

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

REGULAR MEETING ORDER OF BUSINESS

333 South Beaudry Avenue, Board Room
1 p.m., Tuesday, March 13, 2012

Roll Call

Pledge of Allegiance

Superintendent's Reports

Budget Update

Public Notice of Bargaining Union Initial Proposals

1. Initial Proposals for 2011-2014 Full Successor Agreement Negotiations for Units B, C, F, and G from Service Employees International Union, Local 99 – Initial proposals from collective bargaining representatives are made public before negotiations begin. **PUBLIC HEARING**

Consent Items

Items for action below assigned by the Board at the meeting to be adopted by a single vote. Any item may be pulled off of consent for further discussion by any Board Member at any time before action is taken.

New Business for Action

2. Board of Education Report No. 171 – 11/12
Procurement Services Division
(Procurement Actions) Recommends approval of procurement actions taken by staff for professional services and purchases within the delegated authority as described in Attachment A for a total amount of approximately \$1.5 million. Additionally, recommends approval of one contract and one amendment providing an estimated income of \$65,000 to the District and procurement transactions for purchases totaling \$14,155,420. Also, recommends approval of a goods and general services contract with agreements over \$250,000 as detailed in Attachment B for technology equipment for a total authorization amount of approximately \$3.0 million.
3. Board of Education Report No. 174 – 11/12
Budget Services and Financial Planning Division
(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) Approves findings of decreased attendance due to emergency conditions and the emergency closure of 14 schools and 3 early education centers in compliance with Ed Code Section 41422 and authorizes staff to obtain attendance allowance.

4. Board of Education Report No. 175 – 11/12
Accounting and Disbursements Division
(Report of Warrants Issued, Request to Reissue Expired Warrants, and Donations of Money)
Recommends approval of warrants for things such as salary payments for a total value of approximately \$440 million, the reissuance of 13 expired warrants totaling \$21,356.42, and the acceptance of four donations to the District totaling \$166,177.

5. Board of Education Report No. 187 – 11/12 **PUBLIC HEARING**
Office of the Chief Financial Officer
(Statutory School Fees (Level 1 Developer Fees)) Adopts resolution to increase the current Level 1 Developer Fees to \$3.20 per assessable square foot for new residential development and \$.51 per square foot for chargeable covered and enclosed space of new commercial and industrial development as detailed in the Developer Fee Justification Study.

6. Board of Education Report No. 188 – 11/12
Office of the Chief Financial Officer
(2011-12 Second Interim Report and Fiscal Stabilization Plan) Approves submission of Qualified Certification Second Interim Financial Report to the Los Angeles County Office of Education signifying that based on current projections the District may not be able to meet its financial obligations for the current fiscal year and for the two subsequent years and submission of a Fiscal Stabilization Plan.

7. Board of Education Report No. 197 – 09/10 **REPORT NOT AVAILABLE**
Office of the Superintendent
(TBD)

8. Board of Education Report No. 189 – 11/12
Human Resources
(Routine Personnel Actions) Recommends approval of 3,999 routine personnel actions such as promotions, transfers, leaves, etc.

9. Board of Education Report No. 190 – 11/12
Human Resources
(Nonroutine Personnel Actions) Recommends the dismissal of five classified employees, the suspension-dismissal of five classified employees, and the rescission of suspension-dismissal for two classified employees.

10. Board of Education Report No. 172 – 11/12
Facilities Services Division
(Facilities Services Division Contract Actions) Recommends approval of actions that have been executed within the delegated authority including the approval of award of one new construction, contract for approximately \$9.6 million; three existing facilities construction contracts for approximately \$1.9 million; the approval of four 17406 contracts for approximately \$12 million; the approval of four 17250 contracts for approximately \$28 million; the award of two job order contract for \$2 million; change orders for new construction and existing construction for approximately \$4 million; completion of 55 contracts; award of 73 informal contracts totaling approximately \$1.1 million; the rejection of bids; the award of one negotiated sole source contract not to exceed \$100,000; the award of one architectural and engineering contract for \$287,134 and extra services and amendments for \$111,863.

