


From: Michael Chwe <michael@chwe.net>
Subject: **questions concerning SMMUSD's credibility on matters of child safety**
Date: September 2, 2010 8:44:18 PM PDT
To: Tim Cuneo <tcuneo@smmusd.org>
Cc: Debbie Mulvaney <Mulv99@aol.com>, Pattie Fitzgerald <Safelyeverafter@aol.com>, Karen Gardner <karenkgar@gmail.com>, Hugo Pedroza <hugo.pedroza@smmusd.org>, emayoral@smmusd.org, Suzanne Webb <swebb@smmusd.org>, Shari Davis - PTA Council <Shari_Davis_PTA_Council@mail.vresp.com>, bsnell@smmusd.org, kpye@smmusd.org, ballen@smmusd.org, odelatorre@smmusd.org, jescarce@smmusd.org, mlvazquez@smmusd.org, rmechur@smmusd.org



Dear Superintendent Cuneo,

I was forwarded your August 31, 2010 memo "An Email Regarding a Samohi Teacher." I appreciate the SMMUSD's efforts to protect student safety. The credibility of the SMMUSD's statements on this crucial matter, however, is for me considerably influenced by its statements regarding the case of Thomas Beltran, who was convicted in December 2008 of ten counts of sexual molestation over a period of eight years while teaching at Lincoln Middle School. On May 21, 2008, ten Lincoln parents wrote a letter to Tristan Komlos and Dianne Talarico, Lincoln Principal and SMMUSD Superintendent at the time. This letter is enclosed below. In her reply (also below), Ms. Talarico said that the SMMUSD attorney was helping to prepare a response and that some of the questions could not be answered because of the active status of the case. We never received any further response.

Now, almost two years later after the criminal process against Mr. Beltran has concluded, it should be possible for the SMMUSD to answer all of these questions. I would appreciate it very much if you could do so to the best of your ability, as they speak directly to the issue of the credibility of SMMUSD statements about child safety. All documents referred to in the letter are available at the web site <http://sites.google.com/site/lincolncommunity/beltrancase>.

For example, in March 2006, an 8th grade Lincoln student made a written complaint to Francis Costanzo, Lincoln Assistant Principal at the time, about being inappropriately touched by Mr. Beltran. Kathy Scott, Lincoln Principal at the time, wrote a letter to the Santa Monica Police Department reporting the result of the subsequent investigation, but there was no record kept of the complaint kept anywhere in the SMMUSD, according to Mike Matthews, then Assistant Superintendent, who on May 8, 2008 said that "this was all new to us." To many parents, it was shocking and strange that the SMPD kept better records of student complaints than the SMMUSD. It requires us to believe that the SMMUSD does not even keep copies of its own correspondence on crucial matters of child safety. Nonetheless, a May 7, 2008 SMMUSD press release stated that "the Santa Monica-Malibu Unified School District investigated the matter and took appropriate action." In my opinion, this statement is an indication that for the SMMUSD, "appropriate action" is a substantial dilution of what most people would understand by the term. Thus I personally read your statement in the August 31, 2010 memo that "All appropriate actions were taken to ensure student safety" in this light.

Thank you very much.

Sincerely yours,
Michael Chwe

May 21, 2008

Dear Ms. Komlos and Ms. Talarico,

Thank you for your letter of May 14, 2008 to the Lincoln Middle School community concerning the arrest of Lincoln teacher Thomas Beltran. Thank you also for the meetings for parents held on May 5 and May 8, 2008 at Lincoln. We appreciate all of the efforts of the administration, faculty, and staff of Lincoln and the Santa Monica-Malibu Unified School District during this difficult time. The meetings and the letters have given us much important information. However, several questions still remain, and we would be much obliged if you could answer them. We will post your answers on the website lincolncommunity.googlepages.com, so that parents with similar questions can refer to them. The various articles and documents mentioned below are also on this website.

Most of these questions concern the handling of the complaint of inappropriate touching by a Lincoln student against Mr.

Beltran in March 2006. On May 7, 2008, the SMMUSD issued a press release which included a letter detailing this complaint and Lincoln's response to it. This letter was written on March 30, 2006 by Kathy Scott, Principal of Lincoln at the time, and was sent to Detective Gladden of the Santa Monica Police Department. According to the press release, the SMPD gave the letter to the SMMUSD on May 6, 2008. According to an article by Melody Hanatani on May 8, 2008 in the Santa Monica Daily Press, Assistant Superintendent Mike Matthews said that "this was all new to us."

