



# CONSENSUS

A Newsletter for BHEA Members  
November 18, 2007



## Superintendent Directs District's Negotiators to Halt Bargaining on Salaries and Benefits

- District cites Gov. Schwarzenegger's Nov. 6 speech on state economy as reason.
- District budget currently remains healthy.

It was a rough day at the bargaining table on Nov. 13. Our district's negotiating team informed BHEA that, at the direction of Supt. Kari McVeigh, BHUSD is unwilling to move forward on total compensation talks. The reason given was that on Nov. 6, the L.A. Times reported that Gov. Arnold Schwarzenegger gave a speech asking all state agencies to "draft plans" for a 10% budget cut to begin in July 2008.

At the Nov. 7 Board of Education meeting, Board member Myra Lurie publicly asked our district administration to immediately reevaluate our district's budget in light of Schwarzenegger's speech.

Days ago, the district administration released the 1st interim update to our district's budget. This update shows no significant changes to our district's bottom line compared to the budget projections before the governor's speech. On Oct. 30, bargainers were actively considering ways to allocate approximately \$1.6 million toward total compensation. The 1st interim budget still shows \$1.6 million of unallocated money available this year while still maintaining healthy ending balances for the out-years. It appears to BHEA that, at this time, the governor's speech has not caused actual, significant changes to our district's budget projections. We believe that our district can move forward on total compensation and BHEA looks forward to making progress at our next bargaining session on Nov. 27.

## Which Board of Education Should Decide on Extending Superintendent's Contract?

A few days ago, our Board of Education's Nov. 19 closed session agenda came out. Item II(c) is titled: "Public Employee Appointment: Superintendent - Contract Addendum - Extension." Shortly after 4:30 pm on Monday, Nov. 19, our Board plans to take up and possibly approve this item. Supt. Kari McVeigh's current contract expires in 2009. At this time, the details of the proposed contract extension are unknown, including the length of the extension. It is reasonable to presume that an extension through 2010 is a possible outcome. BHEA has never formally requested from our district the details of McVeigh's compensation package, but it is believed to cost between \$150,000 and \$200,000 per year.

As a result of the Nov. 6 election, 2 of the 5 school board seats will change hands on Dec. 11. The last regularly scheduled business meeting of our current Board of Education is Nov. 19.

**BHEA has a question for our members:** Is it more appropriate for the current, outgoing Board or the newly elected, incoming Board to decide on extending McVeigh's employment contract with BHUSD? Let your site representative know your opinion. BHEA is trying to tally members' responses before 3:00 pm on Monday, Nov. 19.

## District's Legal Counsel Specializes in "Union Avoidance"

BHEA has discovered that the attorney with whom our district retains for legal advice advertises himself on FindLaw.com as specializing in, among other things, "union avoidance." BHUSD retains Brian D. Bock as legal counsel. Mr. Bock is the attorney who has filed numerous motions with the Public Employment Relations Board refuting BHEA's claims that our district has engaged in unfair labor practices when dealing with our union and its members. Specifically, Mr. Bock's biography says that he "focuses on defending against and preventing...employee complaints" and that he "advises clients on developing effective strategies for...union avoidance."

BHEA is concerned with our district's decision to spend money on legal advice that encourages our district to avoid dealing with BHEA. BHEA Pres. Chris Bushée will discuss this matter with Asst. Supt. of Human Resources Sal Gumina on Nov. 20.

## Goldberg Now Ahead by 18 Votes with Almost All Ballots Counted

The uncertainty surrounding candidate Brian Goldberg's razor-thin victory in the Nov. 6 school board election has all but evaporated. As of Friday afternoon, Goldberg was still clinging to an 18-vote lead to claim the third open seat on our school board. According to Goldberg's campaign, all regular ballots cast on election day and all absentee ballots have now been counted. His campaign said that only a handful of provisional ballots remain uncounted. As L.A. County elections officials have counted the votes and released updates over the last couple of weeks, Goldberg's lead has risen from 13 to 18 votes. Here are the current figures:

	Votes Received So Far
Fenton	2,718
Lurie	1,947
Goldberg	1,813
Roston	1,795

On Dec. 11, our new school board will be installed. It will be comprised of newcomers Steven Fenton and Brian Goldberg, reelected incumbent Myra Lurie, and continuing incumbents Myra Demeter and Nooshin Meshkaty.

