

# THE SENATE DISTRICT 8 REPORT



**SENATOR LELAND Y. YEE, Ph.D.**

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PROUDLY REPRESENTING SAN FRANCISCO AND SAN MATEO COUNTIES

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## YEE HELPS PROMOTE LOCAL LIBRARIES



### BAY AREA LIBRARIES LAUNCH NEW MARKETING CAMPAIGN

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At the start of National Library Week, Bay Area libraries recently launched an unprecedented marketing campaign to reintroduce communities to their local libraries. Taking its cue from “Got Milk?” and similar industry image-raising efforts, the Free2 Campaign is designed to raise awareness of the central role libraries play in people’s lives and how libraries are meeting increased demand for a new host of services, from Internet access and video games to health care information and dance classes.

The Free2 Campaign will be an 18-month effort involving interactive and traditional advertising, sponsored initiatives, special

See **LIBRARIES** on page 2

## SENATE OVERWHELMINGLY APPROVES BILL TO PROTECT DOMESTIC VIOLENCE VICTIMS



### YEE’S LEGISLATION WILL PROTECT BATTERED WOMEN FROM THREAT OF INCARCERATION

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On a 29-6 vote, the California Senate overwhelmingly approved legislation to protect domestic violence victims from the threat of incarceration when they refuse to testify against their abuser in court. Senate Bill (SB) 1356, authored by Senator Yee, mirrors existing law for sexual assault victims, who are already shielded from such punishment.

“This three year effort to protect domestic violence victims from re-victimization through forced testimony, imprisonment, or community service now has significant momentum,” said Yee. “SB 1356 also rightfully considers the children involved in these cases. Without this new law, those kids will continue to be put at risk and may be unfairly and unnecessarily pushed into foster care.”

Since 1991, sexual assault victims have not faced imprisonment if they decide not to testify in a criminal case, whereas domestic violence victims under a second contempt charge have been subject to incarceration. This law was tested in 2005, when the district attorney in San Mateo County pursued and a judge ordered jail time to a victim for refusing to testify against her abuser. The state appeals court later

See **VICTIMS** on page 3

## INSIDE THIS ISSUE...

- |   |  |
|---|--|
| 2 | -Yee fights to protect state whistleblowers<br>-Your right to know: open government & freedom of information             |
| 3 | -Committee approves children’s healthcare bill<br>-Senate District 8 community breakfast                                 |
| 4 | -In the news: Editorial – Students’ right to free speech<br>-In the news: CA eyes new free-speech protections in schools |

## *LIBRARIES, continued from page 1*

events and promotional activities at 165 library locations in San Francisco, San Mateo, Santa Clara, Alameda and Contra Costa counties. According to Luis Herrera, City Librarian in San Francisco, the campaign will help dispel clichés about libraries while promoting how such vital democratic institutions keep adapting in the digital age.

“Thanks to libraries, we are free to do so much,” he said. “We surf the Web. We compete with friends in video games. We discover new worlds. We laugh and cry our way through good reads. We research new business ideas. We learn English as a second language. We attend lectures. We do yoga. We connect with friends and family. The library is an amazingly empowering place to connect, learn and play.”

Implicit in the campaign’s core concept, Free2, is a question for library customers and supporters: What are you free to do — or be — thanks to your local library? The campaign is launching with the Free2Contest, inviting audiences to describe, in 25 words or less, how they are “Free2.”

Ten grand prize winners will be chosen and announced in mid-May, plus be eligible to be featured in future campaign ads. Entries can be made online at [WeAreFree2.org](http://WeAreFree2.org) through May 15, 2008.

Some notable names have already shared their ideas on how they are Free2, including:

- *California Senator and Assistant President pro Tempore Leland Yee, who represents San Francisco and San Mateo. Senator Yee considers libraries a place where we are “free2make history.”*

- *David Talbot, founder of Salon.com and author of Brothers: The Hidden History of the Kennedy Years. Because he was “free2wander” at Bay Area libraries, Talbot pursued his “career as a journalist, researching and writing articles and books — and even doing the deep-well information drilling I needed to launch my own media business. Libraries are writers’ temples!”*

- *Craig Newmark, the Web entrepreneur behind Craigslist.org, who appreciates how libraries are “free2make things better for everyone.”*

“The Free2 contest and campaign is a chance for us to invite more dialogue about how libraries can continue to grow, improve and help meet our communities’ most pressing challenges,” said Herrera. “It’s also a chance for us to take our marketing to the next level in a way that allows us to celebrate libraries and give back to our communities.”