11. Board of Education Report No. 145 – 11/12
Facilities Services Division
(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) Recommends approval of Ocean Charter School to operate a school facility to be constructed on a portion of the Walgrove Elementary School campus and authorized District staff to enter into negotiations and to execute the lease, development agreement and other related instrument for the financing, construction and operation of a the charter school facility.

12. Board of Education Report No. 192 – 11/12
Facilities Services Division
(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) Recommends authorization for District staff to execute a lease and other related instrument for the financing, construction and operation of a the charter school facility with Camino Nuevo Charter Academy for the operation of Central Los Angeles High School No. 12.

13. Board of Education Report No. 193 – 11/12
Facilities Services Division
(Resolution of Intention to Dedicate an Easement at 4th Street Elementary School) Recommends adoption of a resolution of intention of the dedication of an easement to Pacific Bell Telephone Company, dba AT&T California, to construct, reconstruct and maintain aerial and underground facilities at the school located at 420 Amalia Avenue in the City of Los Angeles.

14. Board of Education Report No. 194 – 11/12
Facilities Services Division
(Ratification of Real Estate Leases, Licenses, and Other Agreements or Instruments That Are Necessary or Incidental for the Use of Real Property) Recommends ratification of real estate leases and other agreements executed by staff under delegation of authority and includes cases where the District is tenant and where the District is landlord.

15. Board of Education Report No. 195 – 11/12 **WITHDRAWN PRIOR TO MEETING**
Office of the General Counsel
(Office of the General Counsel CalPERS Early Retirement Incentive Proposal) Recommends the authorization for District staff to amend the contract with the California Public Employees' Retirement System to provide two years of additional service credit for eligible employees in the Office of the General Counsel.

Board Member Resolutions For Action (Continues at Tab 25)

16. Ms. Galatzan, Ms Martinez, Ms. García - Protecting Children in the Classroom: A Call to Legislators (Noticed March 13, 2012)

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 filling 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.
17. Ms. Garcia, Ms. Martinez and Mr. Zimmer – Resolution for Solidarity with Saving Mexican American Studies Campaign and Opposing HB 2281 (Noticed March 13, 2012)

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.

18. Ms Martínez, Ms. García. Ms. Galatzan — Improving Transparency, Process and Procedures for Student Safety (Noticed March 13, 2012)

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.

19. Ms. García, Ms. Martinez - Resolution to Declare March as School Social Work Month (Noticed March 13, 2012)

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

Motion Requested by the Superintendent

20. 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.

21. 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

22. Report of Correspondence

Public Hearings

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

Approval of Minutes

24. 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

Board Member Resolutions For Action (continued)

25. Ms. Martinez, Ms. García, Mr. Zimmer – Resolution in Support of Senate Constitutional Amendment (SCA) 5 (Noticed February 14, 2012)

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.

26. Ms. Martinez, Ms. García, Mr. Zimmer – Resolution to Endorse Public Policies to Protect Tenants in Multi-Unit Housing from Drifting Tobacco Smoke (Noticed February 14, 2012)

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.

Public Comment

Announcements

Adjournment

Please note that the Board of Education may consider at this meeting any item referred from a Board Meeting five calendar days prior to this meeting (Education Code 54954.2(b)(3)). The Board of Education may also refer any item on this Order of Business for the consideration of a committee or meeting of the Board of Education, which meets on the Thursday immediately after this meeting.

Requests for disability related modifications or accommodations shall be made 24 hours prior to the meeting to the Board Secretariat in person or by calling (213) 241-7002.

Individuals wishing to speak at a Board meeting must sign up at the meeting. There will be no sign ups in advance of the meeting. Speakers must sign up prior to the item being acted upon by the Board. Speakers should plan to arrive early as items with no speakers may be acted on at the beginning of the meeting.

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If you or your organization is seeking to influence an agreement, policy, site selection or any other LAUSD decision, registration may be required under the District's Lobbying Disclosure Code. Please visit www.lausd.net/ethics to determine if you need to register or call (213) 241-3330.

Materials related to an item on this Order of Business distributed to the Board of Education are available for public inspection at the Security Desk on the first floor of the Administrative Headquarters, and at:

<http://laschoolboard.org/03-13-12RegBd>

Items circulated after the initial distribution of materials are available for inspection at the Security Desk.