## Board of Education Summary

Here is a summary of what happened at our district's Board of Education meetings during late spring:

### May 22:

- BHEA Pres. Chris Bushée spoke to the importance of daily student attendance for good academic performance, citing statistics from his own science classes.
- HAW Prin. Alex Cherniss said that his school's 6th grade math mentoring program has been successful. The program utilizes high school students as math mentors.
- Supt. Kari McVeigh talked about student learning indicators. She said good teaching includes organizing techniques, varied groups, seat assignment, encouraging active learning through asking questions, making complex connections, and being experts in subject matter.
- Asst. Supt. of Ed. Services Ilene Straus said that our elementary teachers are not preparing 6th graders enough in geometry.
- Dir. of Curriculum Brian Tash said that K-8 teachers need more assistance in math than do high school math teachers.
- Board VP Myra Demeter thanked high school teacher Steve Rubenstein for being the "teacher" at the high school's Career Day...where students were able to interact with adults in dozens of different professions.
- Board member Alissa Roston commended high school teacher Mike Federman for his leadership on an art project. She also called for more state funding of public education and fixes to the No Child Left Behind Act.
- Board member Myra Lurie said she is opposed to making Olympic Blvd. a one-way street.

### June 12:

- Welcomed new HS Asst. Prin. Richard Barclay.
- Teacher retiree Flo Cohen thanked BHUSD and said that administrators had been accessible.
- All five Board members thanked 06-07 retirees, saying our district is "grateful" for their service.
- BHEF donated \$516,000 toward technology.
- McVeigh said that teachers and education support professionals make a huge difference and are part of the Beverly Hills community. She referred to the education profession as a "calling."

- Board member Nooshin Meshkaty touted the benefits of community service. Lurie saluted HS Athletic Director Carter Paysinger for his contributions to our district. Demeter and Roston heaped praise on the teaching staff. Board Pres. John Millan announced that construction projects will be "under budget." He also said that we need to "revamp math instruction" and have constant improvement.

### June 19:

- McVeigh said that June graduation ceremonies were dignified and that pride was exuded in students' accomplishments.
- Discussed the technology budget and digital classrooms. Lurie asked about security of new technology and pondered a key card entry system. Meshkaty voiced concerns that BHUSD did not appropriately plan to support new technology through the Ed. Services Dept. Straus said that our Ed. Tech. TOSA and current technology teachers would provide support. Demeter said that teacher training in new technology is a major focus of BHUSD.
- Demeter asked to look at "sustained" relationship-building for the 8th to 9th grade transition. Straus said that our district's low student-to-counselor ratio helps with this transition. Meshkaty said that 9th graders should be encouraged to participate in extracurricular activities.

### **Nov. 28: 9th Grade PTA Social**

Don't forget that all teachers of 9th grade students are invited to an adults-only PTA social event at The Celebrity Vault at 345 N. Canon Dr. on Wed., Nov. 28 to begin at 7:00 pm. Parents of 9th graders will be there, too. Don't pass up the opportunity to socialize! Please RSVP to BHEA.

### **IMPORTANT DATES**

- Nov. 19: Board of Ed. meeting
- Nov. 21: Open Enrollment deadline
- Nov. 22-23: Thanksgiving Break
- Nov. 27: Certificated bargaining
- **Nov. 28:** 9th grade parent/teacher social (note revised date)
- Dec. 11: Certificated bargaining
- Dec. 11: Installation of new Board of Education
- Dec. 13: Rep. Council meeting
- Dec. 21: Last work day before Winter Break
- Jan. 7: First work day in 2008

## BHEA's "Omnibus" Unfair Labor Practice Charge Moving Through PERB

In July, BHEA filed a multi-count unfair labor practice charge against BHUSD with the Public Employment Relations Board. Due to backlogs, it will likely be several more months before PERB acts on our complaint, which alleges that BHUSD violated the Educational Employment Relations Act in the following areas:

- **Failure to Provide Information** to BHEA pursuant to: 1) BHEA's investigation into the hiring status of one of our members and 2) BHEA's representation of another member's grievance.
- **Unilateral Changes** to workplace conditions pursuant to our district: 1) changing two BHEA unit member positions into administrative positions, 2) directing site level administrators to not respond to grievances, 3) changing its policy toward teachers who job-share.
- **Refusal to Bargain** our district's proposed implementation of a special education-related response-to-intervention program.
- **Interference** with BHEA's rights by: 1) directing teachers to refrain from talking with BHEA about matters discussed in faculty meetings, 2) directing a BHEA representative to stop asking questions during an administrator-initiated investigatory meeting of one of our members, 3) threatening to eliminate all job-share assignments if BHEA continued to pursue its right to bargain policy changes in this area.
- **Insistence to Impasse on a Non-Mandatory Subject of Bargaining** related to our district's refusal to remove a waiver of BHEA's rights in Article X that limits our ability to initiate the grievance process to have members' contractual claims addressed.

Back in January, BHEA filed a different set of charges with PERB related to our district's Nov. 2006 test release directive. The PERB screening agent recently issued a split decision. BHEA has appealed the adverse parts of the decision to the full PERB Board for further review. The screening agent decided in BHEA's favor to sustain our complaint that BHUSD unfairly retaliated against one of our members in the wake of Supt. Kari McVeigh's issuance of the directive. Representatives of BHEA and BHUSD will convene on Dec. 5 for a mandatory settlement conference in an attempt to resolve this retaliation complaint.