The marketing campaign is the first of its kind for a library system in California, with thousands of ads, fliers, posters and stickers appearing across the Bay Area, from Oakland and San Francisco to Pleasanton and Livermore down to Saratoga.

The ongoing marketing campaign is spearheaded by the Bay Area Library and Information System (BALIS), Silicon Valley Library System and Peninsula Library System, representing 165 locations in the Bay Area. Upcoming activities, events and special features will be highlighted on the campaign’s Web site: [www.WeAreFree2.org](http://www.WeAreFree2.org). ❖

## **YEE FIGHTS TO PROTECT WHISTLEBLOWERS**

### ***BILL WOULD PROTECT PUBLIC EMPLOYEES WHO REPORT WASTE, FRAUD, AND ABUSE***

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California’s law to protect state employees who report waste, fraud, or abuse within state agencies, has done little to help Ruby Cornejo and Michelle Dille, two whistleblowers within the Department of Social Services (DSS). Cornejo and Dille, who had a combined 66 years of experience within the Department when they openly criticized a lax policy on criminal background checks for foster parents and childcare and senior home licensees, which they argued risked the lives of already vulnerable citizens.

The vocal criticism didn’t sit well with the department’s management. Cornejo and Dille reported their criticisms to the Bureau of State Audits in January 2003, only to consequently be retaliated against by their superiors. According to Cornejo and Dille, they faced four years of “continuous and unabated hostilities, harassment, and retaliation from DSS management.”

The apparent response from DSS management is a clear violation of the California Whistleblower Protection Act, which is designed to protect civil servants from improper retaliation or intimidation and is supposed to provide a timely review and resolution of complaints regarding “waste, fraud, abuse of authority, violation of law, or threat to public health and safety.”

However, the State Personnel Board has still not reviewed or resolved the cases, and Cornejo and Dille have faced combined legal costs of approximately \$500,000. As a result, Senator Leland Yee (D-San Francisco/San Mateo) introduced Senate Bill 1267 to increase and better define the legal rights of whistleblowers. The Senate Judiciary Committee today approved the bill on a 3-2 vote.

“State employees have a fundamental right to report without retaliation instances of waste, fraud, and abuse,” said Yee. “Without whistleblowers, government works in a vacuum and is often not accountable to the people it is supposed to serve. SB 1267 will ensure whistleblowers are not subjected to years of administrative hearings at the expense of themselves and taxpayers.”

The cases of Cornejo and Dille are apparently not isolated cases. According to the State Personnel Board’s report to the Governor and Legislature, of the 106 whistleblower retaliation complaints accepted by the Board between 2003 and 2005, none were resolved in favor of the complainant. 58 of the complaints were denied, 5 resulted in a “stipulated agreement” and 42 were “still pending.”

“Not only do these delays result in unfair costs to whistleblowers, but they also result in burdens to the state, and in essence, renders the current California Whistleblower Protection Act useless,” said Yee. “It is our duty to ensure whistleblowers are protected and that their contentions receive prompt and impartial investigations. SB 1267 will allow public servants, without reservation, to best serve the residents of California.”

Yee’s bill would explicitly give whistleblowers the right to take their case to court if the State Personnel Board exceeds a 70 day timeframe in resolving the case; would prevent excessive timeframe extensions by requiring the personnel board to resolve cases within 70 days even if multiple complaints are consolidated into one investigation or hearing; would entitle the State and the injured party to seek reimbursement for their expenses, costs, and attorney fees when liability is established; and would provide protections for former employees, not just current employees. ❖



**YOUR RIGHT  
TO KNOW**

**SB 1267**

**SB 1370**

Click here to learn more about these bills on  
**Open Government & Freedom of Information**

**SB 1596**

**SB 1696**

## VICTIMS, continued from page 1

dissolved the contempt charge.

