



Over 5000 gathered to march along Santa Monica Blvd to protest the May 27th prop 8 ruling. Celebrity speakers included Drew Barrymore, George Takai and Kathy Griffin, as well as LA mayor Antonio Villaraigosa.

Photo by K. Rose James

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News Analysis: Are the Children Safe Yet?

One year after a veteran Santa Monica schoolteacher was arrested on sexual molestation charges, what has the School District done to enhance child safety?

One year ago Santa Monica was shocked by the arrest of a Lincoln Middle School teacher on charges of molesting five female students. The award-winning school became national news. By the time Thomas Arthur Beltran, 61, pled guilty in December, 2008, the number of admitted victims was eleven, going back to the year 2000. Beltran received a 14-year sentence.

In the year following the arrest of Beltran, the Santa Monica-Malibu School District has acted to improve student safety with a combination of sincere resolution, bureaucratic myopia, and conflicting fears of liability. Although District

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Lincoln Gives Back Award

By Alyssa Erdley

Malibu High School and Lincoln Middle School have withdrawn from the 2009 list of California Distinguished Schools. According to Mark Kelly, principal of Malibu High, the recognition was withdrawn because of a technical change in the school's data that affected their initial eligibility. Schools must meet 29 criteria in test scores for the previous year to attain the California Department of Education's requirements of a Distinguished School. For both Malibu and Lincoln, one of those criteria from 2008 was under the bar, as revealed by CDE's re-posted data on April 29.

The criterion that was not met by both schools was Annual Yearly Progress for Students with Disabilities.

According to Kelly, "we entered the process believing we met all eligibility requirements and engaged in it in good faith." As far back as August, when the state first posted the 2008 achievement results, the Santa Monica-Malibu School District noted that data for the students with disabilities group was not accurate. Kelly states, "Students were not coded correctly as members of this group and were largely undercounted." SMMUSD submitted data corrections to the CDE in October and February, with finalized corrections submitted March 10. Meanwhile, a group from the CDE visited Lincoln on March 3 as part of the awards process.

In order to be eligible for California Distinguished School status, a gain of 12 points must be made in the students with disabilities group. Malibu High achieved a 1-point gain in the students with disability group.

The deficiency in eligibility for this particular sub-group is particularly painful as the District is still trying to repair the damage done by cost-cutting measures aimed at special education students. Last year the SM City Council withheld funds from the District until they stopped gag orders on special education parents and completed an audit to identify problems in special education. Some parents blame the District for not offering quality programs for special education.

One Marathon, Three Countries

LOS ANGELES, California, May 23, 2009 – The Los Angeles Marathon has always had an international flavor, thanks to the multicultural diversity of the city in which it is held. But for the first time in 2009, the race will take place almost simultaneously in three different countries thanks to the move to the Memorial Day date: Monday, May 25.

That's because 400 soldiers at Camp Taji in Iraq, located about 20 miles north of Baghdad, will be running their own "shadow" Los Angeles Marathon, with the full approval and support of the organizers of the real Los Angeles Marathon, starting at 5 a.m. local time (about 7 p.m. Los Angeles time on Sunday). On the same day, two U.S. soldiers stationed in Afghanistan will be running a marathon, also with the support of the Los Angeles Marathon.

1st Lt. Jeremy Arnett, an electronic warfare officer with the 56th Stryker Brigade stationed at Camp Taji, told reporters during a conference call that "I asked my commander, Lt. Col. Corey Lake, about two days after we lost one of our soldiers about the possibility of creating a marathon in the place of having a fund-raiser for the families that are left behind. He gave me the approval, so I was looking around to see if anybody else was having a marathon for Memorial Day because that was the day I wanted to do it, for the soldier, but also for the day of remembrance.

"So then I was looking around and I saw that the L.A. Marathon had changed its date to the Memorial Day and I e-mailed [Race Director] Nick Curl and he replied back to me stating that he would be more than happy to help us out and sponsor us in any way."

The Los Angeles Marathon sent T-shirts, race bibs, finisher medals, Cliff Shots electrolyte gels and a large finish banner to Camp Taji, leading to an enthusiastic response from the troops. "On behalf of everybody here," said Arnett, "thank you very much. [It] really means a lot to us. We're over here, away from our families for a year, some of us even more than that and it's kind of hard to feel connected to anybody back home. We're almost completely cut off; obviously, we can in on the phone, we have spotty Internet. But being able to kind of get adopted like we did with the L.A. Marathon committee and you great people there, sending us all this stuff that we never could have gotten on our own, that means a lot to us. On behalf of 400 runners, thank you

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Although District policy regarding child abuse prevention and reporting was greatly enhanced, with specific instructions on when and how to report complaints, it may not go far enough. Loopholes exist that could allow a molester to go undetected. Further, the policy does not provide good public disclosure, nor does it address problems specific to Lincoln Middle School and the repressive student climate there that might have led to the possibility of a serial molester.

