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Subject: SMMUSD policy on criminal background checks for volunteers
Date: November 21, 2008 10:00:26 AM PST
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Dear Superintendent Cuneo, Assistant Superintendent Matthews, and Ad Hoc Policy Committee Members,

On November 18, 2008, the Ad Hoc Policy Committee met to discuss a proposed policy on fingerprinting and criminal background checks of volunteers in the SMMUSD. Assistant Superintendent Matthews proposed a policy modeled on a Burbank USD policy, which requires fingerprinting and criminal background checks for volunteers who are not under the direct supervision of a certificated employee such as a teacher or school nurse. Such volunteers would include chaperones for overnight trips and volunteers who transport students. Dr. Matthews proposed that the policy be implemented immediately. In response to this, Sydney Bennion, treasurer of the Santa Monica Band Parents Association (SMBPA), asked that the policy not apply to the Samohi marching band's upcoming trip to London, which will take place from December 27 to January 3. Dr. Matthews said that he would consult with Superintendent Cuneo before making a final decision.

I am writing to urge that the proposed policy be implemented immediately and not be delayed, and that no exception be made for the Samohi marching band's London trip, for six reasons.

The first is that Ms. Bennion's concerns are hypothetical. Ms. Bennion argued that the chaperones have already agreed and paid for the trip and might feel insulted and even drop out of the trip as a result of the policy, which was not in place when they signed up. This is a legitimate point, but Ms. Bennion did not present evidence that any of the chaperones feel this way. As far as I know, no chaperone has declared opposition to being fingerprinted, and it is just as reasonable to presume that a chaperone might feel grateful for the opportunity to concretely assure his or her fellow parents. No chaperone has said that she or he might drop out as a result of the policy. If a chaperone does drop out, there is no reason to expect that finding replacements would be difficult, as no effort to find replacement chaperones has begun.

The second is that the policy is a district policy that applies to thousands of people, and thus no individual should feel personally affronted. There is currently a bill in the California Assembly, AB 1593, introduced by Assemblyman Sam Blakeslee, that requires that school districts screen volunteers at a minimum against the Megan's Law database. If this bill passes, no individual could claim that this state law is a personal affront or imposition. No one would seriously argue that the passage and implementation of this law should depend on whether it disrupts a particular student trip. The SMMUSD, like the state of California, is a government entity.

The third is that the argument of Ms. Bennion and other parents for the trustworthiness of the chaperones is based on their personal relationships with them. At the meeting, Ms. Bennion said that the chaperones had been "vetted" in the sense of having worked with the SMBPA for several years. The efforts of all SMBPA volunteers are greatly appreciated, and networks of trust and friendship are essential to any community. However, personal relationships are not a sufficient safeguard. Thomas Beltran was widely respected by faculty and parents before he was arrested on 23 counts of sexual molestation of students at Lincoln Middle School. I greatly respect and trust many teachers in the SMMUSD who have taught my own children, but I would not tell another parent that a teacher should be trusted on my own word alone and therefore should be exempt from being fingerprinted as a condition of employment.

The fourth is that even if a chaperone is offended or drops out as a result of the trip, it is far more important to implement a district policy to protect children. Our children's safety is much more important than the feelings of chaperones or the inconvenience of finding new ones. The SMMUSD has a mandate to protect the safety of its students; it does not have a mandate to assuage the feelings of volunteers or guarantee the smoothness of student trips.

The fifth is that if the policy is not implemented immediately, if a chaperone on the London trip commits a crime against a student during the trip, then there would be tremendous and justifiable outcry and anger among parents after finding that the SMMUSD did not have a criminal background check policy to help prevent such a crime. This outcry and anger would be much multiplied if it were found that even though the SMMUSD had in fact proposed the immediate implementation of such a policy in a public forum, it later made an exception or delay specifically because of the London trip. The SMMUSD would be justifiably subject to the

criticism that it could have better protected the children on the London trip but purposefully chose not to do so.