The victim in the case, Katina Britt, recently retold her ordeal to the Senate Public Safety Committee.

"I felt that the system had given up on me," said Britt. "The district attorney did not protect me, even though I was a victim of a serious bodily injury crime. The DA wanted to victimize me once more and the court willingly obliged. I wish I had the protection sought by Senator Yee's bill."

In 2005, Yee attempted to pass similar legislation, however the bill stalled in the Assembly Public Safety Committee after opposition from prosecutors.

"Although I respect the opinion of the district attorneys who oppose this bill, I am compelled by the overwhelming interest of victims and advocates who must handle the physical and psychological trauma associated with this horrible crime," said Yee. "We want DAs to fully prosecute domestic violence cases, however, if victims fear having to testify or face imprisonment, they may be less likely to even come forward and report incidents of domestic violence."

"It is improper and unjust to hold the victim personally responsible for winning a guilty verdict against the batterer," said Yee. "In addition, there is no evidence to suggest that forced testimony leads to higher conviction rates."

Advocates have testified that victims of domestic violence experience the same severity of emotional harm from their experience as do sexual assault victims. In many cases, domestic violence victims are also victims of sexual assault at the hands of their abusers.

SB 1356 will also delete the portion of the civil code that requires a domestic violence victim to attend counseling or perform community service if they choose not to testify. Victim advocates assert that these measures serve only to re-victimize.

"As the state domestic violence coalition, our primary concern is for victims' safety," said Marivic Mabanag, Executive Director of the California Partnership to End Domestic Violence. "It is the victims themselves who are in the best position to judge when testifying against their abusers might pose a serious threat to themselves or their children."

In addition to the California Partnership to End Domestic Violence, the bill is supported by the California Coalition Against Sexual Assault, California Psychiatric Association, California Protective Parents Association, California Public Defenders Association, Crime Victims United, Taxpayers for Improving Public Safety, and American Federation of State, County, and Municipal Employees (AFSCME), as well as over thirty other prevention advocacy organizations throughout the state.

SB 1356 will now be considered by the State Assembly. ❖

## Senate District 8 Community Breakfast

*Come join Senator Yee for the Annual Community Breakfast. All residents are invited.*

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**Sunday, May 18, 2008 at 9:00 AM**

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**Armenian-American Day School  
825 Brotherhood Way  
San Francisco, CA**

RSVP: 415-557-7857

## COMMITTEE APPROVES CHILDREN'S HEALTHCARE BILL



**200,000 MORE KIDS TO BE PROVIDED HEALTHCARE  
WHILE SAVING STATE MILLIONS**

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The Senate Health Committee recently approved legislation authored by Senator Yee to increase the number of California children with healthcare while also saving the state millions of dollars.

Senate Bill 1459 would create the California Health Care Program (Cal-Health) and is expected to provide coverage to an additional 370,000 Californians, including approximately 200,000 children.

Through Cal-Health, the State will be able to draw additional Federal funding on a 2 to 1 match, which combined with the elimination of administrative waste that occurs from program duplication and a cumbersome eligibility process, is expected to save California \$41 million to \$100 million.

"Two-thirds of uninsured children in California are eligible for Medical or Healthy Families, but are not enrolled and thus do not receive adequate healthcare," said Yee. "SB 1459 will allow licensed hospitals, clinics and other health facilities to presume children are eligible for Medi-Cal or Healthy Families – eliminating expensive and unnecessary administrative costs."

In addition, the bill would expand coverage to parents of eligible children in families with incomes up to 250 percent of the federal poverty level. Health advocates believe if parents are insured, they will simultaneously enroll their children.

SB 1459 also requires health facilities to inform children and parents about the Cal-Health program, and in the case of urgent or emergency services, the bill allows patients to apply for the program after services have been rendered. Under Cal-Health, outreach will also be targeted at preschools and public elementary and secondary schools.