Background

On Friday, May 2, 2008, a 12-year-old girl, accompanied by her parents, told Santa Monica police that she was being molested by a teacher at Lincoln Middle School. On Saturday, Thomas Beltran, a 30-year veteran teacher in the District who had spent the last 20 years at Lincoln, was arrested on charges of child molestation. By Monday, the number of alleged victims had climbed to five. One of the victims had allegedly been molested for over a year.

The Santa Monica-Malibu School District moved quickly stem the immediate reactions of fear, outrage, and uncertainty. Then-Principal Tristan Komlos was called out of maternity leave. Students were offered counseling, a parent meeting was called to answer questions, and classroom doors were ordered to remain open when teachers were alone with a student.

The news, however, continued to worsen. At Beltran's arraignment on May 6, Deputy District Attorney Robin Sax Katzenstein told the court she had a videotape of Beltran using his finger to molest a student. For many, this ended uncertainty regarding Beltran's guilt. On May 7 the School District was forced to reveal a letter from 2006 in which a student accused Beltran of inappropriate touching. Then-principal Komlos claimed she had never seen the letter, which had been signed by former Principal Kathy Scott and included Assistant Principal Francis Costanzo by name. For some, the eye of blame started to turn toward the District. Why hadn't

this letter been available to Komlos in Beltran's personnel file? Why hadn't Beltran been restricted in his access to children? A group of parents attempted to stage a student walk-out. According to a source close to the investigation, at least one lawsuit has been filed against the district.

District Reaction

The District applied itself to improve both the image and substance of student safety. Komlos and Costanzo were both removed from their positions at the middle school. The District denies either re-assignment was related to the Beltran scandal.

On a more substantive note, the District assembled a committee of wide-ranging fields, including teachers, classified employees, administrators, parents, and law enforcement officials, in order to recommend changes to its aged Child Abuse policy.

Positive Changes Made to Child Abuse Policy

The District policy regarding child abuse that was in place when Beltran was arrested was old and thin. According to a parent member of the committee to update the policy, Debra Shepherd, "The thing I've discovered about the school district is some of our policies are old." She adds that her committee contributed a "significant amount" to the existing policy.

Assistant Superintendent Mike Matthews, also on the committee, says that language was added that requires all mandated reporters to file suspected incidents with both the Los Angeles County Child Abuse Hotline and local law enforcement. "This enhances the mandated reporting required by the state." Principals are also required to notify the Superintendent in writing of all allegations of child abuse involving a district employee. It is the Superintendent's duty to maintain records of all such allegations. Shepherd says the new policy makes it "clear for people to understand what their responsibilities are."

Perhaps as important as improved reporting instructions, the new policy calls for education and training of all staff and students. Matthews says that the district

has trained its administrators and counselors "in understanding the circumstances that surround sexual exploitation." Students, also, are being trained. According to Matthews, "We have initiated programs that educate our students to understand that no one has the right to touch them without their permission and also how to report if anyone makes them feel uncomfortable at school." He adds they plan to expand these student programs, which are to be implemented annually.

What's Still Missing

While the new district Child Abuse policy has been greatly improved, significant loopholes remain and important factors have been ignored.

Lack of Monitoring

The biggest piece missing in the new policy is how abuse allegations against employees are being monitored and acted upon. All reports of suspected abuse are to be reported to the Superintendent. However, the Superintendent is given no instructions on how to react to this information. How are these allegations to be investigated internally? How many allegations, and of what nature, should lead to the removal of an employee from contact with children? Beltran, for example, was chosen to go on an overnight trip with 5th grade students from Roosevelt a few months prior to his arrest.

A recent article in the Los Angeles Times relates the danger of relying on the burden of proof necessary for an indictment in order to fire a teacher. Law enforcement requires a high threshold of evidence before they can seek a conviction. In order to protect children, less evidence should be necessary to remove a district employee from contact with students.

Lack of Effective Public Disclosure

Another problem is the lack of effective public disclosure of complaints against district employees. The new policy calls for these types of complaints to be published in an obscure, nearly hidden

them to the public in an Information Item in a Board of Education agenda. This item could be listed in any unspecified month prior to October 31. According to Marolyn Freedman, district Director of School Safety, copies of Board meetings may be requested in writing or by phone. According to Freedman, the District office "probably" knows which meeting would include complaints against employees.

This means that in order for a member of the public to find out about complaints of child abuse made against district employees, they would have to somehow know that this information is available in a Board of Education agenda and would have to know in which month the Superintendent decided to place this item. As public disclosure goes, this isn't doing very well.

