

**LAUSD ABUSE CASE****\$30M OK'd for 58  
Miramonte children****By Barbara Jones**

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Los Angeles Unified will pay nearly \$30 million to settle claims by 58 children who say they were victims of former Miramonte Elementary teacher Mark Berndt, the veteran educator and Torrance resident charged with committing bizarre acts of sex abuse against students, attorneys said Tuesday.

The settlement amounts to about \$470,000 for each plaintiff, and was reached after six months of negotiations, attorneys said.

"The biggest stumbling block was getting LAUSD to appreciate the significance of the damage and the risk they were facing if we went to trial," said Ray Boucher, the attorney representing 13 of the children. "The district initially took a mechanical approach ... But the reality is that these are human beings, little children, and that the breach of trust was extensive."

Boucher said he believes that neither side is completely satisfied with the settlement, but that the parents of his clients wanted to avoid putting them through a trial.

David Holmquist, LAUSD's general counsel, said the deal was reached after many sessions, which he described as emotionally painful.

"As we pursued an early resolution, we had a couple of goals," Holmquist said. "We wanted to try to promote healing in the community and to provide for the (children's) health and education needs into the future. I believe the settlement achieves both of these."

A judge still has to approve the deal, which Holmquist said could take several months. The settlement will be paid by the district's insurance carriers.

A total of 191 claims have been filed in the Miramonte case, including 129 filed for children. Of those, 119 participated in mediation and 58 students are covered in the settlement, Holmquist

said. He hopes the district will be able to settle those cases without having to go to trial.

But attorney Brian Claypool said a deal in those other cases is unlikely unless LAUSD significantly raises its offer to the 13 children and 19 parents he represents.

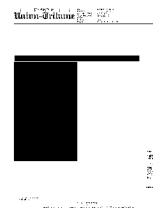
"Unless the district gets serious about the gravity of abuse these children and parents suffered, we are not going to settle," Claypool said in a phone interview. "These people are just being exploited all over again."

Berndt was arrested in January 2012 on charges that he molested 23 students over a five-year period. Authorities say he put cockroaches on the faces of blindfolded students and also enticed them to participate in a "tasting game" in which he spoon-fed them his semen and gave them semen-tainted cookies.

Authorities opened an investigation in 2011 after Berndt tried to develop photos he took of the students, and a film processor at a CVS store turned them over to police. The district pulled Berndt from the classroom and tried to fire him, then agreed to a \$40,000 payout so he would drop his appeal of his termination.

Berndt, 62, remains jailed on \$23 million bail, pending his preliminary hearing. He has pleaded not guilty.





## TARGETING CLASSROOM PREDATORS: THE ENCORE

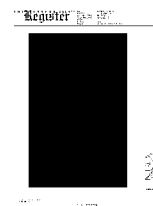
Last June saw one of the rawest displays ever of the power wielded by the half-million-plus members of the California Teachers Association and the California Federation of Teachers.

After appalling revelations that a teacher at Miramonte Elementary School in the Los Angeles Unified School District had been spoon-feeding semen to young students, a bill was introduced to make it easier for districts to quickly dismiss sexual predators. This came after L.A. Unified officials concluded that teacher job-security rules were so strong that the district had no choice but to pay the teacher, Mark Berndt, \$40,000 to get him to quit.

But the measure died in the Assembly's Education Committee after a bizarre union campaign that likened protecting students from perverts to an "un-American" assault on teachers. Now Education Committee Chairwoman Joan Buchanan, the Alamo Democrat whose vote killed last year's reform measure, has introduced her own version, with the support of the CTA, making its passage nearly certain.

Even though Buchanan's measure is somewhat weaker than last year's bill, this is a welcome development. Something is horribly out of whack if a school district has to pay off a depraved predator teacher to get him off the payroll.





# Who will protect the kids?

Latest teacher-removal bills not enough.

A year ago, the California Senate, by a 33-4 vote, approved a significant reform to protect schoolchildren from abusive teachers. Senate Bill 1530, by Sen. Alex Padilla, D-Pacoima, would have reduced the red tape needed to remove teachers accused of sex, drugs or violent crimes against students.

Unfortunately, the bill was killed in the Assembly Education Committee.

The main opponent was the California Teachers Association. According to the website for the state's largest teachers union, the bill "guts teacher due-process rights by removing the accused employee's ability to be heard before a neutral panel and replacing it with an advisory-only hearing before a single administrative law judge."

Actually, what SB1530 did was to make it easier to remove teachers like Mark Berndt before they can continue their alleged abuse of children. The Los Angeles Unified School District agreed last month to pay \$30 million to the families of some of the children allegedly the victims of lewd acts by Mr. Berndt at Miramonte Elementary School, where he taught for 32 years. Mr. Berndt, who has pleaded not guilty, is being held in lieu of \$23 million bail and is awaiting trial on 23 felony counts of lewd conduct.