"We are proud to support Senator Yee's SB 1459 because it would result in reducing the number of Californians without a health plan," said Donna Gerber of the California Nurses Association. "The current administrative waste and cumbersome eligibility process is financially indefensible in the midst of the ongoing budget deficits. SB 1459 is the perfect proposal in this budget year for getting hundreds of thousands of children the healthcare they need and deserve now."

"The formula behind a proposal that simultaneously results in net savings in year one and insures hundred of thousands of Californians, especially California children, is simple," said Ed Howard of Children's Advocacy Institute. "If one streamlines how services are delivered while at the same time drawing down federal money, the State can modestly help address the budget shortfall while insuring more Californians." ❖



San  
Gabriel  
Valley

# TRIBUNE

Monday, April 28, 2008

## EDITORIAL:

# Students' right to free speech

A week ago today, the California Senate overwhelmingly approved an interesting, important bill by Sen. Leland Yee aimed at protecting high school and college journalists and their journalism teachers.

In our experience - which is admittedly one rather close to home - the inexplicable urge to censor and harass young journalists has been all too common for decades in our schools.

But this bill, SB 1370, was a response to what can only be described as a recent epidemic of self-righteous, pompous control-freaking on the part of especially high school administrators who just can't seem to grasp the importance of the American concept of free speech when it comes to young people.

And this isn't about toddlers - it's about teens who have volunteered to write and edit their student newspapers.

Even in the short time since Yee, D-San Francisco, first introduced the bill early this year, there have been other odd examples of adult censoriousness.

One in particular is dumbfounding. In the Palo Alto schools, the PTSA provides some of the funding for student newspapers. That's great, and we applaud the mostly parent-driven organization for doing so. But the head of that organization recently tried to pull its funding for the paper at one school because of what she saw as an error of

omission. After an unfortunate rash of vandalism of computer keyboards on campus, the newspaper there failed to editorialize about it and admonish the anonymous perpetrators. Maybe they "should" have done so - maybe they just had other things they wanted to write about. In any case, it was their call. Not writing such an editorial is hardly the same as applauding vandalism. Unless you're the censorious type.

Other recent situations cited by Yee are far more disturbing. Here are just a couple, according to the senator's office:

"A Los Angeles Unified School District case is one of many where a highly respected and successful newspaper advisor was removed from his position. In November 2006, the student newspaper published an editorial criticizing random searches conducted on campus. The newspaper advisor, Darryl Adams, was immediately removed after refusing to eliminate the editorial at the principal's request. Adams was later removed as basketball coach and even as announcer for the football games. 'In a span of four months, they all but stripped me of my professional existence,' said Adams.

"Another case involved Janet Ewell, a Garden Grove tenured teacher and certified journalism educator, who was removed as newspaper advisor in 2002 despite her students winning numerous journalism awards. The school's principal

admitted to student reporters that he had removed Ewell as a result of editorials that ran in the school newspaper. The editorials focused on such issues as the school bathrooms, cafeteria food and a teacher who was unavailable to help students."

Now, after its passage on a 35-2 vote, SB 1370 would prohibit an employee from being dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a student's speech.

It's just plain un-American to attempt to throttle freedom of expression such as this. And we're not dealing with sensitive, borderline issues here - not talking flag-burning or other matters in which there is an understandable sensitivity. We're talking adults who just can't take the heat when the people who are pointing out their foibles happen to be younger than themselves.

Truthfully, the only thing we can't understand about this valuable legislation is why two senators, Dennis Hollingsworth of Riverside and Mark Wyland of Escondido, shamed their Southern California constituents by voting against it.

SB 1370 now goes to the Assembly for its approval. We look forward to its swift passage through the entire Legislature, and to the governor's signature on a simple bill to protect the speech rights of responsible student journalists and their teachers. ❖



Monday, April 14, 2008

## California eyes new free-speech protections in schools

**A bill seeks to protect teacher advisers when student newspapers anger administrators.**

By Daniel B. Wood

**Los Angeles** - Eleven-year teaching veteran Teri Hu was adviser to The Voice, the student newspaper of Irvington High School in Fremont, Calif., when school administrators told her not to let it publish a story critical of school policies on teaching assistants. Two months after she refused, Ms. Hu became "former" adviser to The Voice.

