scholars were awarded scholarships, and we hope to meet or exceed that number this year. By donating to Friends of AALA, you can help us meet that goal. All donations are tax deductible to the fullest extent allowed by law. Should you have any questions regarding Friends of AALA or the 2012 campaign, please call AALA at 213.484.2226.

**TUTORING COMPANY CONSULTANT OPPORTUNITY!
MAKE A DIFFERENCE IN A CHILD'S LIFE!**

One of the country's largest K-12 tutoring companies currently has immediate openings for former educational leaders to serve as part-time consultants in the Los Angeles area as it expands its in-home tutoring services. Tutoring is offered in all academic subjects, as well as standardized test preparation for students attending public or private schools. The company, whose mission is to provide high-quality instruction for students in all major geographic regions, operates in several states across the country. Join a dynamic and intelligent team with great growth potential that is recognized among the nation's best. To obtain more information, please contact **A.J. Duffy** at duffmanandcarol@verizon.net or at 213.880.3993.

WANT TO EARN A PH.D. THAT WORKS AROUND YOUR SCHEDULE?

The School of Educational Studies at Claremont Graduate University invites you to attend an informational session for *Prospective Urban Leadership Program Ph.D. Students*:

Saturday, March 24, 2012

2:00 - 4:00 p.m.

Michael T. Johnston Board Room

Claremont Graduate University

150 N. Dartmouth Avenue, Claremont, CA 91711

- Preview the program's unique format designed to meet the needs of current and future leaders in public education.
- Talk to the Dean of the School of Educational Studies, the UL Co-Directors, **Dr. Carl Cohn** and **Dr. Susan Paik**, as well as current faculty, staff and students.
- Learn about the **only weekend Ph.D. Cohort Program** at a selective private-research university.
- Hear from current students and faculty on how to prepare a successful application.

Please RSVP by 3/22/12 to the Urban Leadership Program at uleducation.rsvp@cgu.edu. **Don't miss the last UL information session of the academic year!** Guests and colleagues are welcome to attend. Refreshments and hors d'oeuvres will be provided. For more information visit <http://www.cgu.edu/urbanleadership>, e-mail uleducation.info@cgu.edu, or call 909.607.3416.

UPCOMING EVENTS

EVENT	DATE	CONTACT
Association of Jewish Educators Scholarship Application Due	March 19, 2012	http://ajeandlausd.info
AEIOU Dinner Dance	March 24, 2012	Al Fasani , 714.827.1591
Richard Lioy Retirement	March 25, 2012	Carmen Jimenez , 818.767.3018
California Credit Union Scholarship Application Due	April 13, 2012	www.californiacu.org/home/aboutus/inthenews
Odessa Taylor Retirement	April 14, 2012	bunnywithers@gmail.com or 323.445.1079
LA Federal Credit Union Scholarship Application Due	April 30, 2012	www.lafcu.org/site/scholarships

POSITIONS AVAILABLE

Minimum Qualifications: *Candidates are responsible for making sure all the District requirements have been met. Please do not contact AALA for information regarding positions; use the contact phone number provided in the announcement or go to http://certificated.lausd.k12.ca.us/admin_vacancies. Select School-Based or Non-School-Based Positions and click on any position to view the specific flyer.*

CERTIFICATED POSITIONS

DIRECTOR

Early Childhood Education Division (2 positions), MST 40G, Temporary Adviser, E Basis. For information and application procedures contact Administrative Assignments at 213.241.6886. **Filing deadline is Friday, March 23, 2012.**

COORDINATOR, OPERATIONS SUPPORT SERVICES

Local Educational Service Centers (23 positions), MST 43G, Temporary Adviser, B Basis. For information and application procedures contact Administrative Assignments at 213.241.6886. **Filing deadline is Wednesday, March 28, 2012.**

PREVIOUSLY ANNOUNCED POSITIONS

POSITION	LOCATION	CONTACT	DEADLINE
<i>ADMINISTRATOR, SUMMER SCHOOL (pending funding) July 9- August 3, 2012</i>	16 Senior High School Sites	https://summer.lausd.net	Thursday March 29, 2012
<i>ADMINISTRATIVE COORDINATOR, MST 44G, E Basis</i>	Charter Schools Division, Beaudry Bldg.	Aaron Eairleywine , Central Business Advisor 213.241.5516	5:00 p.m. Friday March 16, 2012
<i>INSTRUCTIONAL SPECIALIST, MST 39G, B Basis</i>	Carver Middle School	Luz Cotto , Principal 323.846.2911	5:00 p.m. Friday March 16, 2012