Climate at Lincoln Middle School

On the Monday evening following Beltran's arrest, a meeting was held at the auditorium of Lincoln Middle School. One of the questions addressed to Mike Matthews was if he was aware that students were bullied by fellow students and teachers on a regular basis. A round of applause from the audience signified agreement from parents that student intimidation was a factor on campus.

Lincoln Middle School implements a system of discipline in which very minor infractions and mistakes are punished. Neglecting to staple homework papers together or not getting a parent signature will lead to detention and marks against "eligibility." Ineligible students are pointedly excluded from reward parties and field trips. Also, students who miss as little as one question on a homework assignment are forced to attend 20 minutes of Guided Study after school.

According to Robin Sax Katzenstein, prosecutor of Beltran and author of *Predators and Child Molesters*, law enforcement is "absolutely one hundred percent dependent" on a child being willing to come forward and disclose abuse.

However, pediatrician Dr. Jeremy Erdley doubts the willingness of children

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Meghan Rothschild didn't think indoor tanning would hurt her.

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Preschoolers visit kindergarten and hope it is safe to enter SMMUSD.
Photo by Alyssa Erdley

How Child Predators Work

by Alyssa Erdley, Observer Editor

There are 3,500 cases of child molestation each year in our county of 3 million people, according to LA County Sheriff's Sergeant Dan Scott in an interview with "Insider Exclusive." Despite these numbers, child predators remain a largely misunderstood threat. Rather than a psychopathic stranger, a predator is far more likely to be someone the child knows and someone the parents trust.

Deputy District Attorney Robin Sax Katzenstein says she was inspired to write *Predators and Child Molesters, What Every Parent Needs to Know to Keep Kids Safe* by an event during her prosecution of Lincoln teacher Thomas Beltran. Katzenstein explains how she attended a town hall meeting at Lincoln's auditorium on the Monday night following Beltran's arrest. "In the back of the room was this war of parents saying he's innocent, without having any idea of the facts of the

case." Katzenstein adds, "I had to decide the parents were naïve. Somebody should tell them the truth of the matter. Children don't lie about sexual abuse."

Seven months later, Beltran pled guilty to 10 counts of child molestation.

"Profile" of a Child Molester

Unfortunately, there is no physical or emotional profile by which one can recognize a child predator. They come in all shapes and sizes. According to Sergeant Scott they could be someone who relates better to children or someone who is perfectly charming with adults. Nor are child molesters necessarily strangers. In fact, Katzenstein warns that in the great majority of cases, they are people the children know.

There are, however, certain hallmarks in a predator's behavior that can help parents steer their children clear of danger. Pattie Fitzgerald of "Safely Ever After," a consultant hired by the

school district, gave a parent seminar last spring in which she discussed these hallmarks. Fitzgerald told parents it is generally a good idea to beware people who try to blur social boundaries. This blurring can include insistence on touching children, the making of comments or sharing of information that is inappropriate for children, and singling out one child for lavish praise.

Most of all, be wary of those who try to arrange alone time with a child. Katzenstein agrees, "people who aren't being paid to be with our kids shouldn't want to be with them."

Fitzgerald says predators often turn out to be the person who's "too good to be true." Answering questions outside Beltran's arraignment, Katzenstein said of the teacher, "he may have been a great teacher and a nice guy. That doesn't necessarily change the fact that someone who is a nice person could have done this." Fitzgerald points out that if a predator is not able to make everyone like and trust him, he cannot do what he does.

"Modus Operandi"

Both Katzenstein and Fitzgerald describe predators as careful, patient operators. "The process by which abuse starts is slow," explains Katzenstein. The predator will "groom" the child, attempting to gain the child's trust. Very often, the predator will groom the parents as well, so they will think he is the greatest guy, and be less likely to take the child seriously. This parent trust can also be used by the predator to blackmail the child. The predator will threaten the victim that the blame for any misconduct will fall on them.

Predators may use other forms of intimidation and blackmail to discourage a victim from disclosing. They make take videos and claim these videos will show the victim was enjoying the abuse. They may threaten to expose the victim as homosexual.

The fear the predator instills in the victim makes the disclosure of abuse less likely. Getting away with the molestation can lead to a feeling of license in the perpetrator which can lead to more abuse. It is an unfortunate feedback loop that results in predators who often have at least two victims and abuse that typically spans more than five years before the predator is caught. Molesters are "almost always serial," according to Katzenstein. "We know statistically and we gather that molesters and predators have many, many victims."

How to Catch a Predator

There are two main ways child molesters can be caught. In rare instances a witness walks in on the act. Far more often, a child discloses the abuse.

However, it is unusual for a child victim to disclose sexual abuse right away. According to Katzenstein, there are many rea-



Police car parked in front of Lincoln Middle School Auditorium.

sons a child will not disclose: shame, embarrassment, dependency. There may be financial issues. The victim may feel a need to protect the perpetrator or believe the molester could harm family members.