Now, Assemblywoman Joan Buchanan, D-Danville, and the chair

of the Assembly Education Committee, is sponsoring Assembly Bills 1338 and 375. Both have the support of Sen. Padilla, which is positive news.

The bills also are supported by the CTA, which raises questions for us. The union said in a statement, "CTA supports these bills because they provide immediate protections for students and

streamline and shorten the dismissal process to ensure charges are handled fairly and in a timely manner."



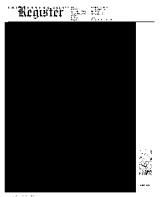
**Berndt**

As Register columnist Gloria Romero, an education reformer and a former chair of the state Senate Education Committee, writes today [**See page 8**], "[R]ather than writing one law, AB1338 allows for as many as 1,000 different policies to be crafted by each of California's school districts."

The Buchanan bills just aren't good enough to protect children. The state needs a uniform law that replaces the current cumbersome process with something like SB1530. If the Legislature won't do it, then parents and education-reform groups should work to put an initiative on the 2014 ballot.

Classrooms should be sanctuaries of learning, not sites of abuse.





# CTA goes Hollywood on teacher dismissal bills

Lights. Camera. Action! Now playing: CTA backs two bills that discipline bad teachers. Don't be fooled by the special effects.



**GLORIA ROMERO**  
REGISTER  
COLUMNIST

An adage in politics is that if you can't beat 'em, join 'em.

Not so for the California Teachers Association, California's most powerful political special interest. Their mantra seems to be more like, "If you can't

beat 'em, just overtake 'em."

The latest manifestations of this strategy are Assembly Bills 1338 and 375, introduced by Democratic Assemblywoman Joan Buchanan. The bills purport to tackle the longstanding, politically charged issue of allowing school districts to fire teachers engaged in serious misconduct – a complex issue mired in questions of both due-process rights for accused teachers and protections for kids.

That issue is critical in terms of human lives and taxpayer dollars. Just days ago, California's largest school district settled 58 lawsuits regarding the Miramonte Elementary School sex-abuse scandal at a cost of \$30 million – with more lawsuits pending. When the scandal erupted last year, Democratic Sen. Alex Padilla introduced sensible legislation. It passed the Senate on a strong bipartisan vote and seemed to be heading for passage until it was unceremoniously killed in the Assembly

Education Committee – a body long dominated by CTA-backed members. Buchanan helped kill the bill. She was soon rewarded by being named the new committee chairwoman.

No sooner had she unveiled these new bills than CTA issued a statement proclaiming full support for the two measures.

Say what? Here was head-turning news, that, suddenly, CTA was supporting a teacher-discipline bill. Had the union finally come around?

But a couple of things had changed since Sen. Padilla's bill was killed last year, and CTA needed to stop the gains being made by reformers, even with the loss of the Padilla bill. The public excoriated both CTA and Democratic lawmakers who killed the Padilla bill, also CNN's Anderson Cooper profiled the issue – contributing to the unprecedented November electoral loss for a CTA-backed incumbent.

Damage control was needed. But in a political realm, where CTA rarely loses, union operatives appear to be pulling an "Argo": Simply write a fake script "giving up" something not critically essential, spin it, fund it, get the other author to "willingly" drop his rival bill and ... presto! Who needs to join when you can just overtake?

Will this effort succeed?

Certainly, the Buchanan-CTA bills have merit. Like Hollywood,

you have to have believable special effects. AB1338 and AB375 require each school district to develop a policy for reporting suspected child-abuse cases and review it annually. Presently, this approach only is encouraged.

Sounds good? But current law already requires every school employee report suspected abuse directly to law enforcement. And, rather than writing one law for the entire state, AB1338 allows for different policies to be crafted by each of California's hundreds of school districts. Since union-backed candidates typically prevail in local school district elections, we can pretty much predict the strength of these abuse-reporting policies when school boards try to "negotiate" something that would actually prioritize protection of kids.

While the Buchanan-CTA bills claim to simplify and shorten a cumbersome process for teacher dismissals, they exacerbate the problem by severely limiting pre-trial evidence discovery, creating an entirely new hearing process for suspended teachers and disallowing consideration by the panel of new information. Most importantly, they fail to change the makeup of panels hearing dismissal cases, which are weighted for teachers. These criticisms are just starters.

But now that the bills have been introduced, the people need to engage to ensure Sacramento delivers the strong reform Cali-



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fornians want. This is no time to settle for legalese special effects and special interests scripts. To do so, we may just have to write our own ballot initiative.

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Register opinion columnist  
Gloria Romero is an education reformer and former Democratic state senator from Los Angeles.