The sixth is that any delay or exception in the proposed fingerprinting policy would be the latest in a series of inadequacies and actions which call into question the SMMUSD's commitment to child safety. As a member of the Ad Hoc Committee, I admire the efforts of other committee members and hope that our efforts have improved SMMUSD policies. At the same time, we have learned that previous SMMUSD policies have been inadequate, outdated, or nonexistent. Many other school districts, and youth organizations such as AYSO and Little League, have required criminal background checks for volunteers for years. The SMMUSD does not yet have any such policy. For another example, the SMMUSD's previous child abuse policy did not require that principals report complaints of child abuse to the district office. Hence when it was revealed after Mr. Beltran's arrest that the Santa Monica Police Department had previously investigated a student complaint against him in March 2006, SMMUSD officials could not explain why they had no record of this March 2006 complaint. To this day, they have not offered an explanation.

In addition to this policy inadequacy, specific actions taken by SMMUSD officials, and their lack of willingness to respond to questions and hold themselves publicly accountable for their actions, also do not inspire confidence. In May 2008, after Thomas Beltran had been arrested, ten Lincoln Middle School parents including myself wrote a letter to then Superintendent Dianne Talarico asking factual questions such as whether there was any record kept at Lincoln of the March 2006 investigation of Mr. Beltran. Ms. Talarico replied that she was working with district attorneys to prepare a response. Six months later, we have yet to receive this response.

After Dr. Carl Hammer, former Samohi band director, was convicted in June 2005 of a felony charge of false imprisonment involving a 14 year old girl, and after he was sentenced to 60 days of jail time and five years of probation, and ordered by the court to undergo sex therapy counseling for one year, he was hired by Samohi band director Terry Sakow, and paid by the SMBPA, to arrange music and the field show for the marching band. Mr. Sakow hired Dr. Hammer, and Samohi principal Dr. Hugo Pedroza approved this decision, with full knowledge of Dr. Hammer's criminal history, under the condition that Dr. Hammer could not be in contact with students. After sending the Ad Hoc Committee details about this case on November 3, 2008, I received a telephone call from Dr. Pedroza on November 4 saying that he had reversed his decision and that henceforth Dr. Hammer could participate in the SMBPA only as a parent. I urged Dr. Pedroza to make a public statement explaining why he first thought it was acceptable to hire Dr. Hammer and later thought it was not. He has not yet done so. As far as I know, there was no change in any external circumstances that would precipitate such a reversal, other than its greater public exposure. When I met with Mr. Sakow on November 5, Mr. Sakow said he could not talk about Dr. Hammer because he was not qualified to. Thus two people decided to hire a felon convicted of a crime involving a 14 year old girl, and pay him with money from parent donations, but do not take questions or speak publicly about their decision. These two people are the same people whose judgement we are being asked to rely on to ensure the safety of our children on the London trip.

The 28 charges against Thomas Beltran include offenses which occurred as early as 1998 and possibly even earlier. That a teacher at a SMMUSD school could possibly inflict so much suffering over such a long period, at least ten years, is profoundly disturbing. The possibility that a pattern of offenses could not have been detected for such a long time period suggests that the failure was not at the level of any individual principal or administrator. The failure was at the level of procedure, policy, and the district's overall commitment to child safety. Presumably other school districts did not require an event like the Beltran arrest in order to implement adequate policies to protect their children. A person observing that Dr. Hammer, after being dismissed from his teaching position for a felony offense involving a child, was nonetheless hired by a school organization, could reasonably conclude that the SMMUSD's commitment to child safety is not absolute and even that there is implicit toleration of crimes involving children.

After all of these policy inadequacies and questionable actions, it is imperative that the SMMUSD demonstrate its commitment to child safety in the strongest terms possible. It must demonstrate that the value of child safety cannot be sacrificed even slightly to the particularities and exigencies of the moment, real or imagined.

Sincerely yours,
Michael Chwe