A teacher in a position like Beltran's, who was teaching English as a Second Language, might be able to intimidate his victims with threats against their family's immigration status. On the other hand, a person in such a position of authority could use the information and support he gives these vulnerable students to create more dependence and guilt.

Katzenstein explains that disclosure is often triggered by an event. The event could be hearing Oprah on TV exhort victims to tell a grown-up. It could be a writing assignment at school or a medical exam. "The good side of teachers is they do take a lot of initial disclosures," Katzenstein says. The triggering event is often used by law enforcement to find corroboration of the child's story and help obtain a conviction.

In the end, the testimony of the victim is essential in catching and convicting a child predator. "We base our investigations quite a bit on the word of a child," says Sergeant Scott.

How to Help Our Children

The best way to help children is to prevent them from becoming victims of sexual abuse in the first place. Katzenstein would like parents to understand that as important as it is to teach our children to be wary of strangers, we must accept that 86 percent of child predators are people the family knows. We have to accept "people we know are capable of doing it," Katzenstein explains. "These are sick people, like alcoholics." One can't see what they are from the outside. Parents need to make sure people who have access to their children adhere to appropriate boundaries. "Trust everyone," teaches Fitzgerald, as long as they keep to these boundaries.

As far as providing safety in

an institution such as a school, Katzenstein advises excellent background checks on employees, something that goes beyond a mere rap sheet. Get the reputation of the prospective employee from their associates.

Lastly and most importantly, adults must listen and believe children. Fitzgerald states that only 1-4 percent of claims of sexual abuse by children turn out later to be false. Children find it extraordinarily difficult to come forward. If a child even hints at abuse, it is essential to pay attention.

"Honor our children," says Katzenstein. "Everyone rallies behind the teacher. They need to listen and take all these reports seriously and comply with their mandated duties to report. Be nonjudgmental in terms of jumping to conclusions. It's not the administration's duty to see if they can prove a case. It's their duty to protect the kid. Treat them all seriously."

In general, child predators succeed by engendering trust, both in their victims and in the grown-ups surrounding their victims. We can prevent their success by establishing and guarding clear boundaries between our children and people who should not have one-to-one access to them. Children hardly ever lie about sexual abuse, but instead may have many reasons to fear disclosing an abusive situation. It is imperative that children feel supported, safe, and believed.

--by Alyssa Erdley

For more information on child safety you can visit these websites:

www.robinsax.com
www.safelyeverafter.com

[Author's note: for simplicity, the pronoun "he" was used to denote child predators, even though they do not need to be male. Similarly, the pronoun "she" denoted victims, though they are not always female.]

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of children to come forward in an atmosphere where it's so easy to get into trouble. "It's hard to be a whistle-blower in that kind of environment," he says.

Debra Shepherd says the Child Abuse committee, "did have discussion about the strictness of the policies at Lincoln." Parents wanted to address the issue. However, non-parent members of the committee claimed this was not the forum in which to resolve the matter of Lincoln's discipline policy.

Shepherd, however, believes there could be a connection and would like to see the matter addressed. "When you have an environment where it is so strict that if something is wrong they're afraid to say anything - I am concerned about that. I'm concerned we have such a rigid environment. You have to remember a child molester is a predator. They look for situations where they can advance their own agenda. [Lincoln] is the perfect environment for victims. Nobody's going to listen to this kid. Nobody's going to believe the child. It's a manipulation situation."

According to Katzenstein, who has studied child molestation for over fifteen years, it is hard for children to come forward to begin with. For this reason, predators often have many victims, typically spanning more than five years, before they are caught. [See side article, "How Child Predators Work."]

Lincoln's Beltran had allegedly victimized eleven children over a time period of eight years. Shepherd says, "If you get 15 minutes after school because you didn't staple papers together, you're not

going to feel comfortable enough to come forward and say someone touched inappropriately."

Good Work, with More Left to Do

Following the shocking revelation that a long-time district teacher had allegedly been molesting students for years, the SMMUSD took immediate steps to update policies that had been long neglected. Reporting procedures are now clearly spelled out and all complaints against employees are collected by a central authority. According to School Safety Director Freedman, new principals will be advised of any employee issues by the Assistant Superintendent.

Unfortunately, no amount of reporting procedures will help if these reports end up lost in a Board Information Item. Nor will excellent reporting procedures do any good if children do not feel safe enough to disclose abuse in the first place.

Children must be allowed to make normal mistakes without disproportionate punishment. While the district should be credited for initiating educational programs to teach children about appropriate boundaries, they must follow through with the consistent message that children are respected members of the school community.

Until the public is kept fully informed of activities on campus and until children believe they are going to be supported, the district is not done making their campuses safe for students.

--Alyssa Erdley