Janet Ewell, a tenured teacher in Garden Grove, was enjoying the praise in her 2002 school evaluation until she came to the part about her performance as advisor to journalism students. "[The principal] let me know he didn't like three student editorials, one about school bathrooms, one about the cafeteria and one about teachers who are not available to help students," recalls Ms. Ewell. "Then he told me I wouldn't be advising them the next fall."

Scenarios like those above occurring in schools across California have prompted the state to take the national lead again in protecting free speech rights on campuses. Two years ago, the state was the first to pass a bill preventing college administrators from censoring student newspapers.

Now, legislation is moving forward to protect both high school and college faculty advisers from being punished by administrators for students' articles or editorials.

"It is quite disheartening to hear that after we specifically prohibited prior restraint ... that many are engaging in this type of nefarious activity and even firing quality teachers because of content in student newspapers," says Sen. Leland Yee, author of a new bill that would prohibit an employee from being dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect student's free speech.

### Pressure on teachers

The California Newspaper Publishers Association reports 12 cases over the past two years in which teachers were fired or

reassigned because of something written by students.

The number of cases of coercion, pressure or other manipulation by administrators against student newspaper advisers is far higher, they say – and much more goes unreported.

"It is rampant in every area of this state," says Jim Ewert, a lawyer for CNPA, who logged many of the infractions while manning a student hotline and took his findings to Senator Yee.

Last week, the state legislature's bipartisan Senate Judiciary Committee unanimously approved Yee's bill. The Journalism Teacher Protection Act, as it is called, must head to the Senate floor and Assembly before reaching the governor's desk. But observers say the bill appears to be headed for a repeat of Yee's previous free-speech bill, which moved easily into law in 2006.

Still, the new measure is opposed by school administrators associations concerned about the potential for teachers to abuse the law to get out of disciplinary actions, transfers, or other reprimands.

"[We] have heard numerous situations whereby a teacher has used poor judgment under the guise of freedom of speech," said Laura Preston, legislative advocate for the Association of California School Administrators, in written testimony. "The school principal must be able to utilize discretion when coming in contact with these situations. Teachers are the adults that must be held accountable for their students, even in the case of a school newspaper, yearbook or other written materials."

### First Amendment on campus

Nationally, the first recognition of students' free-speech rights came with a 1969 US Supreme Court decision. In the case of *Tinker v. Des Moines School District*, a number of students who wished to wear black armbands to protest the Vietnam War were denied access to the school and disciplined. The court ruled on that First Amendment rights applied to public schools.

In 1988, however, the Supreme Court in *Hazelwood v. Kuhlmeier* found a public high

school could refuse to publish the works of student editors.

Prompted in part by federal decisions, California lawmakers have consistently tried to offer more free-speech protection on campuses.

Yee's 2006 bill extending protection to college students, for example, was spurred by a federal court ruling in favor of university administrations' power to censor stories they deem undesirable.

In the case of *Hosty v. Carter*, involving the editors of the student newspaper at Governors State University in Illinois who had to seek prior approval for articles critical of the administration, the 7th US Circuit Court of Appeals found in 2005 that the students' rights were not violated.

The ruling led Christine Helwick, general counsel for the California State University system to send a memo to the presidents of every CSU campus stating: "The *Hosty* case appears to signal that CSU campuses may have more latitude than previously believed to censor the content of subsidized student newspapers."

It was then that Yee moved ahead with his bill to extend First Amendment protections to college journalists.

### Preventing misuse of the law

Proponents of the new legislation counter the criticism from administrators that the law will be open to misuse. "The other side has concerns that this law will become an additional tool for teachers to sue districts and make it more difficult for administrators to make personnel decisions," says Mr. Ewert.

But the language of the bill addresses this, he says, by focusing only on protection of speech and not on other kinds of insubordination.

"Administrators can still take whatever job actions they deem necessary on other matters," says Ewert. And he says the bill offers one more assurance: "The burden falls on teachers/employers to demonstrate that any retaliations were based on the content of articles, not other reasons."