1. Is there any systematic recording of student complaints against teachers at Lincoln? When a student at Lincoln, or any other SMMUSD school, makes a written complaint against a teacher, and this complaint is serious enough to be investigated by police, as occurred in March 2006, is it official policy for a record of this complaint to be kept? Was the recording (or lack of recording) of the student's March 2006 complaint consistent with Lincoln policy or a violation of it?
2. If a student and his or her parents make a complaint against a teacher at Lincoln, in order to create a record of the complaint, should they involve the Santa Monica Police Department?
3. In a statement on the Lincoln List on May 7, 2008, Principal Tristan Komlos writes that she and Assistant Principal Francis Costanzo saw Ms. Scott's letter for the first time when they met with Superintendent Dianne Talarico on May 7, 2008. Is there any record of any kind of the March 2006 complaint against Mr. Beltran in any file at Lincoln? Does Lincoln keep copies of its outgoing correspondence?
4. In a Los Angeles Times article on May 8, 2008 by Tami Abdollah, Mr. Matthews states that Ms. Scott's letter was not in Mr. Beltran's personnel file. Is the absence of this letter in Mr. Beltran's personnel file consistent with SMMUSD policy, a violation of SMMUSD policy, or a matter of individual discretion? Under what SMMUSD policy did Ms. Scott write her letter to the SMPD but did not write a letter to the SMMUSD district offices?
5. If the absence of Ms. Scott's letter in Mr. Beltran's file was the result of individual discretion, who made the decision to not include this letter in Mr. Beltran's personnel file? Is there any record of any kind of the March 2006 complaint against Mr. Beltran in any file anywhere in the SMMUSD?
6. In her letter, Ms. Scott writes that in March 2006 the student "came to assistant principal, Mr. Costanzo's office to report that [the student] felt uncomfortable being in Mr. Tom Beltran's class because of the way he touched her" and that the student had made a written statement describing what she had experienced. Since Mr. Costanzo took the report, did he know that the student's complaint was about inappropriate touching? Did Mr. Costanzo read the student's written statement? During the May 8, 2008 meeting at Lincoln, Mr. Costanzo stated that he did not know the full contents of Ms. Scott's letter. What was the extent of Mr. Costanzo's knowledge of the student's complaint and how it was resolved?
7. After Mr. Beltran was publicly arrested on May 3, 2008, is it reasonable to expect that Lincoln administrators, given that at least one of their members, Mr. Costanzo, had knowledge, however incomplete, of the March 2006 complaint, would have quickly located all Lincoln records concerning this complaint and also contacted Ms. Scott to ask of her knowledge of it, as part of their responsibilities as administrators and also to fully cooperate with the police investigation? How is this consistent with the May 7 Lincoln List statement saying that Mr. Costanzo and Ms. Komlos saw Ms. Scott's letter for the first time on May 7, 2008?
8. During the May 8, 2008 meeting at Lincoln, a member of the audience asked if Ms. Scott, when she was leaving Lincoln, ever informed Ms. Komlos about the March 2006 complaint against Mr. Beltran. This question was not answered at the meeting. Did Ms. Scott and Ms. Komlos ever talk about Mr. Beltran and the March 2006 complaint?
9. In the May 8, 2008 Los Angeles Times article, Mr. Matthews states that there is no other complaint in Mr. Beltran's personnel file. Given that the March 2006 complaint was not in his personnel file, is it possible to conclude that there were no other complaints about Mr. Beltran during his thirty years teaching in the SMMUSD?
10. In a Los Angeles Times report on May 9, 2008 by Tami Abdollah, it is reported that the police are interviewing five additional people who alleged they were sexually molested by Mr. Beltran, as far back as 1998. Given reporting practices at Lincoln and the SMMUSD, is it possible to determine whether any of these five people, or any other person, had ever made a complaint about Mr. Beltran?
11. During the meeting on May 5, an audience member asked whether there had been previous complaints about Mr. Beltran. Mr. Costanzo replied that he could not answer because of confidentiality of personnel records. If the SMPD had not given Ms. Scott's letter to the SMMUSD, or if Ms. Scott had not written such a letter, would Lincoln administrators ever

have made public the fact that there had been a previous complaint against Mr. Beltran?

12. The May 7, 2008 SMMUSD press release states that in March 2006, "the Santa Monica-Malibu Unified School District investigated the matter and took appropriate action to ensure the protection of the complainant while also providing the employee an opportunity to respond to the complaint." If the SMMUSD took appropriate action in March 2006, how is it possible that Mr. Matthews, speaking for the SMMUSD on May 8, 2008, could say that "this was all new to us"?

13. Should the recording (or lack of recording) of the March 2006 complaint be considered part of the "appropriate action" which the SMMUSD took in March 2006?

14. The May 7 SMMUSD press release states that "The District was informed that law enforcement authorities investigated the matter, but ultimately determined that there was insufficient evidence to initiate criminal action." Is it SMMUSD policy that insufficient evidence for initiating criminal action against a teacher absolves the district from considering whether the teacher should be investigated by the district itself or possible job actions such as temporary leave or reassignment?

Thank you very much for your consideration and for taking the time to answer these questions.

Sincerely yours,

Lisette Bauersachs
Michael Chwe
Bette Fruchtman
Wendy Kamenoff
Phyllis Katz
Michael Keller
Namhee Lee
Karl Rumburg
Lisette Toppel
Helen Weary

From: dianne.talarico@mail.smmusd.org
Subject: Response to your email dated May 21, 2008
Date: May 30, 2008 8:14:11 PM PDT
To: michael@chwe.net
Cc: tristan.komlos@smmusd.org

Hello Mr. Chwe,

Please forgive me for the delay in responding to your email dated May 21, 2008. You presented a series of questions regarding the Beltran case. Our attorney is assisting us in reviewing and preparing a response. The active investigation status of this case prohibits the district from responding to many of your questions at this time.

A joint letter from Tristan Komlos and I that provides updates to the community is being sent home with the students today and via Lincoln list.

Sincerely,
Dianne Talarico
Superintendent
Santa Monica-Malibu Unified School District
World Class Public Schools
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